



An
Bord
Pleanála

Inspector's Report

ABP-307749-20

Development

PROTECTED STRUCTURE:
RETENTION: Addition of The Silver Penny as the name of the establishment above the main entrance door to the front elevation and other works including signage.

Location

12B & 12C, Abbey Street Lower,
Dubin 1

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

3825/19

Applicant(s)

JD Wetherspoon PLC

Type of Application

Permission

Planning Authority Decision

Split Decision

Type of Appeal

First Party V. Refusal

Appellant

JD Wetherspoon PLC

Observer(s)

None

Date of Site Inspection

22nd October 2020

Inspector

Máire Daly

1.0 Site Location and Description

- 1.1. The site, which has a stated area of 900sq m is located on the northern side of Abbey Street Lower, approximately 200m east of O' Connell Street, within Dublin city centre. The site comprises two buildings, No. 12b and No 12c Lower Abbey Street. No12b is a two-storey structure constructed in 1839 with a stone façade that was previously the Dublin Savings Bank, this building is a protected structure. No 12c Lower Abbey Street, which is located to the east of the bank building has a rendered façade and was formerly a Baptist church, also constructed in 1839, this building is not a protected structure. Both buildings are listed on the National Inventory of Architectural Heritage (NIAH Ref. 50010288 (No.12b) and Ref.50010289 (No.12c)). No. 12c stands on the corner with Northumberland Square, a secondary street that provides access to the underground car park beneath the Irish Life Centre. Both buildings have a combined floor area of 1712sq m.
- 1.2. The offices of the Irish National Lottery about 12b to the west and the Abbey Street Apartments and the Irish Life Centre occupy the majority of the space to the rear (north) and east of the two buildings. The Red Luas line runs to the front of the buildings along Abbey Street. Bus stops occupy the road along the footpath in front of the site.

2.0 Proposed Development

- 2.1. The proposed development is to comprise:

Retention permission sought for a series of alterations to development previously granted under ABP PL29N.248832 at No's 12b (a Protected Structure) and 12c Abbey Street Lower, Dublin 1. The development to be retained consists of the following:

- Addition of "The Silver Penny" (300mm lettering height) as the name of the establishment above the main entrance door to the front elevation of 12b Abbey Street Lower;
- Addition of 1no. amenity board to the front elevation of 12b Abbey Street Lower, to the left side of the main entrance;

- Addition of 1no. aluminium wall plaque to the right side of main entrance within portico of 12b Abbey Street Lower;
- Addition of "Wetherspoon" (250mm lettering height) as the proprietor name above the main entrance door to the front elevation of 12c Abbey Street Lower; and
- Addition of 1no. projecting sign to the front elevation of 12c Abbey Street Lower immediately above fascia level.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Split Decision as follows:

3.1.1. Retention Permission was granted for the following subject to 8 no. conditions:

- The addition of 'The Silver Penny' as the name of the establishment above the main entrance door to the front elevation of 12b Abbey Street Lower.
- The addition of 'Wetherspoon' as the proprietor name above the main entrance door to the front elevation of 12c Abbey Street Lower.

Retention Permission was refused for the following:

- The addition of 1 no. amenity board to the front elevation of 12b Abbey Street Lower, to the left side of the main entrance;
- The addition of 1no. aluminium wall plaque to the right side of main entrance within portico of 12b Abbey Street Lower;
- The addition of 1no. projecting sign to the front elevation of 12c Abbey Street Lower immediately above fascia level.

The reasons for refusal of the above 3 elements of the development are as follows:

The projecting signage to the front elevation of 12C Abbey Street Lower; the amenity board to the front elevation of 12B Abbey Street Lower and the aluminium wall plaque to the right side of the main entrance of 12B Abbey Street Lower are inappropriate and would cause serious injury to the architectural character and setting of the Protected Structure. The proposed

works therefore contravene Section 11.1.5.1, CHC1, CHC2 (a)(b)(c)(d) of the Dublin City Development Plan 2016-2022, would set an undesirable precedent 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

There are two planning reports on file, one dated October 2019, which sought further information and the second dated July 2020 which presented the planning authority's split decision.

- The report on the initial application (October 2019) raised concerns regarding several elements of the development. The Conservation Officer of DCC had particular concerns and stated that the quantum of signage proposed fundamentally alters the architectural character of the historical buildings in an adverse manner. 7 points of further information were requested to address the issues raised, in summary these related to:
 - request for proposals showing lighting fixtures with warmer LED bulbs,
 - reducing the size of the lettering on 'The Silver Penny' signage,
 - the location of the 'Wetherspoons' lettering and sizing
 - request to remove the projecting sign to the front façade of 12C Abbey Street Lower.
 - Request to omit the amenity board to the left-hand side of the primary entrance pillars on the protected structure at no.12B.
 - Request to remove the history wall plaque to the right side of the principal entrance to the protected structure and to agree suitable wording and a commemorative plaque through a formal application procedure with the Commemorative Naming Committee of DCC.
 - All signage fixtures shall be located through mortar joints between stone and not through the stone itself.

- Further information was received on 5th June 2020. The planning officer had the following comments in relation to each of the responses received:
 - A condition shall be attached to ensure that warmer LEDs are used to illuminate any proposed lettering.
 - The area planner considers that on balance the proposed lettering size of 300mm for the signage of 'The Silver Penny' is acceptable and complies with the Shopfront Design Guidelines and subject to the correct warmer LED lighting being used the proposal is considered satisfactory.
 - The area planner notes that the individual lettering for the 'Wetherspoons' signage is in accordance with the Shopfront Design Guidelines and is not in the format of a corporate logo. The material of the signage is also considered to be of high quality. However, in order to minimise the impact of the signage warmer LEDs shall be conditioned for illumination purposes.
 - The proposed projecting 'Silver Penny' signage does not comply with the Shopfront Design Guidelines. The development is located on a busy thoroughfare and therefore such signage is not required. It is also considered that the signage has a detrimental impact on the architectural character of the protected structure and therefore retention permission should be refused for this element.
 - The applicant argues that the amenity board is minor signage and appropriate for the purposes of the bar/restaurant and advertisement of facilities within the premises. The Conservation Office and Area Planner disagree stating that the board is in effect an advertisement sign and that it significantly impacts on the architectural character of the protected structure and therefore its retention should be refused.
 - The historic wall plate has not been approved through the necessary commemorative plaque procedures, there is a formal application procedure necessary through DCC. Additionally, the area planner states that the addition of 1no. aluminium wall 'history'

plaque to the right of the principal entrance of the protected structure is not supported and its unsympathetic to its architectural character. The retention of this element is therefore refused.

- The applicant stated in response to the further information request that it was not always possible to implement the required signage without affixing directly to the stone instead of through mortar joints. The Conservation Officer of DCC recommended therefore that a condition be attached requiring the applicant to employ a conservation expert to provide advice on the making good of all new holes that have been made to the historic stonework.
- The planning authority had concerns that the cumulative effect of the five various branding proposals, were all overly dominant, especially when considered in the context of the Protected Structure and the immediate historic streetscape. Therefore, the planning authority issued a split decision which sought the removal of the amenity sign, wall plaque and projecting signage which they believed would then significantly reduce the visual clutter and impact on the protected structure. The individual lettering and materiality of the signage of “The Silver Penny” and the “Wetherspoons” was considered of a high quality and acceptable subject to the instruction on warmer LED lighting.

3.2.2. Other Technical Reports

- Drainage Division report dated 20th September 2019: no objection subject to conditions.
- Drainage Division DCC report dated 17th June 2020: no objection subject to conditions.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland - requires the imposition of conditions upon any consent, should the application be approved. Furthermore, TII has stated that the application would be subject to a section 49 levy.

3.4. Third Party Observations

None.

4.0 Planning History

On site:

- P.A. Ref: 2944/19 – DCC – 2020 – Retention permission granted for development that consists of modifications to development previously permitted under Reg. Ref. 3660/16 (PL29N.248832), subject to 6 conditions. Condition no.5 stated the following:

Notwithstanding the provisions of the Planning & Development Regulations 2001 - 2010, no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.

Reason: To ensure a satisfactory standard of development.

- ABP Ref. PL29N. 248832 (P.A. Ref. 3660/16) – 2017 - Permission granted for the refurbishment, alterations and change of use of existing buildings to provide a public restaurant/bar on the site including outdoor seating areas and associated ancillary uses with the construction of a new glazed link to connect both buildings subject to 11 conditions.

Enforcement:

- P.A. Ref: E0817/19 - Breach of Condition 3 & 4 of Ref. 3660/16.

5.0 Policy Context

5.1. National Guidance

Architectural Heritage Guidelines for Planning Authorities, 2004 (republished 2011).
Development guidelines for Protected Structures and Areas of Architectural
Conservation. Relevant sections include:

- **Section 12.6** New Shopfronts
- **Subsection 12.6.3** states the following: *Standard corporate frontages are rarely appropriate to historic buildings or streetscapes, nor are large plate glass frontages that require the partial demolition of a ground-floor façade. Large, illuminated fascia or projecting signs can potentially damage the character of a historic building or street and proposals to install these should be carefully scrutinised.*

5.2. Development Plan

The operative development plan is the Dublin City Development Plan 2016-2022.
The site is designated 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'*. 12b Abbey Street Lower is also a protected structure.

The following Sections and Policies are relevant:

- **Section 11.1.5.1** The Record of Protected Structures which states *'The purpose of protection is to manage and control future changes to these structures so that they retain their significant historic character'*.
- **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'*.
- **Policy CHC2** seeks to *'ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:*

a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest;

(b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances;

(d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure.

- **Section 9.5.9:** states that lighting columns and other fixtures can have a significant effect on the appearance of buildings and the environment and where proposals for new lighting require planning permission, Dublin City Council will ensure that they are carefully and sensitively designed. Lighting fixtures should provide only the amount of light necessary and should shield the light given out so as to avoid creating glare.
- **Policy SI26:** To ensure that the design of external lighting proposals minimises light spillage or pollution in the surrounding environment and has due regard to the residential amenity of the surrounding area.
- **16.24.2** Shopfronts
- **Section 16.24.3** deals with Signs of Shopfronts and Other Business Premises.

Dublin City Council's Shopfront Design Guidelines 2001 states *"Shopfronts are one of the most important elements in determining the character, quality and perception of retail streets...more successful designs comprise strong 'frameworks' including a well-defined fascia panel, pilasters and a strongly defined base."*

Furthermore, Shopfront Design Guidelines state that in relation to the choice of materials for the shopfront *"should complement the architectural character of the building and integrate with the overall visual unity of the street scene. The decision to build a traditional shopfront or a modern one will, to a large extent, dictate the type of materials used.....Some materials, including plastics, reconstituted stone, and aluminium can look visually bland especially when use in a single plane."*

5.3. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal, are raised by the first party appellant and can be summarised as follows:

- The current appeal is against the decision by the planning authority to refuse permission for the projecting sign, amenity board and historical plaque only. The applicant is satisfied with the approval for the lettering for both 'The Silver Penny' and 'Wetherspoons' signs and associated lighting amendments required by condition.
- The fixing of the signs follows the principle of 'reversibility' in that it can be removed at such a time as it is no longer required so that the building is returned to its previous state.
- Amenity Board – This is a necessary piece of signage to indicate what is available within the premises and to promote the business in a minimal format to attract customers and allow it to remain commercially viable. The amenity board is 0.45m X 1.495m which is not considered a significant size for signage at this location.
- Aluminium Wall Plaque – The aluminium wall plaque is located within the portico of 12b Abbey Street Lower and cannot be easily seen from the public road. The wall plaque is intended to provide a discreet signage addition that gives a brief outline of previous uses of the subject properties of 12b and 12c Abbey Street Lower. The applicant does not agree with the DCC reference to the commemorative naming committee as the appropriate channel to agree the erecting of this plaque. The applicant states that the history plaque is almost an internal addition to the property and is intended to be of minimal intervention addition to the building. The applicant believes that the commemorative naming committee is more suited to large scale and

significant pieces of infrastructure that are located primarily on public land. The subject proposal is on private property and is a subtle addition within the portico.

- Projecting sign – The proposed projecting sign is designed as an article feature, with high quality materials and design. The applicant consulted the Architectural Heritage Protection Design Guidelines and the Dublin Shopfront design guide to inform the design of this sign. The sign does not obstruct the signage of any other uses in the locality and when viewed from the street is extremely modest. The sign illustrates the financial history of the bank building the applicant has chosen appropriate materials to blend with the building.
- The applicant believes that their proposal complies with Policy CHC1 and CHC2 of the Development Plan and stress that the removal of what is now put forward for retention permission would reduce the effect of the signage to virtually zero in what is a competitive marketplace.

6.2. **Planning Authority Response**

- None received

6.3. **Observations**

- None.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file including the details submitted as part of the first party appeal, I consider that the main elements proposed should each be considered separately on their own merits. As part of the original application, retention permission was sought for 5 different elements of signage. The planning authority granted the following two elements of signage:

- 'The Silver Penny' lettering over the original main entrance to no.12b Abbey Street Lower (protected structure) and;

- 'Wetherspoons' lettering over the original main entrance to no.12c Abbey Street Lower.

The planning authority refused the remaining 3 elements, which included:

- an amenity board sign to the left-hand side of the main entrance at no.12b;
- an aluminium wall plaque to the right-hand side of the door at no.12b; and
- a double-sided projecting sign which is positioned on the front elevation of no.12c Abbey Street Lower.

In order to consider the merits of each proposal an assessment of the individual elements has been carried out below:

7.2. 'The Silver Penny' signage

- 7.2.1. The applicant wishes to retain the existing signage "The Silver Penny" above the main entrance door to the front elevation of 12b Abbey Street Lower. This sign is comprised of Ardenbright Old Penny Bronze with individual lettering lit by a light through. The Board should note that there are some inconsistencies in the measurement of this signage as referred to in the appeal submission received. The applicant refers in Section 3 'Planning Application Lodged' to 'The Silver Penny' lettering being 400mm in height, however the Drawing No. 5271-01 shows the face elevation measurement of height 300mm. As part of the FI response received by the planning authority in June 2020, I note that the applicant referred to the height of the letters on 'The Silver Penny' signage as 300mm. This height of 300mm is considered appropriate for the lettering at this location and does not detract from the character of the protected structure on which it is located. In order to ensure the height of the lettering corresponds with that originally accepted by the planning authority and to which I would also agree is an acceptable height, if the Board are minded to grant this permission I would suggest attaching a condition to ensure the appropriate sizing of all lettering involved at 300mm on 12b Abbey Street Lower. I note also the planning authority's stipulations regarding the requirements for warmer LED bulbs as opposed to the existing cool white LED bulbs for both the signage and the lamps along the front elevation. I would agree that this warmer LED lighting would be more sympathetic to the historical character of the building and therefore recommend that

a condition stipulating same be attached if the Board are minded to grant this element of the proposal.

7.3. **‘Wetherspoon’ signage**

- 7.3.1. The applicant also wishes to retain the existing "Wetherspoon" lettering, as the proprietor name above the main entrance door to the front elevation of 12c Abbey Street Lower. The signage is comprised of lettering finished in Ardenbright old penny bronze, the same as that proposed for ‘The Silver penny’ signage. The lettering size however for the ‘Wetherspoon’ signage measures 250mm in height and is therefore of a smaller scale than that of the main name of the establishment. I consider the material presented of a sufficiently high quality and provided warmer lighting is used to illuminate the signage, I do not consider the lettering as presented will have any significant impact on the historical significance of either historical building on site.

7.4. **Amenity Board Sign**

- 7.4.1. The applicant seeks retention for the addition of 1 no. amenity board to the left side of the main entrance, on the front elevation of 12b Abbey Street Lower. I note the planning authority’s concerns regarding this element of the development and in particular the Conservation Officer’s comments stating that she would not support this from a conservation standpoint. The Conservation Officer goes on to further state that *‘This board is an advertisement and has the result of significantly impacting on the architectural character of the Protected Structure. This is an unsympathetic and unnecessary introduction and shall be removed’*. While I understand the applicant’s arguments made regarding the commercial need for the amenity board sign, they should note section 12.1.2 of the Architectural Heritage guidelines states *‘A balance will need to be struck between the commercial requirements of the owners and the protection of shopfronts of special importance within the context of architectural heritage’*. Policy CHC2 further reinforces this stating any development will *‘Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure’*. Having considered the materials used (black corian router cut amenity board) and the presentation of graphics on same, as well as the location of the amenity board in a prominent position on the outer wall of no.12b, I do not consider

this type of advertisement appropriate on the protected structure. I believe there are alternative ways of providing advertisements that could be explored by the applicant which would not have such an unsympathetic impact on the character of the building. Therefore, having regard to the foregoing, it is considered that the amenity board sign, for which retention is sought is contrary to Policy CHC2 of the Dublin City Development Plan and would have a negative impact on the architectural heritage of the protected structure.

7.5. Aluminium Wall Plaque

- 7.5.1. The second element for which the applicant seeks retention is for an aluminium wall “history” plaque to the right-hand side of the principle entrance within the portico of the Protected Structure at no.12b Abbey Street Lower. The applicant states that the wall plaque is to provide discreet signage, giving a brief outline of the previous uses of the subject properties of 12b and 12c Abbey Street Lower. While the sentiment of the wall plaque is appreciated, the format and mechanism which the applicant has followed are considered inappropriate.
- 7.5.2. I note the comments received on file from the Conservation Officer who states that the location of the plaque is unsympathetic to the architectural character of the protected structure. She also states that *‘text on the plaque describing the history of these buildings does not adequately reflect their Architectural, Artistic and Social significance that would be considered appropriate from a conservation standpoint’*. She further goes on to state that strict rules govern the introduction of commemorative plaques to buildings, which need to be fully approved by Dublin City Council in advance and that a Commemorative Naming Committee has been set up in Dublin City Council to formally consider proposals such as the subject plaque. The applicant in response argues that as the plaque is almost an ‘internal’ addition to the property they do not believe that the Commemorative Naming Committee is the appropriate channel to agree on the erection of this plaque.
- 7.5.3. While I acknowledge the area planner’s and conservation officer’s reference to the procedures in place in Dublin City Council for approval of commemorative plaques, this process has no statutory standing or legislative basis under planning law in informing the Board’s decision. Therefore, this issue shall not be considered any further as part of this assessment.

7.5.4. Following an assessment of the information provided and considering that the plaque is in fact on the front elevation of the building, albeit within the portico, I do not consider the applicant's justification that the plaque is '*almost an internal addition to the property*' and '*cannot be seen easily from the public road*' as a suitable argument for the provision of same plaque. The plaque is visible from the public domain, including directly opposite no.12b on the opposite (southern) side of Abbey Street Lower. In addition, the wording presented shows no reference to the architectural significance of the protected structure, therefore it is recommended that this element of the proposal be refused, and the applicant asked to remove the aluminium wall plaque.

7.6. **Silver Penny – double sided Projecting Sign**

- 7.6.1. The third element for which retention is sought is the double-sided illuminated projecting sign to the front elevation of 12c Abbey Street Lower, immediately above fascia level. On site visit it was noted that the sign is located on the eastern end of the front façade of 12c and not the western end as denoted in the submitted drawings. No.12c Abbey Street Lower was originally a Baptist chapel, built in 1839 and modified in 1891. Although not a protected structure it is recorded as having a regional rating on the NIAH (Ref. No. 50010287).
- 7.6.2. I note the Conservation Officer's concerns regarding the sign, and she states that such an illuminated projecting sign would have a detrimental impact on the architectural character of the Protected Structure. The applicant states that the Silver Penny refers to the historic use of 12b Abbey Street Lower as a bank and that appropriate materials were chosen to blend with the building while also providing enough information about the pub/restaurant within. When viewed from the street the applicant believes that the sign is extremely modest.
- 7.6.3. The imprint on the projected sign is a representation of the Hiberno-Norse Silver Penny, therefore it would appear that the applicant wishes to make the link between the projecting sign and the Aluminium Wall Plaque assessed under Section 7.5 above. The wall plaque refers to the history of Irish coinage and links the Scandinavian King of Dublin, Sihtric II to this initial silver penny coin. As the wall plaque has been determined inappropriate at its current location, I would consider reference to a Hiberno-Norse artefact projecting from the front of the building also

inappropriate. However aside from what the projected sign represents, the presence of the sign within such close proximity to a protected structure and on an NIAH regionally rated building is also considered inappropriate.

7.6.4. Section 12.6.3 of the Architectural Heritage Protection Guidelines states “*Standard corporate frontages are rarely appropriate to historic buildings or streetscapes.... large, illuminated fascia or projecting signs can potentially damage the character of a historic building or street and proposals to install these should be carefully scrutinised.*” The premises is located on one of the main thoroughfares in Dublin city centre, with the Luas red line running along to the street to the front of both buildings. The street is sufficiently wide at 10m and no major obstructions to the premises from a visual perspective are noted to the east or west, therefore the projecting sign is not required to advertise the location of this premises along this busy street.

7.6.5. Following consideration of the above I do not consider that this projecting signage is justified at the current location and given the historical status of both buildings its removal is recommended.

7.7. Principle of Reversibility

7.7.1. In addition to the assessment of the individual elements outlined above, I note the emphasis that the applicant places on the principle of reversibility, stating that all elements proposed can be removed at such time as it is no longer required so that the building can be returned to its previous state. I would draw the Board’s attention to Section 7.12.3 of the Guidelines which states ‘*The reversibility of proposals is an important conservation principle but should not be used to justify inappropriate interventions*’. Therefore, while this may be a consideration in certain circumstances, in the current case it is considered that the three elements separately and cumulatively would result in a significant negative impact on the overall special character of the protected structure.

7.7.2. In order to address the possible damage that the three signs in situ may have had on the historic fabric of both buildings, I note that condition no. 5 has been attached to the original permission. This condition requires the applicant to employ a conservation expert with proven and appropriate expertise to provide a specification and conservation methodology for the making good of all new holes that have been made to the historic stonework as a result of incorporating signage.

7.8. **Appropriate Assessment**

- 7.8.1. Having regard to the limited nature and scale of the development for which retention is sought, within a serviced urban area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed 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**

- 8.1. Following consideration of each element of the proposal, it is recommended that a **split decision** be issued.

9.0 **Reasons and Considerations**

- 9.1. Permission is **granted** for the retention of the following elements only, in accordance with the conditions attached:

1. The addition of 'The Silver Penny' as the name of the establishment above the main entrance door to the front elevation of 12b Abbey Street Lower.
2. The addition of 'Wetherspoon' as the proprietor name above the main entrance door to the front elevation of 12c Abbey Street Lower.

Having regard to the nature and scale of the development whose retention is proposed, it is considered that, subject to compliance with the conditions set out below, the development would be acceptable and would not seriously injure the character of the protected structure on site or interfere with the visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 05th day of

June 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. This permission excludes the following elements of the proposal:
 - a) The addition of 1 no. amenity board to the front elevation of 12b Abbey Street Lower, to the left side of the main entrance;
 - b) The addition of 1no. aluminium wall plaque to the right side of main entrance within portico of 12b Abbey Street Lower;
 - c) The addition of 1no. projecting sign to the front elevation of 12c Abbey Street Lower immediately above fascia level.

Reason: For the avoidance of doubt as to the elements granted permission.

3. (a) 'The Silver Penny' lettering above the main entrance door to the front elevation of 12b Abbey Street Lower shall measure no more than 300mm in height and the 'Wetherspoons' lettering above the main entrance door to the front elevation of 12c Abbey Street Lower shall measure no more than 250mm in height.
 - (b) Both 'The Silver Penny' lettering and 'Wetherspoons' lettering shall be lit with warmer LEDs and not 12V cool white LED bulbs.
 - (c) The warmer LED lighting to light the proposed signage shall also be used in the lamps along the front elevation.

Reason: In the interests of orderly development, to safeguard the special architectural interest of the protected structure and to ensure that the integrity of this protected structure is maintained.

4. (a) A conservation expert shall be employed to provide a specification and conservation methodology for the making good of all new holes that have been made to the historic stonework/front facades as a result of incorporating signage and to manage, monitor and implement the works on the site. In this

regard, all permitted works shall cause minimum interference to the retained building and facades structure and/or fabric.

(b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(c) All existing original features, including exterior fittings/features, joinery, plasterwork and handrailing, shall be protected during the course of works.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. The site development works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the

adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

8. No exterior signage shall be erected or displayed on the site without a separate grant of planning permission whether or not it would otherwise be exempted development.

Reason: To protect the character of the area and that of the buildings on the site.

9. The developer shall comply with the following requirements of Transport Infrastructure Ireland:

- a) Prior to commencement of development the developer shall enter into an access and maintenance agreement with the TII to ensure that no aspect of the proposed development unreasonably interferes with or delays works and operational requirements of TII in respect of the operation of the Luas Red line.

- b) The developer shall comply with the TII's code of engineering practice for works on, near or adjacent the Luas light rail system.

- c) The applicant, developer or contractor shall apply for a works permit from the Luas operator required under the Light Railway (Regulation of Works) Bye-Laws 2004 (S.I. number 101 of 2004).

Reason: In the interests of public safety and the operation of the LUAS Tram System.

9.2. Retention Permission is **refused** for the following for the reason attached:

- The addition of 1 no. amenity board to the front elevation of 12b Abbey Street Lower, to the left side of the main entrance;
- The addition of 1no. aluminium wall plaque to the right side of main entrance within portico of 12b Abbey Street Lower;
- The addition of 1no. projecting sign to the front elevation of 12c Abbey Street Lower immediately above fascia level.

1. Having regard to the protected structure status of no.12b Abbey Street Lower and both structures' regional rating of importance under the NIAH, it is considered that the proposed works by virtue of their nature, visual impact and level of intervention, would materially and adversely affect the character and setting of the protected structure and be contrary to Section 11.1.5.1 and policies CHC1 and CHC2 (a)(b) and (d) of the Dublin City Development Plan 2016-2022 and Sections 12.1.2 and 12.6.3 of the Architectural Heritage Protection Guidelines 2004 (republished 2011) and therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

Máire Daly
Planning Inspector

03rd November 2020