



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307645-20

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<b>Development</b>	Protected Structure: To convert existing LED advertising sign to LED display sign.
<b>Location</b>	34 Bachelors Walk, Dublin 1
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	2486/20
<b>Applicant(s)</b>	Declan Coleman Signs
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Declan Coleman Signs
<b>Observer(s)</b>	Ciaran Cuffe
<b>Date of Site Inspection</b>	12 <sup>th</sup> October 2020
<b>Inspector</b>	Colin McBride

## 1.0 Site Location and Description

1.1. The appeal site is located in Dublin City centre at no 34 Bachelors Walk. The appeal site is occupied by a five-storey building, no. 34 Bachelors Walk. The existing building has a shop unit at ground floor and office use on the upper floors. The building is a protected structure. To the south west adjoining the site is a five-storey structure, no. 33 Bachelors Walk, which has a tourist office at ground floor level and office use on the upper floors. To the north east is a five-storey building at the junction of O'Connell Street and Bachelors Walk, no. 56 O'Connell Street, this structure has a coffee shop at ground floor level and office use on the upper floors. There is an existing LED advertising panel on the facade of no. 34 between first and second floor level. There is also half of a large static advertising sign located on the façade at third and fourth floor level. The other half of this sign is attached to no. 56 O'Connell Street.

## 2.0 Proposed Development

2.1. Permission is sought for to convert the existing LED advertising sign (3m high by 6m wide and 1500mm deep) at first/second floor level at 34 Bachelors Walk, Dublin 1 (protected structure) to a LED display sign which will carry a series of alternating static advertisements (6 per minute). If granted, the permission would be on the basis of decommissioning, in line with the outdoor advertising policy of Dublin City Council, outdoor signage on the upper two floors of 34 Bachelors Walk, Dublin 1.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused based on two reasons...

1. Having regard to the character of the existing protected structure, the proposed advertisement structure would have an adverse visual impact on and would seriously detract from and injure the special architectural character and legibility of both the Protected Structure and neighbouring Protected Structures and the overall character of the O'Connell Street Architectural Conservation Area (ACA). As such, it would be

contrary to Policy 11.1.5.1 (a), (b) and (d) and Policy CHC4 of the Dublin City development Plan 2016-2022. Therefore, it is considered that the proposed advertising is unacceptable and would not be in accordance with the proper planning and development of the area.

2. Having regard to the siting of the proposed development at a prominent location on Bachelors Walk, and in particular to the excessive scale, proportion and to the proposed nature of illumination and intensification of use, it is considered that the proposed development would be visually obtrusive and would seriously impact on the overall visual character of the immediate streetscape. The proposed development would accordingly be contrary to Policy SC22 and Appendix 19 of the Dublin City development Plan 2016-2022 which seeks to control the location and design of outdoor advertising structures in the city to generate an urban realm of the highest possible quality.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

Planning report (22/06/20): The proposal was considered to have an adverse visual impact at this location, an adverse impact on the character and setting of a protected structure, adjoining protected structures and an ACA as well as being contrary to development Plan policies regarding architectural heritage. Refusal was recommended based on the reasons outlined above.

### **3.2.2. Other Technical Reports**

Drainage Division (14/04/20): No objection.

Conservation report (28/05/20): Refusal recommended on the basis of an adverse impact on the character and setting of a protected structure, adjoining protected structures and an ACA.

### 3.3. Prescribed Bodies

TII (20/04/20): Insufficient information has been submitted to demonstrate the proposal would not have a detrimental impact on the operation of the light rail system. There is a lack of assessment of the impact of such a light emitting structure on the safe operation of the Luas Green Line.

### 3.4. Third Party Observations

3.4.1 Submission by Ciaran Cuffe, 50 Montpellier Hill, Dublin 7, D07 F8H2.

- The issues raised include visual impact, character and setting of a protected structure and character of designated conservation area.

## 4.0 Planning History

4.1 4217/16: permission granted for retention of change of use of ground floor from hair salon to shop.

4.2 4189/16: Permission granted for retention of change of use of upper floors from cultural to educational use (protected structure).

4.3 PL29S.245459 (3050/15): Permission sought to remove entirely and make good existing illuminated signage and ancillary works, and replace the existing prismatic sign at first and second floor by a single LED illuminated sign at the same position on the building at first and second floor level. Split decision with permission granted to remove the existing sign and permission refused to replace the existing prismatic sign at first and second floor by a single LED illuminated sign at the same position on the building at first and second floor level. Refused based on one reason...

1. It is considered that the proposed sign, by reason of its excessive scale and proportions, and of its form of illumination and potential for animation, and by reason of its location on the façade of a protected structure, would be visually obtrusive and

would seriously detract from the character of the Protected Structure, of neighbouring listed structures and the overall character of the O'Connell Street Architectural Conservation Area, and would accordingly be contrary to the provisions and objectives of the O'Connell Street Architectural Conservation Area, the O'Connell Street Special Planning Control Scheme (September 2009), and the Outdoor Advertising Strategy (Appendix 27 of the Dublin City Development Plan 2011-2017). The proposed development would, therefore, contravene the provisions of the Development Plan for the area, and would be contrary to the proper planning and sustainable development of the area.

- 4.4 PL29N.241936 (2134/13): Permission sought to remove entirely and make good existing illuminated signage and ancillary works, and replace the existing prismatic sign at first and second floor by a single LED illuminated sign at the same position on the building at first and second floor level. Split decision with permission granted to remove the existing sign and permission refused to replace the existing prismatic sign at first and second floor by a single LED illuminated sign at the same position on the building at first and second floor level. Refused based on one reason...
- 4.5 PL29N.102694 (0386/97): Permission granted by the Board for alterations to an existing advertising structure at No. 34 Bachelor's Walk.
- 4.6 PL29N.101111 (1018/96): The Board issued a split decision granting permission for the removal of the existing sign, making good of the façade and the erection of the crescent sign, and refusing permission for the erection of the illuminated window silhouettes.

ABP-307126-20: Retention of LED advertising sign structure at first floor level at 29 Ranelagh, and permission to convert its usage to a LED display sign.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant development plan is the Dublin City Development plan 20

The appeal site is zoned Z5 with a 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'.

Dublin City Council's 'Outdoor Advertising Strategy' for the city is 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.

Built Heritage and Culture - The policies in relation to Protected Structures are set out in Section 11.1.5.1. The policies in relation to Conservation Areas are set out in Section 11.1.5.4. These policies seek to protect the structures of special interest which are included in the Record of Protected Structures (Volume 4 of the Plan) and the special character of Conservation Areas.

Relevant policies include the following;

CHC1 - Preservation of the built heritage of the city.

CHC2 – Protection of the special interest of protected structures.

CHC4 – Protection of special interest and character of Conservation Areas.

## 5.2. Natural Heritage Designations

5.2.1 None in the vicinity.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Manahan Planners on behalf of the Declan Coleman Signs Ltd. The grounds of appeal are as follows...

- The appeal submission notes that this proposal should be considered in tandem with a separate appeal under ABP-307126-20 (29 Ranelagh (The Triangle), Dublin 6) for the same applicant/appellant which seeks retention of existing LED sign (3m x 6 m x 150mm) lightbox sign at first floor level and conversion of the sign to an LED digital display sign with alternative static advertising (6 per minute). This application is relevant as the applicant/appellant note a condition of getting permission would be the removal of the half of the sign at third/fourth floor level at no. 56 O'Connell Street). The appellant notes that if both permissions are granted (this appeal and ABP-307126-20) the outcome would be removal of the existing sign at third and fourth floor level at no.s 34 Bachelors Walk and no. 56 O'Connell Street).
- The appellant notes that the pre 1963 status of this location for advertisements has been ignored in the Planning Authority's assessment and decision regarding the proposal. The appellant notes that the replacement sign at second floor level will be the same dimensions and in the same position as the existing sign and noting that there has been a sign in place in this position since pre 1963 as well as noting that sign on the upper two floor floors has the a similar status.
- A court case is cited (Dublin Corportation.v. Lowe) in which it was found that replacement of a pre-1964 sign with a sign of similar size and position would not be a material alteration. The sign at second floor level was recently

replaced with an LED panel on foot of section 4(1)(h) with it operating on the basis of changing the advertisement every two weeks. The proposal seeks to change such every 10 seconds.

- The proposal is being sought on the basis of removal of the sign on the upper two floors and making good the façade. The appellant emphasises the proposal is for alteration of an authorised sign (pre 64) and would lead to improvement of the existing faced through the removal of the sign on the upper levels. The proposal would lead an improved visual impact over the existing situation and would not be contrary development Plan policy.
- The appellant has outlined a number of examples of approvals granted recently for LED advertisement structures in the city.
- The appellant notes that proposal would have no adverse impact on the operation of the Luas Green Line and notes that a number of smaller Led advertisements have been permitted in the area.
- The appellant has submitted details of the works to be carried out to the façade to restore such.

## 6.2. Planning Authority Response

6.2.1 No response.

## 6.3. Observations

6.3.1 Observation by Ciaran Cuffe, 50 Montpelier Hill, D07 F8H2.

- The proposal is within an ACA and on a Protected Structure and would be contrary Development Plan policy.
- The alteration to the sign will be visually distracting and detrimental to the protected structure and ACA.
- The sign covers the windows of the protected structure which is inappropriate.



- The existing sign appears to be unauthorised.
- The drawings submitted be not demonstrate the impact of the proposal.

## 7.0 **Assessment**

7.1. Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Planning history/status

Visual impact/architectural heritage

Removal of existing signage

Appropriate Assessment

7.2. Planning history/status:

7.2.1 The appeal submission raises a number of issues regarding the planning status of the existing signage on the upper levels of the façade of no. 34 in the documentation submitted and appeal submission. The appellant emphasises that the sign subject to this permission is an existing sign that is authorised by virtue of being the similar in size and position to a pre-1964 signage. The appellant also notes that the sign subject to this application was changed in recent times from a static sign to an LED sign on which the image is changed every two weeks and such was done on the basis of Section 4(1)(h) of the Planning and Development Act, 2000 (as amended). It is noted that the proposal is now to change it to an LED sign that changes image every 10 seconds/6 time per minute (the existing sign already has this capacity).

7.2.2 The application also proposes that the applicant will decommission the signage on the upper two floors of the build. A similar application and subsequent appeal relating to signage on a building in Ranelagh was considered with a similar proposal to deal with the other half of the signage on the upper two floors affixed to no. 56 O'Connell Street under ABP-307126-20 (this appeal was refused permission). I would note that the change from static signage to an LED panel is subject to enforcement action with

the Planning Authority clearly considering that this change carried out to the sign subject to this permission to be unauthorised. There is a clear disagreement regarding the planning status of the existing LED advertisement sign subject to this appeal.

7.2.3 I would consider that there are issues regarding the planning status of the existing LED sign to which this application relates. The applicant is claiming that the existing LED panel on the basis of Section 4(1)(h). There is a mechanism under Section 5 of Planning and Development Act, 2000 (as amended) under which the question of whether particular works are development or exempted development. I would also note that issues of enforcement are not a function of the Board.

7.3 Visual impact/architectural heritage:

7.3.1 The LED sign in question is located at a prominent location in the city centre and is attached to a protected structure and within an Architectural Conservation Area. There no question that the existing sign and the fact that it is an LED sign has an adverse impact on the character and integrity of the existing protected structure it is located and the overall character of the designated Architectural Conservation Area. The applicants/appellants note that the proposal is for alteration of an existing sign to change the image on a more regular basis.

7.3.2 The existing sign is attached to a protected structure at prominent city centre location and is also within a designated Architectural Conservation Area with a number of protected structures adjoining the site. The proposal to alter the existing sign to provide for a more regular change in the advertising imaging would be hugely detrimental to the visual amenities of the area and the character and setting of the existing protected structure on site, the character and setting of adjoining protected structures and the character of the designated Conservation Area. The proposal would be contrary to Development plan policy as set out under CHC1, CHC2 and CHC4. The proposed development would exacerbate the visual obtrusiveness and would seriously injure the visual amenities and character of the

existing built environment and be contrary to Policy SC22 and Appendix 19 of the Dublin City Development Plan, 2016-2022 which seeks to control the location and design of outdoor advertising structures in the city and to generate an urban realm of the highest possible quality. The proposal would, therefore, be contrary to the proper planning and sustainable development of the area.

#### 7.4 Removal of existing signage:

7.4.1 As part of the proposal the applicant has noted that they are willing to decommission the signage on the upper two floors of the build. A similar application and subsequent appeal relating to signage on a building in Ranelagh was considered with a similar proposal to deal with the other half of the signage on the upper two floors affixed to no. 56 O'Connell Street under ABP-307126-20 (this appeal was refused permission). Development Plan policy under section 19.2 of the Outdoor Advertising Strategy in Appendix 19 states that "any new applications for outdoor advertising structures will generally require the removal of existing advertising panels, to rationalise the location and concentration of existing advertising structures". I would note that the removal of the sign at the upper level of no. 34 Bachelors Walk and no. 56 O'Connell Street would be welcome, however I do not consider that there is adequate justification for the proposed development and such would be contrary Development plan policy regarding built heritage and advertising and would be detrimental to the visual amenities of the area.

### 8.0 Recommendation

8.1. I recommend refusal based on the following reasons.

### 9.0 Reasons and Considerations

1. Having regard to the location of the existing sign on a protected structure and within an architectural conservation area as well as being a prominent city centre location the proposed development, which is an alteration of the frequency of changes in advertising imaging, would be injurious to the character and setting of the existing protected structure, the character of the Architectural Conservation Area and

would have a detrimental, obtrusive and distracting visual impact at this location. The proposed development would be contrary to Development Policy in regard to built heritage, in particular Policies CHC1, CHC2 and CHC4 and policy SC22 in regard to outdoor advertising. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Colin McBride  
Planning Inspector

12<sup>th</sup> October 2020