



An
Bord
Pleanála

Inspector's Report ABP-307253-20.

Development	Permission to install an ATM machine to the existing shop front to the west elevation.
Location	41 Aungier St., Dublin 2.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB1078/20.
Applicant(s)	Euronet 360 Finance Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant(s)	Euronet 360 Finance Ltd.
Observer(s)	None.
Date of Site Inspection	27/07/2020.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located on Aungier Street and is occupied by the Vitamin Shop. The building is a single storey retail unit with single storey retail units on either side. The existing shop unit has an extensive glazed frontage with timber signage.
- 1.2. Beyond these single storey retail units, the buildings rise to four storeys and include a variety of uses including commercial / retail at ground floor level and with offices and residential in upper floors. The Dublin Institute of Technology lies across the road, to the west of the site.

2.0 Proposed Development

- 2.1. Permission is sought, for the installation of an ATM machine in the front elevation of the shop.
- 2.2. The application included a number of supporting documents including as follows;
 - Plans, particulars and completed planning application form
 - Cover letter
 - Letter of consent from owner.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development for the following reason:

The proposed development would represent a substandard design in combination with the current shopfront, would appear visually incongruous, and would therefore have a detrimental impact on the streetscape within a Conservation Area. As such, it would be contrary to Section 16.31 and Policies CHC1 and CHC4 of the Dublin City Development Plan 2016-2022. Therefore, it is considered that the ATM is unacceptable and would not be in accordance with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application and the County Development Plan policies and objectives. The planning report notes that there are a number of ATMs in the close proximity to the site and concludes that proposed development is not acceptable as it will add to the visual clutter of the existing shopfront and would be harmful to the character of the existing streetscape and visual amenity of Aungier St. and the Conservation Area. The Planning Officer recommends that permission be refused.

This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

3.2.2. Other Technical Reports

None.

3.2.3. Prescribed Bodies

Transport Infrastructure Ireland: As the site lies within the area for an adopted Section 49 Supplementary Development Contribution Scheme – Luas Cross City (St. Stephen's Green to Broombridge Line) under S.49 Planning and Development Act 2000, as amended, and if the application is not exempt, a condition relating to S.49 Contribution Scheme Levy should be included.

3.2.4. Third Party Submissions

None.

4.0 Planning History

No relevant planning history pertaining to the subject site.

5.0 Policy and Context

5.1. Development Plan

5.1.1. The Dublin City Development Plan 2016 – 2022, is the relevant policy document relating to the subject site. The site is located in the Aungier Street area of the city centre and is affected by the zoning objective Zone Z5: City Centre, where it is the stated objective 'To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'.

5.1.2. Section 16.31 of the Plan deals with Automatic Teller Machines (ATMs) and states as follows:

The provision of automatic teller machines (ATMs) will be regulated, having regard to the following:

- The protection of the character of the building or shopfront in which the ATM is installed, in particular where the building is a protected structure or in a Conservation Area or Architectural Conservation Area (ACA)
- The minimisation of disturbance to adjoining premises through queuing
- In general, no more than one ATM should be placed in a shopfront so as to avoid the creation of a dead frontage
- The control of the amount of litter generated by these machines; paper receipts will not be acceptable on principal shopping streets, at protected structures, and in Conservation Areas
- The need for signs or logos to be discreetly incorporated into the overall design
- The avoidance of a traffic hazard
- The design and location must be such that they are accessible to all, having regard to the universal design guidelines as set out by the Centre for Excellence in Universal Design (CEUD) in their publication 'Building for Everyone: A Universal Design Approach, Facilities in Buildings,

Publication No 6'. www.universaldesign.ie (CEUD was established by the National Disability Authority under the Disability Act 2005).

Dublin City Council will encourage the provision of ATMs in retail stores in the interests of public safety and protecting building character.

5.1.3. The site is located within a Conservation Area and the following policies are considered relevant:

- Policy CHC1: to seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.
- Policy CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherefore possible.

5.2. **Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 site is the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), & North Dublin Bay pNH (Site Code 000206), which are located approximately 4km to the north east of the site. The South Dublin Bay SAC (Site Code: 000210) (& pNHA Site Code 000210) is located approximately 3.5km to the north east of the site.

5.3. **EIA Screening**

Having regard to nature and scale of the development, together with the nature of the proposed works, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The issues raised are summarised as follows:

- The installation would make no impact on the existing shop front as it is relatively new. The ATM is to be installed within the glazing only, with the inclusion of a mullion to ensure there is no impact on the form of the window frame.
- The coated metal bordering the ATM can be removed and the branding and colour scheme can be altered to eliminate the impact on the appearance and streetscape of the Conservation Area.
- The nearest external ATM is located on Camden Street, over 350m away from the site and local bars and restaurants which would benefit from the proposed installation.
- Once one of the fascia signs is removed, there will be no visual clutter to the appearance of the building – the Board will note that one of the fascia signs (Francis' Soap Shop) had been removed on the date of my site inspection.
- There is a demonstrable need for the proposed ATM at this location as other ATMs in the area are within lobbies which are unavailable outside shop opening hours.

The appeal provides a background to the company and there is a further letter from the Euronet Country Manager which seeks the opportunity to discuss each site proposed to ensure that they can make proposals that will satisfy and allow them to deploy in key locations. This is a matter for DCC and not ABP.

6.2. Planning Authority Response

None.

6.3. Observations

None.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development and potential impact on the Conservation Area.
2. Other Issues
3. Appropriate Assessment

7.1. Principle of the development and potential impact on the Conservation Area

- 7.1.1. The subject site is located within an area of Dublin City which is affected by the zoning objective Zone Z5: City Centre. It is the stated objective of this zoning 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'.
- 7.1.2. The Board will note that the sole reason for refusal relates to the visual impact the proposed ATM will have on the streetscape within a Conservation area, which is considered contrary to the policies and development standards of the Dublin City Development Plan 2016-2022.
- 7.1.3. The following policies are relevant in this regard:
 - Policy CHC1: seeks the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city an
 - Policy CHC4: seeks to protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness and take

opportunities to protect and enhance the character and appearance of the area and its setting, wherefore possible.

7.1.4. I note that the building the subject of this appeal is not a protected structure and that there are a number of modern interventions in buildings on Aungier Street. The inclusion of the ATM will affect only the glazing of the shopfront and I note the intention of the appellant to amend the scheme to remove the requirement to install the steel panel to the ATM surround. In addition, the appellant advises that the branding / colour scheme can be altered to suit the local environment and make the design more sympathetic to the building and streetscape. I am satisfied that subject to these amendments, the proposed installation of the ATM as proposed is acceptable at this location.

7.2. **Other Issues**

7.2.1. **Need for the ATM**

The appellant notes that while there are other ATMs in the local area, they are largely 'lobby' type facilities which are within shops. As such, the access to these facilities is during shop hours only. It is submitted that the location of the site is within a link between major hubs for nightlife in Dublin City and that the addition of the ATM machine would be beneficial to patrons and businesses. The nearest accessible ATM 24/7 is approximately 350m away in Camden Street. I am satisfied that there is a need for the facility.

7.2.2. **Accessibility and impact on public footpath**

The provision of ATMs as proposed has the potential to impact on the public realm in terms of queuing and potential littering. Having carried out a site inspection, I note that there is a city bound bus stop across the road and to the north of the site, with the south bound bus stop located approximately 35m to the south of the site, and across Digges Street Upper.

The footpath outside the shop extends to at least 1.8m in width and I note that there is a public bin adjacent. I am generally satisfied that if permitted, the development would not result in any impacts to free pedestrian movement on the public footpath. While I would not consider it necessary, should the Board have concerns in this

regard, a temporary permission could be considered which would provide an opportunity to reassess this matter.

7.2.1. **Development Contribution**

The subject development is not liable to pay development contribution.

7.3. **Appropriate Assessment**

The site is not located within any designated site. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 **Recommendation**

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

9.0 **Reasons and Considerations**

Having regard to the proposed location of the ATM within an existing glazed panel of the shopfront, to the scale, design, and finishes for the proposed ATM installation, and the location within a central city area which is subject to the Dublin City Development Plan 2016-2022 zoning objective: Z5: *'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'*, it is considered that subject to the conditions set out below, the proposed development would not adversely affect the visual amenities of the streetscape within the Conservation Area and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to An Bord Pleanála on the 29th day of May, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) the metal surrounds to the ATM shall be omitted and replaced with glazing
 - (b) the entire ATM installation shall be in a mute colour such as light grey with a matt finish.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and the protection of the character of the streetscape within the Conservation Area.

A. Considine

Planning Inspector

29th August, 2020