



An
Bord
Pleanála

Inspector's Report

ABP-308339-20

Development	Installation of 1 internally lit (neon) projecting box sign to the front elevation.
Location	1, Fairview Strand, Fairview, Dublin 3
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB1446/20
Applicant(s)	Grafton Barber Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party V. Refusal
Appellant	Grafton Barber Ltd.
Observer	None
Date of Site Inspection	15 th January 2021
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The site is at a strategic location, at the junction with Fairview Strand and Annesley Bridge Road, approximately 2.5km north east of the city centre and close to Fairview Park. The site is situated in the middle of a commercial street which provides services to the local area.
- 1.2. The subject site which has a stated area of 73.2sq.m comprises a narrow two-storey building, which juts out beyond the existing building line along the street by approximately 2.5m on the eastern side and 3m on the western side. The existing use of the ground floor on site is a barber shop. The front and eastern side facades of the building are clad in blue tiling and the sign which is the subject of the current appeal projects out from the western margin of the front elevation. The sign which reads 'The Grafton Barber' was unlit at the time of site visit but contains visible internal neon lights surrounded by a black box casing. An existing permitted barbers pole projects beyond the front elevation on the eastern side and individually mounted lettering is situated on the front elevation on the western half of the front façade. An existing billboard advertising a snooker club is mounted on the side (western) elevation of the subject building.
- 1.3. To the immediate east of the site is a vacant two storey gable ended property and to the immediate west is a bookmakers. The other commercial uses in the vicinity include an estate agent, café, restaurant, financial services, hardware store, charity shop and other uses.

2.0 Proposed Development

- 2.1. The proposed development is to comprise:
 - The installation of 1 no. internally lit (neon) projecting box sign to the front elevation of the barber shop.
 - The proposed sign will project 1.36m (inclusive of mounting brackets) from the front wall of the building, at a height of 2.67m above ground level. The sign is to be double sided, with each side 1.36m long, 250mm wide and 500mm high.

The Board should note that at the time of site visit and as shown in the photographs submitted with this report, the projected sign (with dimensions and description as detailed above) was in fact in place, though unlit.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

1. Having regard to the Dublin City Council's Shopfront Design Guide 2001, it is considered that the internally lit (neon) projecting box sign to the front elevation adds to the visual clutter on the street, would seriously injure the visual amenities of the area and is contrary to the provisions of the Dublin City Development Plan 2016-2022, including Appendix Section 19.3, and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The recommendation to refuse permission in the Area Planner's Report reflects the decision of the Planning Authority. The main points are outlined as follows:

- The area planner notes that the subject site was the focus of a recent application under P.A. Ref. 2232/19 which included for the retention of the same internally lit neon projecting box sign. The planning department issued a split decision which included a refusal for this element of the development.
- The area planner did not consider that circumstances on the site had changed and that the previous reason for refusal still stood.
- Taking all other signage into account, the area planner considers that the subject signage only contributes to further clutter the streetscape and is contrary to Appendix Section 19.3 of the current development plan.

3.2.2. Other Technical Reports

- Drainage Division – DCC – Report dated 07th August 2020 - no objection subject to conditions.
- Transportation Planning Division – no response received.

3.3. Prescribed Bodies

- Irish Water – no response received.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. On site:

- P.A. Ref. 2232/19 – 2019 – Split decision issued by DCC as follows:

Retention permission granted by DCC for (1) the tiled shopfront to the front and side at ground floor level; (2) the individually lettered brass sign (Sign A); (3) the barbers pole (Sign C) to the front of 1 Fairview Strand, Dublin 3.

Retention permission refused by DCC for the internally lit neon projecting box sign (Sign B). The reason for refusal stated was as follows:

1) Having regard to the Dublin City Council's Shopfront Design Guide 2001, it is considered that the internally lit neon projecting box sign (Sign B) adds to the visual clutter on the street, would seriously injure the visual amenities of the area and is contrary to the provisions of the Dublin City Development Plan 2016-2022, including Appendix Section 19.3, and the proper planning and sustainable development of the area.

4.2. Adjoining site to immediate east:

- ABP Ref. 305879-19 – 2020 – Permission refused for development works and change of use to provide short-stay tourist accommodation. The refusal reason stated that the development would be out of character with the area,

would result in increased overlooking of the adjacent properties and would provide a substandard level of residential amenities for future occupants.

4.3. Other relevant applications in the vicinity:

- ABP Ref. PL29N.246939 – 2016 – Permission granted by the Board for fascia amendments to Smyth's Pub, 12 Fairview Avenue Lower for the elevation fronting onto Fairview Strand and neon lighting and signage inside windows on western side and external on side elevation. The Board attached condition no. 2 (b) which omitted the projecting signage from the development as follows:

(b) the projecting signage to the south facing and west facing elevations shall be omitted.

Reason: In the interest of visual and residential amenity.

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative development plan is the Dublin City Council Development Plan 2016-2022. The site is located in an area zoned Z4 with the following objective; 'To provide for and improve mixed-use facilities'. The site is within an area zoned Z4 District Centre and a long length of the frontage onto Fairview is so designated. Part of the commercial strip to the west of the site is zoned Neighbourhood Centre.

5.1.2. **Policy RD15:** Requires a high quality of design and finish for new and replacement shopfronts, signage and advertising. It also states that Dublin City Council will actively promote the principles of good shopfront design as set out in Dublin City Council's Shopfront Design Guidelines. (www.dublincity.ie) (see also 16.24.2)

5.1.3. **Section 16.24.2 Shopfronts** which states that shopfront signage should:

- Be located at fascia level.
- In the case of shop blinds, comprise traditional retractable canvas awnings.

5.1.4. **Section 16.24.3 'Signs of Shopfronts and Other Business Premises'** states the following relevant points:

- The signage relating to any commercial ground floor use should be contained within the fascia board of the shopfront. The lettering employed should be either on the fascia or consist of individually mounted solid letters mounted on the fascia. The size of the lettering used should be in proportion to the depth of the fascia board;
- Corporate signs will only be permitted where they are compatible with the character of the building, its materials and colour scheme and those of adjoining buildings;
- Proposals for shopfront signage shall have regard to the contents of the Retail Design Manual, 2012 and the Dublin City Council's Shopfront Design Guide, 2001.
- All proposals for shopfronts shall have regard to the guidelines for illuminated signs as set out in the Appendices in this plan.

5.1.5. **Appendix 19 – Outdoor Advertising Strategy**

Section 19.3 Illuminated Signs

The following guidelines are relevant in the current case and apply, in conjunction with the provisions of the general outdoor advertising strategy and with regard to the zones of sensitivity:

- *The type of illuminated signs, internally or externally illuminated, individual letters, and neon tubes should be determined by consideration of the design of the building and its location, as well as the potential for low-energy options.*
- *The design of an illuminated sign should be sympathetic to the building on which it is to be displayed and should not obscure architectural features such as cornices or window openings in the area; on new buildings they should be part of the integral design.*
- *The daytime appearance when unlit will be considered.*
- *The number of illuminated signs in the vicinity of the site will be taken into consideration when assessing proposals.*

5.1.6. **Shopfront Design Guide (2001)**

The Shopfront Design Guide (2001) sets out design considerations in relation to the

development of shopfronts and signage.

- Page 23 Signage
- Page 23 Fascia Signs
- Page 25 Projecting Signs

5.2. **Natural Heritage Designations**

None relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The planner's report offers no contribution as to how the application was assessed. The applicant argues that the area planner made a decision based on a subjective visual interpretation on site. No particular component, phrase or statement is shown as being directly in conflict with the Sections in the Development Plan, the Appendices for same nor the Shopfront Design Guide.
- The planning officer could not have seen the signage in its intended illuminated use as the sign is currently disconnected (on advice from the enforcement section of DCC), therefore the planning officer could not have made a reasonable judgement on the signage in place.
- The applicant has submitted photographs for consideration of the sign in an illuminated state, as well as photographs of the façade of the shop with the signage digitally removed.
- The area planner's reference to 'existing issues with inappropriate signage in terms of scale and type' in the vicinity are not applicable to the applicant's premises.
- The applicant refers to a previous application for Brew House Pub P.A. Ref. 2519/16 which is located 200m northeast of the subject site (ABP. Ref. PL29N.246939) and argues that by virtue of visiting the current site, the area planner having seen the sign in place made a declaration on suitability based on a completely subjective visual interpretation.

- The applicant examines the signage’s compliance with relevant legislation. (The Board should note that this in fact refers to the relevant sections and policies of the Development Plan under which the current proposal was assessed and not legislation).
- The following are examined in detail:
 - Section 16.24.2 Shopfronts. The applicant examines both the existing permitted shopfront under this section, as well as the projecting sign and believes that all is in compliance with the stated relevant policy provisions.
 - Dublin City Council’s Shopfront Design Guide, 2001 – with regard to fascia signs the applicant argues that the inclusion of the word ‘generally’ in the following sentence ‘*Box signs, particularly where they are internally illuminated, are generally unacceptable*’ allows for some flexibility in levels of acceptability and that this has not been taken into account in the area planner’s assessment.
 - In addition to the above, the applicant argues that the existing projecting sign compliments the overall design language of the shopfront and they believe that the clause ‘*avoid clutter in the streetscape*’ applies more appropriately to streets such as Capel, Grafton and Moore Streets which are confined on both sides by 3 or more storied buildings. The current building is sited on one of the widest junctions in Dublin and so visual compaction associated with the scenario presented in the Shopfront Guide is not possible. They also state that it cannot be reasonably argued that the projected sign contributes to ‘clutter in the streetscape’ as outlined under Appendix 1 – shopfront design.
 - The sign is in full compliance with Appendix 19 – Outdoor Advertising Strategy.
- The applicant believes the manner in which the planning application was adjudicated was unreasonable and subjective.

6.2. **Planning Authority Response**

- None

6.3. **Observations**

- None

7.0 **Assessment**

7.1.1. The Board should note that the internally lit (neon) projecting box sign is in fact in place on site and was also subject to assessment by the planning authority under a previous application on site (P.A. 2232/19). This element of the previous retention permission on site was refused by the planning authority, who stated that the signage box adds to the visual clutter on the street and would seriously injure the visual amenities of the area and is contrary to the provisions of the Dublin City Development Plan 2016-2022, including Appendix 19, Section 19.3.

7.2. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Visual Amenity
- Other Matters
- Appropriate Assessment

7.3. **Visual Amenity**

7.3.1. In their appeal submission, the applicant outlines how in their opinion the proposal complies with the relevant sections of the development plan and other guidance. The applicant discusses compliance with Section 16.24 of the development plan in a more general sense, examining the existing shopfront, which in my opinion has already been assessed and determined as suitable under the previous grant of permission on site (P.A. Ref. 2232/19). The current application relates solely to the projecting box sign on site, and though consideration of the overall shopfront needs to be taken into account, the assessment of impacts on visual amenity should be concentrated on the subject element. Section 16.24.3 'Signs of Shopfronts and Other

Business Premises' is more applicable to the assessment in this case, as the development relates specifically to signage. This section in particular states that corporate signs will only be permitted where they are compatible with the character of the building. In my opinion the excessive length of this projecting sign is not compatible with such a narrow building.

- 7.3.2. The signage currently projects 1.357m from the front wall of the barber shop building and extends the full width of the footpath to the south, as demonstrated on the submitted section drawings. This level of projection was noticeable on site visit. Section 19.3 of Appendix 19 of the development plan provides guidance in relation to 'illuminated signs' and states that the design of an illuminated sign should be sympathetic to the building on which it is to be displayed, the current building is narrow, at 4.9m in width and the visual impact of this projecting signage on its front façade is, in my opinion, extremely prominent, disproportionate and not sympathetic in nature.
- 7.3.3. In addition, the fact that the building on the subject site projects out beyond the existing building line on the street by an additional 2.4m on the eastern side and 3.04m on the western side, only adds to the prominence of the signage, which projects a further 1.2m to the south beyond the front of the building.
- 7.3.4. The area planner in their assessment of the proposal refer to the Council's Shopfront Design Guide 2001, which is supported under Policy RD15 of the development plan. They also reiterate the previous refusal reason given under P.A. Ref 2232/19 in relation to the signage on site, and state this reason still stands. I note that the circumstances on site have not changed and the same projecting box sign is still proposed for retention. The applicant argues that the location of the signage, on a building, on one of the widest junctions in Dublin, in fact reduces any impact that the projecting sign may have on the area. They also contest that the visual compaction which may be present on narrower streets with taller surrounding buildings, is not present in the current scenario. The Shopfront Design Guide, in my opinion, is clear in its guidance on 'projecting signs', stating that in general they will not be permitted in order to avoid clutter in the streetscape. The Guide also states that in exceptional cases, projecting signs will be considered, if a premises is deemed to be 'out-of-the-way'. The current premises is located on a wide thoroughfare in Fairview, with the road width of Fairview Strand measuring 10m. The front façade of the building is in

fact unimpeded by opposing buildings on the southern side, as the building looks onto the open junction of Fairview Strand and Annesley Bridge Road to the south. The significant width of the street is in fact emphasised by the applicant in the appeal submission, as stated above. In addition to the noteworthy width of the street, no major obstructions to the premises from a visual perspective are noted to the east or west. This is again assisted by the fact that the building actually projects southwardly beyond the existing building line of the street. Therefore, taking all the aforementioned into account, it is my view that such an extensive projecting box sign is not required to advertise the location of this premises along this busy street. I would therefore conclude that this case is not exceptional and therefore would not merit any exemption from the normal principles listed in the Shopfront Design Guide or Policy RD15 of the development plan which supports the principles of good shop front design.

7.4. Other Matters

Development in the Vicinity

- 7.4.1. In their appeal submission, the applicant draws comparison between ABP. Ref. PL29N.246939 and the current proposal. This previous application related to works on an existing public house, located approximately 90m northeast of the appeal site, facing onto Fairview (R105 Regional Road). The application in that case included for proposed works to two existing projecting sign boards, which were already in place on both the front (south) and side (west) elevations, and proposals for externally lit neon signage, as well as an internally illuminated box sign. The Board in that case granted permission for the neon signage on the side (western) elevation but required the omission of the projecting signage from the front (southern) elevation and side (western) elevation. Therefore, I believe in that instance a clear direction with regard the removal of projecting signs in the area was given by the Board, who stated they were in agreement with the planning authority, who also had reservations with regard to those projecting signs.

Existing Signage on Subject Site

- 7.4.2. I note as part of the recently permitted development on the subject site (P.A. Ref. 2232/19) that a projecting barber's pole was approved in conjunction with the changes to the shop front and the mounted shop front signage/lettering. This

barber's pole projects 400mm from the front elevation of the subject shop and is clearly visible when approaching the premises from an easterly direction, as observed on site. The protecting pole is only partly visible when approaching from the west, as the current sign, the subject of this appeal, obstructs its view. The appeal submission provides no justification as to the need for the additional projecting illuminated box sign from a commercial or advertisement standpoint. In my opinion, I would consider the presence the existing protecting barber's pole sufficient signage from a lateral perspective to advertise the use on site and a more appropriate form of signage conducive to the use on site. The need for the additional projecting illuminated box sign is therefore in my view not warranted and I believe in its current state it adds unjustifiably to the visual clutter on the street, which is contrary to the provisions of the Shopfront Design Guide.

7.5. Appropriate Assessment

Having regard to the nature and scale of the proposed development 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. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. Having regard to the nature and scale of the signage and the provisions of the Dublin City Development Plan 2016-2022, it is considered the internally lit projecting box sign, by reason of its excessive length and projection span relative to surrounding buildings and building lines would be out of character with the pattern of development in the vicinity and result in a visually incongruous feature along the streetscape. The proposed development is considered to be contrary to Policy RD15 and Section 16.24.3 of the

Development Plan, which both promote the principles of good signage in relation to shopfront design as set out in detail in the Council's Shopfront Design Guidelines, 2001. The signage by virtue of its location and projecting design would therefore result in a negative visual impact and add unnecessarily to the visual clutter on the street and would, therefore, be contrary to the proper planning and sustainable development of the area.

Máire Daly
Planning Inspector

19th January 2021