



An
Bord
Pleanála

Inspector's Report ABP-311564-21.

Development	Installation of an externally mounted LED advertising display to the northern gable wall at first floor level.
Location	Prospect House, 2-3 Prospect Road, Glasnevin, Dublin.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB1756-21.
Applicant	Avitor Limited.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant	Avitor Limited.
Observer	None
Date of Site Inspection	6 th November 2021
Inspector	Philip Davis.

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1.0 Site Location and Description

The appeal site is located at Prospect Road, the northern extension of Phibsborough Road as it crosses the Royal Canal from Phibsborough into Glasnevin. The site is on a sliver of land with the canal to the south and the retained cutting for the Dublin Sligo rail line to the north. This sliver of land is occupied by a mid 20th Century furniture storeroom to the south, with three mid 19th century 2 storey 2-bay terraced dwellings (now amalgamated and in use for offices) on the north. Across the railway line cutting is the Brian Boru Public House (Hedigans), with the George Bernard Shaw Public House (formerly the Porterhouse) opposite. The appeal relates to the double gable on the northern side of the terrace.

2.0 Proposed Development

The proposed development is described on the site notice as for:

The installation of an externally mounted LED advertising display having a screen size of 6 m x 3m x 0.3 m deep to the northern gable wall of Prospect House, 2-3 Prospect Road, Glasnevin, Dublin 9 at first floor level and including all associated site works and services.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the reason that:

The proposed externally mounted LED advertising display screen on the northern gable wall of Prospect House is considered to be contrary to Policy CHC4 and Section 19.6 of the Dublin City Council Development Plan 2016-2022 as it would be visually obtrusive and a dominant form within a designated Conservation Area, and would have a negative impact on the visual amenity of the streetscape. The proposed development would have a detrimental impact on the visual amenity and character of the Conservation Area and would set an undesirable precedent for other similar type advertisements, and as such would seriously injure the visual amenity and

amenities of property in the vicinity, and is considered contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The overall policy context is outlined.
- It is considered that in a designated conservation area any proposed sign should have a positive impact on the local character. It is considered that a large advertising sign would be detrimental to the visual amenities of the area.
- Refusal recommended.

3.2.2. Other Technical Reports

Drainage: No objection subject to conditions.

Transportation: No objection subject to conditions and consultation with Iarnród Éireann.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland: No objection. S.49 Levy requested if permission granted.

3.4. **Third Party Observations**

None on file.

4.0 **Planning History**

None directly relating to the site on file.

5.0 Policy Context

5.1. Development Plan

The site is within an area zoned Z3 'to provide for and improve neighbourhood facilities' in the Dublin City Development Plan 2016-2022. The site is within a designated Conservation Area associated with the Royal Canal. In such areas, policy CHC4 states:

CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include: 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting 2. Re-instatement of missing architectural detail or other important features 3. Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns 4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area 5. The repair and retention of shop- and pub-fronts of architectural interest.

Section 19.6 of Appendix 19 of the Development Plan (Advertising Development Management Standards) states:

Applications for new advertising structures on private lands (adjacent to primary routes) will be considered having regard to the following:

The geographical zone in which the site is located, as set out in the figure showing zones of advertising control.

The rationale for the proposed advertising structure, including proposals for the removal and/or rationalisation of existing outdoor advertising structures.

The concentration of existing advertising structures in the area.

The design of the advertising panel and the use of high-quality materials.

The scale of the panel relative to the buildings, structures and streets in which the advertising panel is to be located.

Impact on the character of the street and the amenities of adjoining properties.

Advertising panels will not be permitted where they interfere with the safety of pedestrians, the accessibility of the public footpath or roadway, the safety and free flow of traffic or if they obscure road signs.

Impact on the character and integrity of Architectural Conservation Areas, Protected Structures and Conservation Areas.

Proposals must meet the safety requirements of the Transport Infrastructure Ireland (TII), where appropriate.

5.2. Natural Heritage Designations

There are no designated habitats in the vicinity of the appeal site. It is approximately 3km directly west of the closest Natura 2000 site, the South Dublin Bay and River Tolka Estuary SPA, site code 004024. It is within the catchment of the Liffey, which flows to the South Dublin Bay and River Tolka Estuary SPA and SAC, side codes 004024 and 000210.

6.0 The Appeal

6.1. Grounds of Appeal

- Amendments to the proposed signage are submitted with the appeal.
- Mitigation elements including reducing its area by 28%, a reduced width, and a visual assessment submitted on the impact on a conservation area.
- It is stated that the applicant would welcome a request under A.73 of the Regulations for any further amendments.
- It is emphasised that the location of the sign does not overlook or address the Royal Canal – it addresses the railway line.

- It is noted that in Zone 3 areas in the Plan (Appendix 19), radial routes into the city are considered suitable for advertising signage.
- It is noted that the type of signage proposed can be used for public service announcements.
- It is argued that the design and location is in accordance with guidance in national policy for National Roads (March 2011).
- It is noted that there were no third party objections.
- It is argued that there is no basis for considering the proposed development to be contrary to CHC4 and the planning report does not provide adequate reasoning.
- It is argued in some detail that the siting would not interfere with any conservation interests or designation and is consistent with other policy objectives and traffic safety considerations.

6.2. **Planning Authority Response**

The planning authority refers the Board to the planner's report on file. The reduction in the size proposed is noted, but it is considered that it would not contribute positively to the conservation area. The planning authority stands by the justification for its decision in the planning report.

6.3. **Observations**

None

7.0 **Assessment**

Having inspected the site and reviewed the file documents, I consider that the appeal can be addressed under the following headings:

- Principle of Development
- Visual Impacts
- Other planning Issues
- AA and EIAR

7.1. Principle of Development

The site is located on a prominent gateway to the city, just north of the Royal Canal and south of the Dublin to Sligo railway. The area is characterised by mostly late 19th and early 20th century buildings, with a generally somewhat incoherent townscape immediately around where the Phibsborough/Prospect Roads cross the railway and canal. The area is zoned Z3 (protection of neighbourhood amenities) and is within the Royal Canal Conservation Area. The site is a small terrace of what appear to be late 19th Century 2 storey 2 bay houses converted to offices, with the former front gardens used as carparking. They are next to a furniture showrooms, with a prominent and attractive pub (the Brian Boru) to the north, and another prominent public house (the Bernard Shaw) opposite. To the south of the canal is a mix of dereliction, with a large stone grain warehouse associated with the canal converted to apartments, along with a number of somewhat banal modern buildings. The area is considered to have particular character and distinctiveness due to the canal and associated structures, , but the overall townscape quality is quite mixed, with some dereliction, apparently random signage and street furniture and some poorly maintained buildings.

Relevant policy is set out in CHC4 for the Conservation Area, and Appendix 19 of the development plan with regard to signage. The overall policy context is to protect and enhance the character and appearance of the area, and it is implicit in this that there would be a stronger onus on an applicant seeking signage or advertising structures to demonstrate that it actively enhances the immediate area.

Section 19 sets out policy on illuminated signage on primary routes and sets out a number of criteria for assessing any such proposals, including the '*impact on the character of the street and the amenities of adjoining properties..... Impact on the character and integrity of....Conservation Areas.*'

I would generally conclude that there is a strong onus on an applicant for such advertising signs to demonstrate that it is appropriate in terms of safety and traffic considerations and there is a strong requirement to demonstrate that it would enhance areas designated for conservation.

7.2. Visual Impacts

The applicant has argued that the location of the sign, over the railway line and only visible from the north, and not from the immediate vicinity of the Royal Canal (including the walk/cycleway along the canal). This is true, but I do not consider it particularly relevant as the area is clearly part of the overall historical context of the Canal and structures associated with the canal, most notably the former grain warehouse on the south of the canal are visible in the background of the gable. With respect to the overall impact of signage, I note that there is a prominent public information display for drivers entering the city on the opposite side of the road. The applicant has offered to reduce the scale and visual impact of the sign. But in overall terms, I would conclude that there should be a strong presumption against such signage in this area, having regard to its importance as a gateway to the city, the importance of the canal and associated structures, and the existing somewhat chaotic visual collection of buildings and street furniture. I do not consider that any illuminated sign of any significant size is appropriate at this location. I therefore concur with the decision of the planning authority in this regard, and I recommend that the Board uphold the decision to refuse permission.

7.3. Other Planning Issues

I do not consider that there are any other planning issues raised in this appeal. I note that the site overlooks a railway so if the Board is minded to grant permission I would recommend a condition such that Iarnod Eireann be notified of any works over the line. I further note the letter by TII that any such development may be subject to a S.49 development contribution.

7.4. Appropriate Assessment and EIAR

There are no EU designated habitats in the vicinity of the site. It lies approximately 3km west of the closest Natura 2000 site, the South Dublin Bay and River Tolka Estuary SPA, site code 004024. It is within the catchment of the Liffey, which flows to the South Dublin Bay and River Tolka Estuary SPA and SAC, site codes 004024 and 000210. The site is fully served by the public sewer and water system, and so there are no pathways for pollution or any other possible direct or indirect impact on

the conservation interests of those designated sites. I therefore consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004024 or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required. Having regard to the small scale of the proposed development and the absence of any sensitive receptors, the development would not result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded and a screening determination is not required.

8.0 Recommendation

I recommend that the Board upholds the decision of the planning authority to refuse planning permission for generally the same reasons and considerations.

9.0 Reasons and Considerations

The proposed externally mounted LED advertising screen is in an area designated as part of the Royal Canal Conservation Area and is in a prominent location at a gateway to the city. It is considered that such an advertising screen, by way of its highly visible location on a gable wall in the vicinity of the Royal Canal would be visually intrusive and would be contrary to Policy CHC4 and Section 19.6 of the Dublin City Development Plan 2016-2022. The proposed development would, therefore, represent an undesirable precedent for other such developments and would be contrary to the proper planning and sustainable development of the area.

Philip Davis
Planning Inspector

8th November 2021