



An
Bord
Pleanála

Inspector's Report ABP - 310581-21.

Development	Retention of high-level illuminators at front parapet level and back illumination of previously approved corporate nameplate at front entrance.
Location	4 Herbert Street, Dublin 4.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	2495/21
Applicant	Ciaran, Niall and Damian Tansey
Type of Application	Permission for Retention
Decision	Refuse Permission
Type of Appeal	First Party x Refusal
Appellant	Ciaran, Niall and Damian Tansey
Observer	Katie McGuinness and Felim Dunne
Date of Inspection	18th November, 2021
Inspector	Jane Dennehy

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Third Party Observations	4
4.0 Planning History.....	5
5.0 Policy Context.....	5
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Planning Authority Response	6
6.3. Observations	6
7.0 Assessment	8
8.0 Recommendation.....	10
10.0 Reasons and Considerations	10

1.0 Site Location and Description

- 1.1. The site is that of No 4 Herbert Street within the twenty fine Georgian townhouses on the southeast side of Herbert Street within the network of Georgian streets, crescents and squares in the south-central city. It is a mid-nineteenth century, four storey over basement, two bay Georgian townhouse with double pitched slated roof and brick finished façade behind its granite stone parapet. The door over which there is a fanlight and, entablature and ionic columns and there are timber sash windows, with balconettes at first floor level and to the front there are granite steps and cast-iron railings on a granite plinth.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for permission for Retention of (1) high-level illuminators at front parapet level and (2) back illumination of previously approved corporate nameplate at front entrance. The application does not include any proposals relating to external lighting at the rear of the building.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 24th May, 2021, the planning authority decided to refuse permission based on the following two reasons: -

1. *“The proposed retention of façade luminaires to the buildings would cause serious injury to the special architectural character of the Protected Structure and its wider setting and would have a detrimental impact on the visual amenities of the streetscape. The proposed retention would set an undesirable precedent for similar such development and would therefore be contrary to the provisions of Paragraph 11.1.5.3 and Policy CHC2 of the current City Development Plan and to the proper planning and sustainable development of the area.”*

2. *“No. 4 Herbert Street is a Protected Structure, within a Conservation Area and the signage by reason of its design and materials would be injurious to the character and amenities of this sensitive streetscape and would be contrary to the implementation of good signage design as provided for within the Shopfront Design Guide 2001 and the Dublin City Development Plan 2016-2022. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

- 3.2.1. The report of the **Conservation Officer** indicates a recommendation for refusal of permission for retention because the proposed lighting is incongruous and unsympathetic to the special character of the house, and the wider setting on Herbert Street, would set undesirable precedent for similar development and would be contrary to section 11.1.5.3 and Policy Objective CHC2 of the CDP. It is stated the lighting of facades should be confined to public buildings only.
- 3.2.2. In the report of the **Planning Officer** the prior application and the role of No 4 Herbert Street as integral to the uniformity of the important terraced houses on Herbert Street is noted. It is stated that to display an individual building as a prominent standalone building in the terrace is inappropriate. It indicates a recommendation for refusal of permission for retention based on the two reasons attached to the decision to refuse permission, having regard to the observations and recommendations of the Conservation Officer and, on grounds that the proposed development is contrary to the ‘Z8’ zoning objective.

3.3. Third Party Observations

- 3.3.1. The submitted observations indicate concerns and objection to: -
- The proposed sign as being inappropriate to the context and historic character of the house and streetscape.
 - The proposed external lighting as being out of character with the application site property and the adjoining properties and historic architectural context of the street and as to potential undesirable precedent for external lighting on Herbert Street properties.

- The external lighting to the rear of the property and its impact on the surrounding context, including light pollution/glare and adverse visual impacts.

4.0 Planning History

- 4.1.1. **P. A. Reg. Ref. 3208/19:** - Permission was granted for demolition of a modern single storey flat roof extension to the rear of existing return at ground floor garden level, essential internal and external repairs and maintenance work, minor material alterations and new refurbishment works to provide for an office building.
- 4.1.2. According to the planning officer's report there are two enforcement files, one of which relates to the lighting to the front façade proposed for retention in the current application and the other relates to an advertising banner that was erected on the front façade. (Case Nos 0780/20 and 0246/20 refer.)

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2021 (CDP) according to which:

No 4 Herbert Street comes within an area subject to the zoning objective Z8: *to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with conservation objective.*

The mews properties along Herbert Lane to the rear are within an area subject to the zoning objective Z1: *to protect, provide and improve residential amenities.*

No 4 Herbert Street is included on the record of protected structures

Under Policy Objective CHC2 it is the objective of the planning authority to ensure the protection of the special interest of protected structures, the curtilage and the features within it.

Herbert Street is a designated 'conservation area' (s 11.1.5.4 refers.)

Under Policy Objective CHC4 it is the objective of the planning authority to ensure the protection of the special interest and character of conservation areas.

The site location also comes within the area of the South Dublin Georgian Core in respect of which Dublin City Council published, “*The Future of the South Georgian Core*” in 2013.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was lodged by Brazil Associates on behalf of the applicant on, 21st June, 2021. Attached is a copy of a conservation assessment report which was submitted with the prior application, photographs and some specification details for linear LED lighting. The submission includes details of the purchase of the property by the applicant in 2018 and of the works carried out on foot of the prior grant of permission and subsequent occupation, as corporate offices of the applicant’s solicitors’ firm. According to the appeal: -

- The new corporate nameplate is similar in size to a previous oval shaped name plate. A photograph is available on Page 8 of the Conservation Assessment report included with the appeal. This sign was 800 mm in width and was a stone plaque displaying the name. “Alton House”. The proposed sign is similar in width, is 333 mm high and is in the corporate colours of the applicant’s firm and it is discreetly backlit.
- The high-level illuminators shine downwards on the front façade.

6.2. Planning Authority Response

There is no submission from the planning authority on file.

6.3. Observations

A submission was lodged by Katy McGuinness and Felim Dunne of No 6 Herbert Street on 16th July, 2021 according to which: -

- Herbert Street has significance as a protected streetscape in which No 4 Herbert Street is a part so to highlight an individual property with floodlighting and signage is inappropriate and unacceptable and it would compound the effects of poor-quality unauthorised repointing of the front façade was carried out at the property.
- There are no details or specification as to how the lighting is fixed to the granite parapet stones.
- There is no precedent flood lighting at properties on Herbert Street The photographs provided of properties on Merrion Square and Fitzwilliam Square (in daylight) to support claim as to precedents at other properties are not comparable for purpose of taking precedent.
- There are no examples of similar oversized signage in material, colour and illumination in the street. Metal or stone non ostentatious plates are characteristic for the streetscape. The sign detracts from the character of the house and the coherence of Herbert Street. A much larger sign displayed at the reception area inside the building is visible through the window.
- At the rear of the property, floodlighting of an inferior return, to which no reference is made in the application description, competes with and damages the excellent night-time view of the flood lit Pepper Cannister Church from Herbert Street and Herbert Place including the vies from the back gardens.
- No design rational has been provided for the illumination of the signage or for the floodlight. In design strategy numerous factors are to be considered including assessment after dark from specified viewpoints. Reference is made to several technical guidance publications.
- There is clear guidance in Architectural Heritage Protection-Guidelines for Planning Authorities on settings of protected structure and their settings within streetscape and Architectural Conservation Areas. The signage and lighting proposals are fully against the recommendations in these guidelines and the policies set out in the CDP.
- The proposed floodlighting also is light pollution.

7.0 Assessment

- 7.1. There are two elements, the external lighting attached to the parapet stones and the backlit sign on the front façade for which permission for retention is sought in the current application which was lodged with the planning authority following enforcement proceedings.
- 7.2. According to the description in the statutory notices, the corporate name sign has been approved previously under P.A. 3208/19 and the current proposal is for permission for the retention of the backlighting of this sign. A review of the description of the proposal, which is included in the report of the planning officer under the heading, "Site Planning History" does not include this sign. The current application drawings show an outline of the sign highlighted in blue. It is noted that the planning authority has assessed and provided a reason relating to the sign itself and the appeal grounds and issues raised by third parties at both stages are in relation to the sign. There is therefore an inconsistency between the details on the notices and the application. In the Observer submission there are objections to external lighting at the rear of the building. However, it is noted that a proposal for retention of this lighting is not included in the statutory notices for the application or the appeal and it would be a matter for the planning authority's enforcement section and outside the scope of consideration in respect of the current appeal.
- 7.3. No 4 Herbert Street is north-eastern end of Herbert Street close to Mount Street Crescent and St Stephen's Church (Pepper Cannister). It is within twenty very fine Georgian townhouses along the south-eastern side of Herbert Street within the network of Georgian streets and squares in the southcentral city. These houses are included on the record of protected structures and the area has Conservation Area designation. It is agreed with both the conservation officer and planning officer that the illumination of the front façade by the high level illuminators which are fitted to the granite parapet stones is unacceptable in that the illuminate one house within the streetscape is contrary to the integrity and continuity of the streetscape and the Georgian townhouses along the south eastern side of Herbert Street.
- 7.4. The house is in use as the offices of a solicitors' practice, and it is understood that it and the other buildings are in residential or office use. As such it is considered that there is no case for external illumination of an individual house in the

streetscape. In terms of utility and public amenity and convenience, there is no necessity for any lighting of the façade in that public street lighting is more than adequate to serve such purposes. However, there is a strong case from the perspective of amenities, for public buildings such as historic churches, for example, the Pepper Cannister Church itself to be illuminated. Illumination of the façade of No 4 Herbert Street would have negative impact in this regard. It is also agreed with the conservation officer and plant officer that a grant of permission for retention of the illuminators would set precedent for similar external lighting of facades of individual houses on Herbert Street.

- 7.5. Similarly, the backlighting of the corporate name sign is unwarranted and negative in impact in views of the house within the streetscape views owing to its dominance in the streetscape and the strong and dominant bright colouring and poor-quality materials. It is asserted in the appeal that the dimensions are similar to a previous sign, but the planning status of that sign is unclear. (A photo is included in the appeal.) The backlighting for the sign increases visual dominance of the sign and is unwarranted on a street served by good quality public lighting. The precedent that retention of the sign and back lighting would set would be undesirable in terms of impact on the visual amenities and uniformity of the Georgian streetscape of twenty town houses on Herbert Street.

7.6. Environmental Impact Assessment.

- 7.6.1. Having regard to the minor nature of the proposed development and its location in a serviced inner urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.7. Appropriate Assessment.

- 7.7.1. Having regard to the scale and nature of the proposed development and to the serviced inner urban location, no Appropriate Assessment issues arise. The proposed development would not 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. In view of the foregoing, it is recommended that the planning authority decision to refuse permission be upheld, based on the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the Dublin City Development Plan, 2016-2022 according to which the location of No 4 Herbert Street is within the group of twenty Georgian townhouses along the south eastern side Herbert Street, which are included on the record of protected structures and, the location within a designated conservation area within the Georgian Conservation Area, it is considered that external lighting of the façade of an individual building and the backlit sign due its dominant colours and poor quality materials would visually obtrusive interfere with the integrity, architectural character sensitive setting of the buildings as a group in the streetscape. As a result, the proposed development would be contrary to PolicyCHC2 and section 11.1.5.3 of the Dublin City Development Plan, 2016-2022 The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Jane Dennehy

Senior Planning Inspector

12th December, 2021.