



An
Bord
Pleanála

Inspector's Report ABP 305650-19.

Development	Replacement of static light box advertising sign (3250 mm x 6140 mm) with new 3000 mm 6000 mm LED display static advertising sign on gable wall displaying a series of six static advertisements.
Location	Arthur Maynes Public House, Nos 48 and 48A Donnybrook Road, Dublin 4.
Planning Authority	Dublin City Council,
P. A. Reg. Ref.	3595/19
Applicant	Fibre Optics Signs and Lighting Ltd.
Type of Application	Permission
Decision	Refuse Permission
Type of Appeal	First Party x Refusal
Appellant	Fibre Optics Signs and Lighting Ltd.
Date of Site Inspection	4 th January, 2019.
Inspector	Jane Dennehy.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
4.0 Planning History.....	4
5.0 Policy Context.....	4
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Planning Authority Response.....	7
7.0 Assessment.....	7
8.0 Recommendation.....	8
9.0 Reasons and Considerations.....	9

1.0 Site Location and Description

1.1. The site location is on the gable end of a two-storey building (Arthur Maynes Public House) at the corner of Donnybrook Road and Eglinton Terrace, along which there is a mix of there is residential and commercial development. The existing sign is a static light box sign, (3245mm x 6140 mm.) There are signs of a similar nature at prominent locations in the village of Donnybrook which are in prominent in views from the public road and the public realm within the village.

2.0 Proposed Development

- 2.1.1. The application lodged with the planning authority indicates proposals for the replacement of an existing static type light box sign (3250 mm x 6140 mm) with an illuminated box LED sign, displaying static images that change at the rate of six advertisement per minute. Each sign of the six signs is displayed for ten seconds and then changed to the next in the sequence of six per minute. An instantaneous transition between signs as opposed to scrolling changes is indicated.
- 2.1.2. According to the application submission, the applicant undertakes, in line with the outdoor advertising strategy, to decommission an unauthorised sign at Tyreconnell Road Inchicore, if permission is granted.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated, 18th September, 2019, the planning authority decided to refuse permission on the basis of the following reasons:
1. *“The proposed development on this corner location in Donnybrook Village would be visually obtrusive, would seriously injure the visual amenities of the area would be out of character and would therefore be contrary to the proper planning and sustainable development of the area.”*
 2. *“The digital format of the proposed advertising at this location would seriously injure the visual amenities of the area and would create an undesirable*

precedent for similar scaled digital advertising and would therefore be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

- 3.2.1. The planning officer in his report notes that the sign at Tyreconnell Road referred to in the appeal, (See Para 7 below) is unauthorised, that there is extensive billboard signage within the village, stated to be unauthorised and unmanaged, that it is desirable that the existing sign at the application site be removed and, that it is not accepted that the proposed signage is an improvement and would not be justified.
- 3.2.2. The Transportation Planning Division’s report notes that the proposal is for a replacement sign and indicates no objection subject to conditions.

4.0 Planning History

- 4.1.1. There are no details of any planning history for the existing sign at the site available as is noted in the planning officer report.
- 4.1.2. The planning officer’s report includes details of a prior unsuccessful planning application, lodged with the planning authority in 2005, for a replacement sign (internally illuminated and scrolling) at Nos 54-56 Donnybrook Road. (PL 212785/ P.A. Reg Ref 1336/05 refers)

5.0 Policy Context

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site is within an area subject to the zoning objective Z4: *to provide for and or improve mixed services facilities.”* It is the policy objective for development to contribute positively to creation of a vibrant commercial core and animated streetscape. Advertising is *‘open for consideration.’*
- 5.1.2. Dublin City Council’s ‘Outdoor Advertising Strategy’ for the city a provided for in sections 4.5.6 and Objective SC22 is set out in Appendix 19 in which the city is divided into Zones. Each zone has its own set of objectives and standards for outdoor advertising having regard to the sensitivity and capacity to accept outdoor advertising. The strategy is also based on constraints and opportunities for outdoor

advertising development having regard to consideration of commercial viability in the context of protection and enhancement of sensitive areas and, creation of a high-quality public realm.

- 5.1.3. The site location comes within Zone 3, “*Radial Orbital Route where the opportunity exists for advertising in the street and where normal controls would apply*” within the strategy. Section 19.3 within Appendix 19 contains guidelines and standards on illumination of signage. Donnybrook Road is identified as a radial route with opportunities for managed provision of outdoor advertising.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from Manahan Planners on 15th October, 2019 on behalf of the applicant according to which:

- The gable wall on which the existing sign is located and proposed for the replacement sign has a long-established history of use for display of outdoor advertising which is a common feature along the radial route;
- the proposed development is not of appreciable difference in impact on the village or radial route, including traffic safety and convenience, relative to the existing signage.
- The proposal is consistent, consistent with the CDP’s policies and objectives, with regard in particular to, Policy SC22, section 4.5.6, Appendix 19, section 19.2 advocating a coordinated approach to the public realm, 19.3 relating to illuminated signage. (References to various extracts from the planning officer report.)

- 6.1.2. According to the appeal:

- Digital signage, which is run remotely, has low energy requirements and is more sustainable and beneficial from an environmental perspective, in that it,

for example, eliminates plastic use and wastage, use of ink and constant maintenance and dismantling works.

- The City Council in recent years has approved proposals for digital advertising structures. Examples provided are a grant of permission for digital signage at the American Embassy, (P.A. Reg. Ref 2975/16) and four successful applications by Irish Rail for sites at bridges, deemed acceptable by the planning officer and the Roads and Traffic Division at Dublin City Council with conditions (relating to display and illumination, (P.A. Reg. Ref 4642/17 – Drumcondra Bridge; 4639/17 - Amiens Street Bridge which was subject to third party appeal; 2512/18- Pearse Street Bridge and 4633/17 North Strand Bridge refer.)
- The grant of permission for the signage under 4639/17 at Amiens Street Bridge referred to above was subject to a third-party appeal which was upheld by the Board . The reasoning for this decision should also apply to the current proposal. In the reasoning reference is made to removal of signage on the northern face of the bridge at Amiens Street, with the new sign providing a more acceptable balance where advertising exists thus enhancing the views of the bridge and prominent views from the thoroughfare which is a streetscape with protected structures.
- The planning authority has also granted permission under P. A. Reg. Ref. 2473/19 for replacement of a large sign with a slightly larger digital sign on a radial route in a Conservation Area with a Z5 zoning. (corner of Wexford Street and Cuffe Street.) This sign at 6.5 m x 6.5 m is much larger than the proposed sign for the current application. The planning officer noted prior precedent for signage of the nature proposed, commented that it was an aesthetic improvement. Precedent should be taken from this decision for the current proposal.
- The following considerations, having regard to the foregoing apply to the current proposal: removal of existing signage at a long-established advertising location, acceptable balance between providing for advertising where billboard advertising exists and is permitted in principle on a

thoroughfare and protection of amenities and consistency with Dublin City Council's outdoor advertising strategy.

6.2. **Planning Authority Response**

There is no submission from the planning authority on file.

7.0 **Assessment**

- 7.1. The applicant's case is based on an argument that the proposed development represents a significant planning and environmental gain relative to the existing development at the site location. It is fully asserted in the appeal that such benefits justify the proposed development and that there is relevant precedent in that the planning authority has positively determined other applications for replacement signage of a similar nature examples of which have been included in the appeal.
- 7.2. However, while provision is made for consideration of outdoor advertising in statutory policy and guidance as provided for in the CDP, for areas subject to the Z4 zoning objective, and Zone 3 within the Outdoor Advertising Strategy set out within Appendix 19 thereof, it is agreed with the planning officer that the proposed development is not consistent with and cannot be accommodated by these policies and guidance. Donnybrook Village although along a radial route as provided for in Zone 3 of the Outdoor Advertising Strategy is subject to adverse visual impact on its amenities and character due to the adverse visual impact of the existing sign and the cumulative impact of existing billboard signs along the radial route through the village. The existing sign considered alone and in conjunction with the other signs are excessive in scale and out of proportion relative to structures on which they are displayed and the general scale and typology of the historic street frontage contemporary and corner site development most of which is vertical in emphasis in contrast to the prominence horizontal emphasis of the advertising display boards.
- 7.3. The planning officer in his report establishes that the existing billboard signage, the replacement of which is proposed, and other similar signage is unauthorised development and is "unmanaged". As such it is therefore not incorporated in any way into management and presentation of the public realm. In effect what is proposed in the application and appeal, is a proposal for authorisation of a substitute

alternative sign at the location of an unauthorised sign the relative benefits in terms of visual enhancement within the public realm is questionable and is considered negligible although the case made on behalf of the applicant as to environmental benefits through lack of wastage and energy efficiency, is noted. The planning officer's remarks to the effect that the proposed removal of an unauthorised sign at Tyreconnell Road in Inchicore and as to lack of available details about it should permission be granted should be set aside and disregarded are also supported.

7.4. The case made in the appeal as to possible precedent that could be taken from other permitted developments is acknowledged but also considered questionable for comparative purposes and it is considered that each individual proposal should be considered on its own merits. As already stated in the case of the current proposal for signage, it is not agreed that the proposed replacement signage is an enhancement relative to the existing unauthorised sign that would benefit the amenities of the area and thus justify the replacement sign's authorisation.

7.5. **Environmental Impact Assessment Screening.**

7.5.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.6. **Appropriate Assessment.**

7.6.1. Having regard to and to the nature of the proposed development and the inner urban site location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. In view of the foregoing, it is recommended that the planning authority decision be upheld, and that permission be refused on the basis of the draft reasons and considerations set out below.

9.0 Reasons and Considerations

It is considered that the proposed replacement of the existing 3250 mm x 6140 mm static light box advertising sign with a new 3000 mm x 6000mm LED display static advertising sign is visually obtrusive, incongruous and out of scale and character with and seriously injurious to the integrity and context of the existing corner site building and the surrounding historic and contemporary buildings and would set precedent for further similar development in the vicinity along the radial route through Donnybrook village within which there is similar unmanaged and unauthorised outdoor advertising. The proposed development is therefore be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
28th January, 2020