



An
Bord
Pleanála

Inspector's Report ABP-310500-21

Development	Install 2 no. antennas within a shrouded enclosure and a single dish together with associated equipment and site works at roof level.
Location	Garland House, 28-30 Rathmines Park, Dublin 6
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2444/21
Applicant(s)	Signal Infrastructure Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant	Signal Infrastructure Ltd
Observer	Tara Horan and others
Date of Site Inspection	30 October 2021
Inspector	Mairead Kenny

1.0 Site Location and Description

- 1.1. The site of the proposed development is in an inner suburban location in Dublin city. The location is very secluded and is a residential enclave between Rathmines Road Upper and Rathgar Avenue. To the north of the site is Rathmines Park and the northern façade of the former church building on site terminates the view along this road. The rear of the site is defined by the backland serving houses on York Road. To the east and west also are residential developments.
- 1.2. The building on site is in use as offices. The building is a former church which dates to the early twentieth century and is stated to be of concrete construction. The top of the building is marked by a small copper feature within which there are telecommunications antennae.
- 1.3. Photographs taken by me at the time of inspection are attached.

2.0 Proposed Development

- 2.1. The proposed development as described in the planning application comprises:
 - removal of existing telecommunications installation within the former belltower
 - replacement of this equipment with a new installation positioned on the gable of the roof
 - to comprise 2 no. 1.5m high antennae within a shrouded enclosure at the rear (south elevation) on a 3 m wall mount support pole
 - 1 no. 300mm diameter link dish to be mounted on a steel work frame and positioned at the front (north elevation).
- 2.2. The application documentation includes visual impact appraisal involving a description of landscape sensitivity and impact on viewpoints, a discussion of policy provisions and a technical justification report. The latter indicates that the site will provide mobile voice and data coverage for Dartry, Rathmines and Rathgar.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the reason summarised below:

- By virtue of its configuration, position on the rooftop and overall materials chosen to shroud the antenna the proposed development will be visually obtrusive and have a negative visual impact and would therefore contravene the zoning objective, to protect and/or improve the amenities of residential conservation areas and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report dated 17 May 2021 identifies relevant policy relating to residential conservation areas, policy CHC4 and other development plan policy including section 9.5.11, 16.33, 16.33.1.

The building and its setting within a residential conservation area is noted as is the commencement of the process of adding the building to the list of protected structures.

The plans show existing and proposed infrastructure including the proposed dish mounted on steel work to the front of the building, the existing dish, the proposed antennae within a 1100mm shroud to the rear of the building. There are concerns regarding the cumulative impact and extensive visual clutter. The submitted images clearly show that the proposed works would be visually incongruous and unsympathetic to the character of the building and the wider conservation area. Reference is made to VP3, VP4 and VP5.

The report is supported by the senior executive planner and senior planner.

3.2.2. Other Technical Reports

Conservation Officer – refusal recommended. The proposed development is described as constituting a visually obtrusive and dominant form of development causing serious injury to the special architectural character and legibility of the historic building and to the amenities and setting of the residential conservation areas of Rathmines Park, York Road and York Avenue. The proposed development would therefore contravene policy 11.1.5.4 CHC4(1), (4) and (5) and policy 16.33.1 of the development plan and set an undesirable precedent.

The report notes that the building has been surveyed by the NIAH and that a recommendation is due to issue. The building is not a protected structure. A submission received in the pre-draft development plan public consultation recommends that it be included in the record of protected structures.

The building was designed by the well-established architect and civil engineer Edwin Bradbury and is in pseudo-Lombardic style. It incorporates arts and crafts references which were fashionable at the time. This unusual 20th-century reinforced concrete church retains a range of high-quality detailing and contributes to the established residential neighbourhood. The church terminates views along Rathmines Park West and is a prominent focal feature.

The proposed placement of the antennae would detract from the presentation and visual amenity of this important 20th-century building and its environs. The submitted elevations refer. The structure is wholly unsuitable and will cause injury to the building that has been identified for addition to the record of protected structures.

Drainage Division – no objection.

3.3. Prescribed Bodies

No submissions.

3.4. Third Party Observations

3 no. written observations were submitted to the planning authority. One of these observations has been signed by a number of individual residents.

The issues raised relate to:

- Deficiencies in site notification.

- The antennae would detract from Garland House.
- The enormous cylindrical dish protruding from the side of the building would be in full view from the rear of houses on York Avenue and York Road and of similar height as the bell tower which would be totally overshadowed from an aesthetic point of view.
- No attempt to enclose the apparatus within the structure of the building.
- Contrary to national policy as the applicant is not co-locating.
- The infrastructure should be within the existing belltower.
- Proximity to a primary school and houses.
- Temporary permission should be considered.

4.0 **Planning History**

Under 2625/21 permission has been sought for the demolition of the existing building and construction of 40 no. apartments. On 14 June 2021 a decision to refuse permission for 5 no. reasons was issued. The first of these reasons relates to the fact that the existing building Garland House is considered to be of architectural, artistic, historic, social and technical interest and that it contributes to the built heritage of the city and local area and makes a positive contribution to the character and identity of the local area and is in sound condition. The loss of this building would be contrary to the development plan policies.

5.0 **Policy Context**

5.1. **Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities 1996 as updated by Circular Letter PL 07/12**

The national policy provisions outline the requirements of operators to ensure that a modern communications network can be facilitated. Guidance on suitable locations and mast design is incorporated. Clustering and sharing of facilities are encouraged. The Circular Letter advised against temporary permissions and imposing separation distances to residential dwellings.

5.2. **Dublin Development Plan 2016-2022**

The site is located in an area zoned Z2 Residential Conservation Area.

The subject building is not listed on the record of protected structures.

The plan recognises the importance of telecommunications infrastructure. Policy SI 29 is to encourage and facilitate such infrastructure in appropriate locations. SI30 references the national guidance. It also notes that the provision of such infrastructure can impact on residential amenity and visual amenity.

Section 16.33.1 notes that the location of antenna on rooftop locations in commercial areas may be acceptable, subject to visual amenity considerations. The location of antennae within or proximate to protected structures should be avoided.

5.3. **Appropriate Assessment**

It is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

5.4. **EIA Screening**

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment and based on a preliminary examination no requirement for EIA applies.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The main points in the grounds of the appeal are:

- It is now proposed to revise the submission as shown on drawings received with the appeal.
- The revised flagpole is considered to have a reduced visual impact.

- The development is stated to be in accordance with national guidance and to be acceptable in terms of visual sensitivities.

6.2. Responses

None.

6.3. Observations

6.4.1 The observer reiterates points made in the objection and considers that both the original and revised proposals would be visually obtrusive and have a negative impact on Garland House and the surrounding residential conservation area.

6.3.1. The proposed revised structure would be thinner but much taller and will be even more visible and intrusive.

6.4. Further Responses

None.

7.0 Assessment

7.1. I propose to consider the merits of this case under the following headings:

- compliance with national guidelines
- architectural heritage.

7.2. National guidelines

7.2.1. The provisions of the Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities published in 1996 and Department Circular Letter PL 07/12 of October 2012 refer. This guidance is referenced also in the development plan. I consider that a key policy document for the assessment of this case.

7.2.2. In balancing the requirements of operators, the Guidelines describe various locations where telecommunications infrastructure is not to be encouraged, including in sensitive areas and residential areas. It is stated in section 4.3 that in the vicinity of larger towns and in city suburbs operators should endeavour to locate in industrial

estates are in industrially zoned land. This is echoed in the development plan. It is further noted that the possibilities offered by some commercial or retail areas should be explored whether as rooftop locations or by way of locating 'disguised' masts. The use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure. The development plan references the use of rooftop locations in commercial areas.

- 7.2.3. Notwithstanding the location of the proposed infrastructure in the middle of a residential area, the subject site is commercial in nature and I am therefore satisfied that the proposed development adequately complies with the national guidelines in terms of the suitability of this location. The character of this inner suburban area is such that it is largely residential in terms of land-use and the proposed development involves utilising an existing relatively high building in preference to constructing an independent structure.
- 7.2.4. The technical justification report latter indicates that the site will provide mobile voice and data coverage for Dartry, Rathmines and Rathgar. It will address an existing coverage and capacity service blackspot for users. No existing base station options were identified that could improve the area coverage and each of the possibilities is described in section 3.2 of the submitted report. I consider that the technical justification report demonstrates the technical need for the proposed installation.
- 7.2.5. I consider that the subject site is generally suitable for the development proposed subject to further consideration below on the zoning and architectural character of the area.

7.3. **Architectural Heritage**

- 7.3.1. Section 16.33 of the development plan refers to the provision and siting of telecommunications antennae. The siting of such structure should preferably be on industrial estates or on lands which are zoned for industrial/employment uses but possible locations in commercial areas such as rooftop locations on tall buildings may also be acceptable subject to visual amenity considerations. There is further policy on the design of freestanding masts and other structures noting that they should be designed for the specific location. The location of antennae or support

structures within designated conservation areas or in proximity to protected structures should be avoided.

- 7.3.2. Since the decision of the planning authority there has been no change in the prevailing development plan policy and the subject building is not a protected structure. The Chief Executive's report on pre-draft development plan submissions notes that additions or deletions to the RPS will follow national methodology and take into account the recommendations of the Minister/NIAH and thereby prioritise 20th-century structures. The existing policy context therefore remains that Garland House is not a protected structure and is not included in a draft development plan.
- 7.3.3. The site is within a residential conservation area in which public service installations including telecommunications are listed as permissible uses. A permissible use is one which is generally acceptable in principle in the relevant zone but subject to normal planning consideration including the policies and objectives outlined in the plan. In this case I consider that the relevant policies relate primarily to the provision of telecommunication infrastructure in the absence of any further architectural heritage conservation pertaining. In this respect I consider that the erection of infrastructure on a commercial building at rooftop level may be considered acceptable under section 16.33.
- 7.3.4. I note that the relevant zoning objective extends across much of the inner suburbs of Dublin city. The designated zoning refers primarily to groupings of buildings and also to individual structures which would contribute to the character of the area. I consider that Garland House is of architectural merit and also by reason of it being an early concrete structure is of social/technical interest. I emphasise that the development plan requirement is to ensure that close examination is given to the impact of proposed structures to ensure that they do not attract from architectural heritage.
- 7.3.5. Relating to the original submission to the planning authority I note in the first instance that the 2 no. antennae which constitute the main element of the proposal are to be located to the rear of Garland House and are shrouded within a cylindrical structure which would be seen against the skyline from many directions. The location of this structure at roof ridge level to the rear of the building would result in it being visible primarily from a residential lane and the rear of dwellinghouses. I do not consider that the reason for refusal based on the visual impact from this location could be

sustained. Neither do I consider that the proposed antennae would significantly detract from the architectural heritage of the area, including the rear of this building.

7.3.6. At the front façade I consider that the erection of a light-coloured dish of 300mm would constitute a minor change in the appearance of the building. From inspection I noted that existing trees would impede views from a number of vantage points. I also formed the opinion that the viewers eye would be naturally drawn to the dominant door and door case feature at ground level of the former church and not to the elevated location at which the dish would be positioned. I do not consider that the erection of this small dish would significantly detract from the architectural character of the subject building. I also note that the proposed development would not result in removal of any of the arts and crafts decorative features and that the proposed development may be considered to be reversible.

7.3.7. The applicant's submission includes a revised proposal which was submitted with the appeal and which could be adopted by condition. Noting its more significant heights the observer states that this structure may not constitute an improvement. The observer has not expressed a strong preference for either option as both options are considered to be visually obtrusive. I consider that the revised proposal submitted with the appeal by reason of its slimline form has merits. However due to its increased height the structure would be more widely visible. On balance I consider that the original proposal might be considered to be more subservient to the building to which it is to be attached.

8.0 Recommendation

8.1. I recommend that permission be granted for the reasons and considerations and subject to the conditions below.

9.0 Reasons and Considerations

Having regard to:

- (a) The Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities, issued by the Department of the Environment and Local Government in July, 1996,

- (b) Circular Letter PL07/12, issued by the Department of the Environment, Community and Local Government on the 19th day of October, 2012,
- (c) the objectives of the current Dublin City Development Plan,
- (d) the nature, scale and location of the proposed telecommunication structure,
- (e) the submissions and observations received, and
- (f) the decision of the planning authority,

it is considered that the proposed development, subject to compliance with the conditions below, would be in accordance with national guidance and the development plan and that the proposed development would not seriously injure the visual or residential amenities of the area and would not seriously injure the architectural heritage of the area and would, therefore, 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, 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 antennae type and mounting configuration shall be in accordance with the details submitted with the planning application, and notwithstanding the provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate future assessment of any future alterations.

3. Details of the colour scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason : In the interest of the visual amenities of the area.

Mairead Kenny
Senior Planning Inspector

14 November 2021