



An
Bord
Pleanála

Inspector's Report ABP-311580-21.

Development	Retention of 1 no. previously permitted sign.
Location	63/64 Lower Dorset Street.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3178/21.
Applicant	William Donnelly
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant	William Donnelly.
Observer(s)	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 the junction of Lower Dorset Street and Saint Ignatius Road, just south of the Royal Canal. The site is occupied by a 4 storey (with penthouse level) modern building with a mix of light stone cladding and pale brick. The ground floor is occupied by the 'D1 Casino', with apartments above. To the south is a late 19th Century former national school. The building is set back somewhat from the main street, following the building line of the adjoining school. Opposite St. Ignatius Road is a similarly scaled modern building clad in pale brick and copper.

2.0 Proposed Development

The proposed development is described as for

The retention of 1 no. previously permitted sign to the south west elevation of the existing building. The sign consists of individual letters mounted on the face of the building. The letters are encased in metal framework finished in stainless steel, with cream coloured Perspex centres all of it lit by LED low powered interval lighting.

3.0 Planning Authority Decision

3.1. Decision

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

The illuminated high level sign proposed to be retained is considered to be visually prominent and detracts from the visual and residential amenities of the area and is contrary to Section 16. 24.3 Signs of Shopfronts and Other Business Premises & Section 19.3 Illuminated Signs of the Dublin City Development Plan 2016-2022. The retention of the sign would set an undesirable precedent for similar developments in the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Notes the range of relevant policies.
- Notes that the application is a response to an enforcement warning letter.
- Concludes that the illuminated sign is not sympathetic to the building having regard to its location, and that it is adjacent to residential uses in the building.
- Refusal recommended for one reason.

3.2.2. Other Technical Reports

Drainage: No objection subject to conditions.

3.3. Prescribed Bodies

Transport Infrastructure Ireland: No observations, but requests a S.49 Levy if permission is granted.

3.4. Third Party Observations

None

4.0 Planning History

2145/13: Split decision on the erection of 3. No individual signs on the building. Notes that Condition 3 states that the permission (for the signage) shall be for 3 years only '*so that the effect of the development may be reviewed*'.

3599/02; 2069/05; 1266/06: Parent permission for the development and alterations.

E0495/12 and E0574/17: Enforcement files for unauthorised signage on the site relating to the casino.

5.0 Policy Context

5.1. Development Plan

The site is zoned Z4 (mixed use services) in the Dublin City Council Development Plan 2016-2022. Relevant policies include:

16.24.3 Signs of Shopfronts and Other Business Premises

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

Signage internal to the premises, including interior suspended advertising panels, which obscure views into the shop or business and create dead frontage onto the street shall not normally be permitted

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

Advertisements and signs relating to uses above ground floor level should generally be provided at the entrance to the upper floors, in a form and design which does not detract from or impinge upon the integrity of the ground floor shopfronts, or other elevational features of the building

Shopfronts sponsored by commercial brands will generally not be permitted

Proposals for shopfront signage shall have regard to the contents of the Retail Design Manual, 2012, Dublin City Council's Shopfront Design Guide, 2001 and the O'Connell Street Area Shopfront Design Guidelines, 2003, where appropriate. www.dublincity.ie

All proposals for shopfronts shall have regard to the guidelines for illuminated signs as set out in the Appendices in this plan.

Section 19.3 (Illuminated Signs) in Appendix 19 of the Development Plan states:

Illuminated signs in appropriate locations can provide both information and colour in the townscape after dark. Accordingly, the following guidelines will 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.

Sky signs, i.e. signs that project in any part above the level of a building parapet or obtrude on the skyline, are regarded as objectionable in principle and will not be permitted.

Internally illuminated scrolling signs, or signs with exposed neon tubing, are generally not acceptable.

Illuminated signs with the use of electronic visual display technology such as LED (light emitting diode) and LCD (liquid crystal display) will be considered having regard to the Advertising Management Standards, as set out in section 19.6 of this appendix.

The number of illuminated signs in the vicinity of the site will be taken into consideration when assessing proposals.

5.2. Natural Heritage Designations

There are no designated habitats in the vicinity of the appeal site. It is approximately 2km 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

- It is noted that the signage was previously permitted (2145/13) and it is argued that it is reasonable to expect the planning authority to be consistent in its assessment of such signage.
- It argues that the planning authority are erroneous in referring to Section 19 of the Appendix to the development plan, as this is for 'advertising structures', not building signage.
- It is argued that it integrates well into the modern façade of the main building.
- It is argued in detail that the area context is commercial, and the zoning designation reflects this, and as such the planning authority should have given more weight to the overall nature of the area.
- It is noted that in section 16.24.3 it is noted that signs can be permitted when they are compatible with the character of the building.
- Section 19.3 of the Development Plan allows for illuminated signs in appropriate locations.
- It is argued that the planning authority did not provide a justification to overcoming the original grant of permission.
- In addition, the fee for the appeal is queried.

6.2. Planning Authority Response

The planning authority has not responded to the grounds of appeal.

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 general headings:

- Principle of Development
- Visual impacts
- Other planning issues
- AA and EIAR

7.1. Principle of Development

The appeal site is within a Z4 zoned area, which reflects the mixed-use nature of this outer edge of the city core. The immediate area is characterised by a main street with a mix of retail, commercial and institutional uses with some residential on upper floors, with residential areas on the streets running off Dorset Street.

The sign proposed for retention is on a relatively new commercial/residential development of contemporary design and a generally high standard of finish. The adjoining building is an attractive late 19th Century school (unused), with another good contemporary building to the north. This part of Dorset Street has a less coherent townscape than the southern end, but marks an important visual approach to the city from the north.

The site has a complex planning history, with the sign having been permitted on a temporary basis in the original permission. There are two enforcement notices on record relating to the site. The original permission for the sign was subject to a condition limiting it to 3 years to allow its impact to be reviewed. Other proposed signs on the building were refused.

There is some question as to whether this should be considered signage associated with the ground floor use, or an advertising sign. Section 16.24.3 relates to the former, whereas 19.3 relates to illuminated signs, implicitly separate from the shop or business that is being advertised. I don't consider it particularly relevant to the appeal as to whether (as is argued by the applicant), section 19.3 is appropriate, as the overall principles as set out in the Development Plan are similar. There is

generally an onus on an applicant to demonstrate that any such illuminated signage is in accordance with the overall townscape context and the building design, and does not detract from the urban landscape or visual amenities.

In this context, the planning authority has concluded that the signage is inappropriate and sets an undesirable precedent. The planning report highlighted that the upper floors are residential in nature.

I would conclude that the planning authority were correct to assess this proposed development against the criteria set out in both Section 16.24.3 and Section 19.3, and in the context of the previous permission which limited its use to 3 years in order to allow for an assessment of its impact. In the overall context of a Z4 zoned area, I would conclude that there is an onus on an applicant to justify the use of such signage and to demonstrate that it would not seriously impact on amenities or the townscape.

7.2. Visual impacts

The building is set back somewhat from back of pavement, following the building line established by older buildings along this section of Talbot Street. The railing around the adjoining building to some extent obscures views from the main street towards the ground floor Casino entrance.

The signage, on a protruding element of the building, is only visible from the southern end of the street, or directly opposite the building – it is not visible from the north. The lettering has a polished metal appearance and in daylight matches the overall modern finish and design of the main building. It is, however, much higher and more visible than most signage along Dorset Street, which for the most part is at ground floor only. At night, the signage is illuminated in a deep red and is far more visible from further down the street.

While the signage is not in itself particularly unsightly in the context of a commercial street at daytime, it is highly visible at night, and I concur with the overall conclusion of the planning authority that it sets an undesirable precedent for other such signs and is generally counter to the criteria set out in Section 16.24.3 and 19.3 of the Development Plan. I therefore recommend that the Board upholds 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 the request by TII that any permission should be subject to a S.49 Levy.

7.4. AA and EIAR

There are no EU designated habitats in the vicinity of the site. It lies approximately 2km 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. The site is fully served by the public sewer and drainage 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 uphold the decision of the planning authority to refuse permission for the following reasons and considerations

9.0 Reasons and Considerations

It is considered that the illuminated high level sign is visually prominent in this Z4 zoned mixed use area and is contrary to the criteria for such signage as set out in Section 16.24.3 and 19.3 of the Dublin City Development Plan 2016-2022. The retention of the signage would therefore set an undesirable precedent for such developments and would therefore be contrary to the proper planning and sustainable development of the area.

Philip Davis

Planning Inspector

8th November 2021