



An
Bord
Pleanála

Inspector's Report

ABP-314336-22

Development	Protected Structures: Replacement of advertising poster and all associated site works.
Location	No. 3 - 4, Usher's Quay, Dublin 8 (on the corner with Lower Bridge Street).
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4076/22.
Applicant(s)	P.Z. Digital Limited.
Type of Application	Planning Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party.
Appellant(s)	P.Z. Digital Limited.
Observer(s)	1. An Taisce. 2. Hazelmere Enterprises Ltd.
Date of Site Inspection	9 th day of September, 2023.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The appeal site, No. 3 - 4 Ushers Quay, has a stated 220m² site area and it is located on the corner of Bridge Street Lower (R108), Usher's Quay (R148) and Merchants Quay, in Dublin 8. The site comprises of two terrace four storey four bay period building with its principal facade addressing Usher's Quay (R148) and the river Liffey.
- 1.2. No. 3 – 4 Ushers Quay dates to circa 1920 and are designated Protected Structures (Note: RPS Ref. No.s 8199 and 8200). They are also listed in the National Inventory of Architectural Heritage (Note: NIAH Ref. No. 50080519). Their original use was residential over ground floor level commercial shops and at the time of site inspection they were in a vacant state and in poor condition.
- 1.3. Their principal façade immediately adjoins the public domain of Ushers Quay with the eastern elevation forming the end of the terrace group it forms part of. This terrace group extends from Bridge Street Lower on its eastern side and to St. Augustine Street, at No. 10 Ushers Quay, to the west, and it contains three period properties (No.s 3, 4 and 5 Usher's Quay) that adjoins a later residential apartment building (No. 6 Ushers Quay) on its westernmost end.
- 1.4. No.s 3 – 4 Ushers Quay is setback from Bridge Street Lower by an area of hard stand that is used for off-street car parking. To the rear there is a later extension, and the yard area is unkept. Adjoining the rear of the site is the commercial premises of 'Hicken Lighting' and the 'Brazen Head' public house. These are two and part three storeys in their built form and these like the eastern elevation of No. 3 – 4 Ushers Quay are setback from Bridge Street by an area of private hardstand that contains metal fencing around its roadside perimeter.
- 1.5. The eastern elevation of No.s 3 – 4 Ushers Quay is finished in blonde Dublin brick and contains a large advertisement display that is positioned between its first and third floor level. This conceals the majority of this elevation from view. The advertisement signage display also contains projecting light fixtures that project light downwards onto the signage display area. The blonde Dublin brick is also apparent on the remaining exposed rear elevation of No.s 3 – 4 Ushers Quay. It contrasts with the red brick and render banding as well as quoins that predominates the first through to third floor levels with the ground floor level containing two vacant retail units that are separated by a centrally placed door that provides access to the upper floor levels. Period timber sash

windows are also present in the principal façade with these being in poor repair and in places broken glazing panes. This façade contains no projecting or other lighting fixtures.

- 1.6. The immediate surrounding area is designated as a Conservation Area with a number of architectural structures of note. Of particular interest in the visual setting of the site is Father Mathew Bridge and 'The Four Courts.' The surrounding area is predominantly commercial but also contains residential developments. With the heavily trafficked R108, R148 and N1 converging at this location. In addition, a cycle lane runs alongside the adjoining Ushers Quay and Bridge Street lower footpaths. With both the cycle lane and public footpath also heavily trafficked.

2.0 Proposed Development

- 2.1. Planning permission is sought for the replacement of a 6.4m x 7.7m conventional advertising poster (including 150mm wide frame all round and a 1.25m apron), with overhead lights and an overall height of 10.95m off the ground; with a 5.2m x 7.7m digital advertising display unit (with 200mm wide frame all round) without overhead lights, with an overall height of 12.2m off the ground, on the side (east) elevation of No. 3 Usher's Quay (a Protected Structure) at the corner with Bridge Street. Thus, addressing Bridge Street Lower and giving rise to a reduction of 9m² of signage on the eastern elevation of No. 3 Ushers Quay. This application is accompanied by:

- A letter of consent from the owner of No. 3 - 4 Ushers Quay .
- A Conservation Method Statement.
- Covering Statement of the Proposal.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to **refuse** planning permission for the following two stated reasons:

"1. The Planning Authority is not satisfied on the basis of the information submitted that the advertising displays proposed for removal represent a sufficient

planning gain with regard to the rationalisation of external media advertising within the public realm. Therefore, the proposal is not considered to be in accordance with Appendix 19 of the Dublin City Development Plan 2016-2022.

2. *The proposed digital advertising display structure, by reason of its scale and proportions, appearance and location on the elevation of this Protected Structure, would have an adverse visual impact on and would seriously detract from and injure the special architectural character and legibility of both the Protected Structure and its setting within a Conservation Area which includes an ‘Internationally’ significant Protected Structure and which forms part of a significant vista and prospect within the city. The proposed development would be contrary to Policies CHC2, CHC4, SC7 and SC22 of the Dublin City Council Development Plan 2016-2022.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer’s report includes the following points:

- The applicant proposes to permanently decommission and remove three displays at No. 145 Parnell Street and No. 1A Fairview Strand. It is considered that the display replacement would be significantly different to the advertising signage being removed at the aforementioned premises. The replacement signage would also be visually more apparent in terms of its clarity, illumination, animation, and intensity.
- The site is a highly visible location on a prominent corner at the junction of Ushers Quay, Bridge Street Lower and Merchants Quay with structures of significant architectural merit in its vicinity including the Four Courts and Father Mathew Bridge. In this context the replacement signage would be detrimental and the removal of three display signs do not overcome its adverse impacts.
- The applicant has not proposed adequate compensatory measures to justify the proposed development.
- There is a strong presumption against outdoor signage at this location.

- The replacement signage would not be appropriately located and would not result in a high-quality public domain.
- The proposed illuminated electronic visual display structure would adversely impact the character and integrity of both Protected Structures and the Conservation Area as well as other prominent architectural structures in its setting.
- The replacement sign would be visually more intrusive and incongruous than what it replaces.
- Digital display installations would dominate and overpower the historic environment and are not considered respectful of its context.
- The replacement signage does not comply with Development Plan provisions.
- Concludes with a recommendation of refusal.

3.2.2. Other Technical Reports

Conservation Officers report includes the following points:

- No details have been provided on any of the associated services, including data cabinets or ESB metering units.
- The removal of advertising at this location would be preferred as would be the restoration of the character of the east gable elevation of No. 3 – 4 Usher’s Quay.
- The digital display would still conceal a large portion of the east gable of this Protected Structure. This is not considered acceptable.
- The digital sign would further impact on the Protected Structure and its sensitive quayside setting.
- The placement of any advertisement screens, banners, or signs of this nature on the façade of the Protected Structure is wholly inappropriate as they cause serious visual injury to the special architectural character and legibility of the Protected Structure as well as they negatively impact on the Conservation Area.
- Digital display installations dominate and overpower the historic environments.
- This development would be contrary to relevant Development Plan provisions.
- This development may preclude the redevelopment of the adjacent vacant plot at No.s 1-2 Usher’s Quay.

- Concludes with a recommendation of refusal.

Transportation: No objection, subject to safeguards including:

- That no more than one advertisement be displayed every ten seconds.
- That the fade method of transition be used between advertisements.
- That no animation, moving images or video or any other special effects shall be displayed as part of the advertisement.
- The maximum illumination of the advertisement display between dusk and dawn shall not exceed 250 candelas per sq. m.
- All costs incurred by the Council including repairs to the public road and services necessary as a result of the development shall be at the developer's expense.
- Compliance with Code of Practice sought.

Engineering: No objection, subject to standard safeguards.

3.3. Prescribed Bodies

3.3.1. None received.

3.4. Third Party Observations

3.4.1. Two Third Party Observations were received. The main concerns raised correlate with those raised by the Third Party Observations received by the Board which I have summarised in Section 6 of this report below.

4.0 Planning History

4.1. Site and Setting

4.1.1. No recent and/or relevant planning history.

4.1.2. Other

- **P.A. Ref. No. 3685/17 - No. 145 Parnell Street (Protected Structure and in O'Connell Street Architectural Conservation Area)**

On the 9th day of October, 2017, planning permission was **refused** for a development consisting of the replacement of the existing 1 no. 96 sheet illuminated static

advertising display with 1 no. 96 sheet (12.5m wide x 3.35m high) Premiere internally illuminated advertising display at the side gable of No. 41 Gardiner Street Upper (Protected Structure) fronting onto Dorset Street Lower, Dublin 1 and to permanently decommission and remove 1 no. 48 sheet advertising display for the following stated reasons:

“1. It is considered that the proposed development, having regard to the internal illumination and projection of the advertising display at a highly visible and sensitive location would be visually obtrusive, incongruous within the streetscape and would seriously detract from the character of the protected structure and the conservation area. As such the proposal would not contribute positively to the character and appearance of the protected structure or the conservation area and its setting and is therefore would be contrary to the policies and objectives of the Development Plan (2016-2022) and in particular Policies CHC2 and CHC4, and would be seriously injurious to the amenity of property in the vicinity and contrary to the proper planning and sustainable development of the area.”

- No advertising related planning applications for No. 1A Fairview Strand.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Under the **Dublin City Development Plan, 2022-2028**, the appeal site forms part of a larger parcel of land zoned ‘Z5 – City Centre’. The stated zoning objective for such land is: *“to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.”*
- 5.1.2. Section 14.7.5 of the Development Plan sets out that the: *“primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development”* and its strategy for ‘Z5’ zoned land is: *“to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night”* . It further sets out that open for consideration uses include ‘Advertisement’ and ‘Advertising Structures’.
- 5.1.3. This appeal site contains two Protected Structures (Note: RPS No.s 8199 and 8200). The description for both Protected Structures is given in the Record of Protected

Structures as: “*Business Premises*”. They are also adjoined by Protected Structures to their immediate west, and they form part of a visual setting that contains several Protected Structures which includes but is not limited to Father Mathew Bridge, the surviving historic bridge stone on Ushers Quay, the Georgian terraces on the opposite side of the River Liffey at Arran Quay and The Four Courts.

5.1.4. Section 11.5.1 of the Development Plan defines Protected Structures as: “*any structure or specified part of a structure, which is included in the RPS. Unless otherwise stated, it includes the interior of the structure, the land lying within the curtilage of the structure, any other structures lying within that curtilage and their interiors, and all fixtures and features which form part of the interior or exterior of the above structures. The protection also extends to any features specified as being in the attendant grounds including boundary treatments.*”

5.1.5. Section 11.5.1 also sets out that in relation to all external works to Protected Structures that these shall be carried out to the highest standards in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities and the additional guidance published by the Department of Housing, Local Government and Heritage Advice Series. It further sets out that the Council: “*will manage and control external and internal works that materially affect the architectural character of the structure through the development management process.*” It also requires that all planning applications relating to protected structures shall contain the appropriate level of documentation in accordance with Article 23 (2) of the Planning and Development Regulations, 2001, (as amended), and Chapter 6 and Appendix B of the ‘Architectural Heritage Protection Guidelines for Planning Authorities’, including where relevant an Architectural Heritage Impact Assessment. Relevant policies include:

- BHA1: Requires developments conserve and enhance protected structures and their curtilage. It also requires their protection from any works that would negatively impact their special character and appearance through to that any development, modification, alteration, or extension affecting them and/or their setting is sensitively sited and designed as well as is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.
- BHA2: Seeks to ensure that the form and structural integrity of the protected structure is retained in any redevelopment and seeks to ensure that new

development does not adversely impact the curtilage or the special character of the protected structure.

- 5.1.6. Section 15.15.2.3 of the Development Plan sets out that all planning applications affecting Protected Structures shall be accompanied by an Architectural Heritage Impact Assessment and it sets out what information this report must contain.
- 5.1.7. Section 15.15.2.8 of the Development Plan deals with lighting of Protected Structures and buildings in Conservation Areas. In this regard, it is noted that the site forms part of a red hatched Conservation Area.
- 5.1.8. Section 11.5.3 of the Development Plan sets out that these whilst not having a statutory basis in the same manner as protected structures or ACAs, they are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application. It also sets out that these areas require special care in terms of development proposals and that the Council will encourage development which enhances the setting and character of Conservation Areas.
- 5.1.9. Policy BHA9 of the Development Plan is of note. It states that: *“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.”*
- 5.1.10. Section 15.15.2.2 of the Development Plan in relation to Conservation Areas sets out the considerations for all planning applications.
- 5.1.11. Appendix 17 of the Development Plan sets out the ‘Advertising and Signage Strategy’.
- 5.1.12. Section 2 and 8 of Appendix 17 deals with the matter of digital signage.

5.2. Other Relevant Planning Provisions

5.2.1. ‘Architectural Heritage Protection Guidelines for Planning Authorities’, 2011.

Section 1.1.1 of these guidelines state that: *“our architectural heritage is a unique resource, an irreplaceable expression of the richness and diversity of our past”* and Section 1.1.6 recognises that: *“cultural tourism is increasing and playing a significant part in the tourist economy. The conservation of our built environment contributes to the attractiveness of our country as a place that we can enjoy and invite others to visit. Many people are employed in the heritage sector in Ireland. The promotion of local*

history for tourism purposes is a significant part of the economy and should be closely bound up with a genuine appreciation of the historic environment that is the backdrop for all visitors, national and foreign alike.”

Section 2.2.2 of the guidelines gives the meaning of Section 10 of the Planning and Development Act, 2000, as amended to a Protected Structure, i.e., ‘*any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure*’. In relation to a protected structure or proposed protected structure, the meaning of the term ‘structure’ is expanded to include: a) the interior of the structure; b) the land lying within the curtilage of the structure; c) any other structures lying within that curtilage and their interiors, and d) all fixtures and features which form part of the interior or exterior of the above structures.’

Section 7.6.1 of the guidelines on the matter of protecting the special interest of Protected Structures sets out that this can be damaged by inappropriate works including but not limited to unsuitable alteration.

Section 8.1.1 of the guidelines set out that the structural system of a historic building and its elements play a major role in defining its character. It notes that structural elements include exterior walls and that such elements contribute to the character of the building.

Section 8.2.1 of the guidelines sets out that all original detailing should be respected and where alterations are of little interest in themselves, or which positively detract from the architectural quality of the whole by reason of their poor design or their poor relationship to the rest of the building that these past alterations may also have damaged the structural integrity of the building or structure. In such cases, the planning authority may consider it desirable to encourage the reversal of unsatisfactory alterations that disfigure or conceal work of greater merit or have caused physical problems or deterioration.

Section 12.3 of the guidelines on the matter of signage sets out that these should be required to respect the character of the protected structure and its setting.

5.3. Natural Heritage Designations

5.3.1. None within the zone of influence.

5.4. EIA Screening

- 5.4.1. See completed Form 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

5.5. Built Heritage

- 5.5.1. Of note No.s 3 – 4 Ushers Quay is listed in the National Inventory of Architectural Heritage (Note: 50080519) where it is given a 'Regional' rating, its categories of special interest are given as 'Architectural', 'Historical' and 'Social', it is dated to: 1915-1925 and its original use is given as 'Apartment/flat purpose-built). Its description reads:

“Corner-sited four-bay four-storey apartment building and shops over basement, built c.1920, having shopfronts to front (north) elevation. Flat roof with rendered chimneystack having clay chimney pot, and cast-iron rainwater goods. Rendered parapet with moulded red brick cornice. Red brick laid in English garden wall bond to front, with channelled render quoins and render platbands over windows. Yellow brick laid in English garden wall bond to east and rear (south) elevations. Square-headed window openings with six-over-six pane timber sash windows and concrete sills to front elevation. Segmental-headed window openings with brick voussoirs and two-over-two pane timber sash windows to openings to rear. Shopfronts comprising timber consoles, fascia and cornices over square-headed openings, having recessed door to No.3 with steel grille gate to front of doorway. Steel roller shutters to openings to No.4. Square-headed door opening to centre of front elevation, having glazed overlight and timber panelled door with granite step. Steel grille set within granite paving to pavement to front of door.”

Its appraisal reads:

“The four houses numbered 1-4 Usher's Quay were destroyed during the 1916 Rising, and no.3 and 4 were reconstructed to designs by Millar & Symes. The architects used a typology that gained popularity in the early twentieth century in Dublin, that of the purpose-built apartment block with a communal entrance, with shops at the ground

floor level. The use of bright red brick and cement render, and the uniform rather than diminishing windows indicate the twentieth century origins of the building.”

The adjoining Protected Structure to the west No. 5 Ushers Quay is a much earlier terrace two bay four storey period building dating to c1720 and is also listed in the NIAH (Note: Ref No: 50080520).

There is also several NIAH listed structures in the immediate vicinity of the site including but not limited to: Father Mathew Bridge (Note: Ref. No. 50080517) and The Four Courts (Note: Ref. No. 50070269) as well as a number of Recorded Monuments in the surrounding area.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

- Seeks that the decision of Council is overturned.
- The proposed replacement sign would result in a smaller and higher quality sign than the existing, resulting in an overall net benefit to the subject site and the surrounding area. The other positive gain would be the proposed decommissioning of two existing signs which are also located in similarly sensitive locations.
- This development is an improvement over the existing situation and would give rise to no adverse impact road safety impact or to the footpath users.
- An examination of what was at the time the Draft Dublin City Development Plan, 2022-2028, is provided. In this regard, it is contended that the development management standards within this plan are similar and the appellant would be willing to accept a condition that sets out that the maximum luminance that would not exceed 300 candelas per square metres between dawn and dusk as well as that the signage display would comprise of static images that would change every 10 seconds using fade transitions. Subject to these safeguards the proposed development accords with the Draft Development Plans provisions.
- Two of the existing signs to be decommissioned are located on the eastern façade of No. 145 Parnell Street, a Protected Structure, and located within O’Connell

Street ACA, with these signs facing onto North Great George's Street in Dublin 1. Whilst there is no planning history pertaining to this signage has been in place here since early 1900s. In relation to this signage, it was removed for a number of years when agreement was not reached between JC Decaux and the landlord. The signs were re-erected when an agreement was reached between Pzazz Media Ltd and the landlord. They are of the view that the enforcement action taken by Council in relation to these signs are unlikely to be successful, notwithstanding, the decommissioning of these signs would reduce the existing clustering of signage in this area.

- It is also proposed to decommission a sign at No. 1A Fairview Strand. This a smaller sign but its decommissioning would be significant due to its prominence within its streetscape scene.
- It is difficult to determine the exact advertising control zone which applies to the site, and it would appear that their Planning Officer has based the second reason for refusal on the site being in control zone 4. They contend that the site is instead located within Zone 6 and therefore has the potential to accommodate outdoor advertising signage.
- The digital advertising display would be visually more appealing to its setting and the advertisements it would display would be static and would change every ten seconds with fade transition in between.
- The Conservation Method Statement provided sets out that the proposed sign would not result in any damage to the Protected Structure.
- The replacement signage would not compromise any key views or prospects related to The Four Courts and there is c150m separation between the two as well as the River Liffey and two busy roads in between.
- A number of examples which are considered as precedents are referred to.
- The Councils Transportation Division raised no objection to the proposed development on traffic safety grounds.

6.2. Planning Authority Response

6.2.1. This response can be summarised as follows:

- The Board is referred to their Conservation Section Report.
- The image shown in Figure 5.5 of Page 30 of the appeal submission shows deciduous trees and therefore the view is not always limited in relation to The Four Courts.
- The precedent cases referred to do not relate to Protected Structures and the examples cited are not comparable. In addition, the examples of signage are also materially different in their dimensions.

6.3. Observations

6.3.1. The observation received from Hazelmere Enterprises can be summarised as follows:

- This proposed development projects onto their property without their consent.
- The red line shown by the applicant includes a portion of their property and another portion is with the ownership of the Dublin City Council. In this context, Article 22(2)(g)(i) is applicable as it requires the written consent of the relevant owners of the land to make a planning application on land outside of applicant's legal interest.
- Concern is raised that the appellants continue to trespass on their land to carry out maintenance, changing posters and the like.
- The appellant in their documentation accompanying this application acknowledge that the signage overhangs the neighbouring property in their statement that: "*the proposed signage will be 1.2m narrower than the existing signage, it will overhang the neighbouring property less than the current signage.*"
- Clarity on the issue of overhanging their property was not sought as the Council were comprehensively refusing permission for this development.
- It is sought that the decision of the Planning Authority is upheld and for the reason that the appellants have insufficient interest in the totality of the site to carry out the development.

6.3.2. The observation received from An Taisce can be summarised as follows:

- The decision of the Council is supported.

- The exposed gable of No. 3 Ushers Quay only occurred because of road widening in the late 20th Century by the Council.
- The perpetuation of advertising structure activity on this site is entirely inappropriate in a Conservation Area setting and to a Protected Structure.
- The appeal submission provides no justification for this development, and they do not address the planning status of the existing billboard sign, including its date of erection or the fact that two 48 sheet hoardings were amalgamated into one. Of further concern the lighting associated with these is also not addressed. This existing structure must be deemed to have no positive planning status.
- The claim that the proposed sign would have no overhead lighting is entirely disingenuous as the digital sign would have significantly higher impact illumination per area of advertising space than the existing illuminated poster sign structure.

7.0 Assessment

7.1. Overview

- 7.1.1. By way of this planning application permission is sought for the replacement of a 6.4m by 7.7m advertising poster which would include its 150mm wide frame and a 1.25m apron together with overhead lights with an overall height of 10.95m when taken from the ground level with a 5.2m by 7.7m digital advertising display unit with 200mm wide frame all round with an overall height of 12.2m off the ground on the side east elevation of No.s 3 – 4 Ushers Quay addressing the corner of the Bridge Street Lower (R108) and Usher's Quay (R148).
- 7.1.2. Should permission be granted for the proposed development the appellant proposes to decommission three sites which are described as two sites at No. 145 Parnell Street and the third at No. 1A Fairview Strand. The covering statement with this application describes the site as being located in advertising control area where there is a strong presumption against outdoor advertising (Note: 'Zone 4') of the previous Development Plan. They contend that the removal of the signage at No. 145 Parnell Street in particular would be desirable given that this signage faces onto North Great George's Street which they acknowledge is of considerable architectural significance.

- 7.1.3. The decommissioning of the proposed signs at the suggested locations by the applicant would they assert result in a positive planning gain when considered against the little visual difference that would arise between the replacement digital screen and the existing paper poster signage when viewed by passerby's or in photographs.
- 7.1.4. They further argue that out of these three sites that the Usher's Quay site is of less urban or architectural importance than those on Parnell Street and the new digital screen would be more attractive, less impactful as well as more sympathetic to the subject building and its receiving environment.
- 7.1.5. The Planning Authority in their response to the grounds of appeal submission seek that the Board uphold its decision and in similarity both observers similarly seek the same. With these parties all collectively considering that the proposed development would be an inappropriate intervention to this Protected Structure that forms part of a Conservation Area in a highly prominent location in a manner that fails to accord with the relevant local planning provisions.
- 7.1.6. In addition to this one of the observers also notes that the red line area includes that is in their ownership without their necessary consent. With the digitised advertisement structure further overhanging in an easterly direction onto their property as well as land that is in the City Councils ownership than is the existing situation.
- 7.1.7. There is no documentation on file for any consent of either private and public landowner impacted by the existing signage overhanging or as said by the observer for the additional extent of oversailing that would arise from the proposed development. Nor is there any documentation that would support that the applicant has the consent of either party to carry out any works from the ground level that include in summary the decommissioning of the existing signage and lighting through to the installation of the digital advertising signage together with all associated works that this would require from the land that adjoins the eastern elevation of No. 3 – 4 Ushers Quay.
- 7.1.8. It is further of concern that the redline area as depicting the existing and proposed situation show an amended much greater area for the proposed context. Yet there is no consent for this enlarged redline area along the eastern elevation of No.s 3 – 4 Ushers Quay. Moreover, there is no consent from either Third-Party landowner for any

access to carry out any essential maintenance or otherwise in the future to the proposed digital advertising signage when that would be required.

- 7.1.9. This concern therefore gives rise to question marks over the validity of the planning application itself.
- 7.1.10. Whilst I am cognisant that matters raised in relation to ownership and legal consents are considered to be civil matters outside the remit of this planning appeal and as in all such cases, the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, applies. It stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development. I also note the provisions of Section 5.13 of the Guidelines for Planning Authorities, Development Management, 2007 in this regard.
- 7.1.11. Notwithstanding, the letter of consent provided by the applicant is from the owner of No.s 3 – 4 Ushers Quay. This does not clarify that this owner has an established legal or adverse possession right or otherwise to overhang, oversail and/or encroach onto the adjoining land that up until the late 20th Century road widening accommodated the two period terrace structures of No.s 1 and 2 Usher's Quay. Further this letter does not allude to any right of way, wayleaves or any agreements that would allow access over the adjoining land to carry out the proposed development or to overhang, oversail and/or encroach onto this adjoining parcel of land that clearly is split in private and public ownership falling outside of the probable parcel of land that No.s 3 – 4 entail.
- 7.1.12. It is therefore of concern that the drawing titled 'Existing and Proposed Site Plan' - 731 PP2 clearly shows that the replacement display sign would extend eastwards considerably more than the existing signage structure. I am not satisfied on the basis of information provided within this application that the applicant in this case has demonstrated that they can carry out the development sought.
- 7.1.13. The Observers also raise concerns in relation to the planning status of the existing advertisement signage and lighting on the eastern elevation of No.s 3 – 4 Usher's Quay which the applicant seeks to replace by way of this application.
- 7.1.14. On this matter I can find no planning history permitting either the advertisement signage or lighting that is *in situ*.

- 7.1.15. Whilst I consider that the unauthorised development and enforcement concerns are matters that fall under the remit of the City Council at this location, alongside that it is appropriate that the proposed development should be assessed on its individual merits, notwithstanding, I raise it as a concern for the Boards consideration that the proposed development could in this instance despite the small reduction in advertisement signage area of the digital sign would result in a visually more apparent form of advertising at this location. With this based on the fact that digital replacement signage is effectively a large permanently illuminated light box and has the capacity to change its advertisement image at high frequency. It also has the inbuilt capacity to show animation, movement, and the like. In this case it is proposed to show static advertisements with a change of signage every ten seconds.
- 7.1.16. In my view the replacement digital signage would effectively consolidate, enhance and expand upon an unauthorised development in a manner that could give rise to an undesirable precedent given the sensitivity of No.s 3 to 4 Ushers Quay as Protected Structures, that occupy a highly prominent and heavily trafficked location along the visual corridor of the river Liffey that is also afforded protection as a Conservation Area that contains a wide variety of designated Protected Structures.
- 7.1.17. This location is also in my view a highly strategic location within the historic city centre of Dublin in terms traffic and pedestrian movements with key regional routes and converging at this point, i.e., R108, R148 and the N1. It is also the main route used for connectivity between Connolly Station and Heuston Station as well as the River Liffey Corridor which contains a wide variety of tourism draws including many popular visitor attractions within this surrounding area in walking distance of one another. It is also a public domain that has sufficient width to accommodate more sustainable travel movements, i.e., by foot, by cycle and is an important Dublin Bus Route for several of its serviced routes.
- 7.1.18. In this context I question any rationale that considers a Planning Authority, and the Board on appeal, is in the position to consider bartering the decommissioning of advertisement structures elsewhere in the city for a replacement advertising structure that would be out of character and still visually overbearing on the side of a highly visible in the public realm Protected Structures that are in a very poor state of upkeep and condition that forms part of a historic built heritage setting that is in part afforded protection as a Conservation Area. With the proposed replacement signage as set

out in this application not proposing any positive improvement or outcome for either the subject Protected Structures or its Conservation Area receiving environment.

- 7.1.19. Though I am cognisant that the Development Plan seeks to rationalise signage and reduce advertising clutter as part of improved public realms and overall improved visual streetscape scenes. It is of concern that the applicant's proposals to decommission advertising at No. 145 Parnell Street (a Protected Structure) and at No. 1A Fairview Strand should they receive planning permission for this proposed development with I note limited detail provided with regards to the same relates to structures that do not appear to have positive planning status.
- 7.1.20. On this point I note that whilst both locations where signage is proposed to be decommissioned are undoubtedly visually diminished by their presence, particularly given their excessive dimensions relative to the buildings their attached to and their lack of harmony with the pattern of development that characterises their streetscape scenes and as such their decommissioning if permanently achieved would contribute to improved visual amenities. Notwithstanding as locations when compared to this subject site they are not comparable due to a wide variety of factors including but not limited to the fact that they do not relate to as important inner city highly sensitive to change historic environment, they do not relate to one of the culturally iconic locations for tourism in the city, they are not as heavily trafficked or a location where key strategic roads converge, they are not as highly visible from various views and key prospects from the River Liffey corridor and its many historic structures of note nor do they occupy as strategically important place for advertising and attracting advertising revenue.
- 7.1.21. Of further concern, having regard to the planning history of No. 145 Parnell Street it shows that in 2017 planning permission was refused for the advertising structures that are proposed to be decommissioned and appear to be subject to enforcement proceedings and as said there is also no positive planning status for the signage at No. 1A Fairview Strand with this also relating to a smaller sign.
- 7.1.22. In relation to road safety and traffic hazard concerns, whilst the proposed signage would result in a change in lighting context for users of the public domain and would result in a highly visible from a considerable distance new insertion to the streetscape scene, an insertion that is significantly different to existing advertising structure and

top lighting that is in place, I am cognisant that the Planning Authority's Transport Division raises no substantive road safety and/or traffic hazard concerns. In addition, the First Party are also willing to meet the standard requirements of the Planning Authority for digital signage should they be granted permission. As such I consider that there is no substantive road safety issue that arises from the proposed development having inspected the site and had regard to all the information provided. Further, no such issues were raised as a concern by Third Party Observers. As such should the Board be minded to grant permission for the proposed development I recommend that it impose the safeguards recommended by the Planning Authority's Transport Division in the interest of road safety and meeting the relevant requirements set out in the Development Plan for such signage (Note: Section 2 and 8 of Appendix 17 of the Development Plan).

7.1.23. The outstanding key concern that remains for consideration in this case is in my view whether the principle of the proposed development is acceptable having regard to relevant planning provisions. This question ties together built heritage and visual amenity concerns.

7.1.24. In addition to the above, the matter of 'Appropriate Assessment' also requires examination.

7.1.25. For clarity, my assessment below is based on the Dublin City Development Plan, 2022-2028, which has been adopted in the intervening time since the Planning Authority issued their notification order for this planning application on the 15th day of July, 2022.

7.2. Principle of the Proposed Development

7.2.1. No.s 3 – 4 Usher's Quay, the appeal site is located on land zoned 'Z5' under the Development Plan, the objective for which is to consolidate and facilitate the development of the central area, as well as to identify, reinforce, strengthen, and protect its civic design character and dignity. According to Section 14.7.5 of the Development Plan 'Advertisements' and 'Advertising Structures' are listed as being '*open for consideration*' within this zone. In this regard, Section 14.3.1 of the Development Plan, sets out that an open for consideration use is one which may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not

have undesirable effects on the permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area.

- 7.2.2. In addition to this the site would appear to form part of advertising control 'Zone 6' under Appendix 17 of the Development Plan. This appendix of the Development Plan sets out the 'Advertising and Signage Strategy' for the city. In relation to this particular advertising control zone, it states that it: "*consists of areas predominantly residential in character where outdoor advertising would be visually inappropriate. Within this zone, there are also large-scale tracts of commercial land-use which have a separate robust character and may have the potential to accommodate outdoor advertising.*"
- 7.2.3. The original function of No.s 3 – 4 Usher's Quay above ground level is residential. The terrace block No.s 3 – 4 Usher's Quay forms part of predominant land use I observed is residential, with residential development characterising the building block it forms part of. Particularly above ground floor level. This is similarly the case with the urban block on the opposite corner and the site forms part of an inner-city location that historically has evolved into a transitional area predominantly characterised by residential land uses.
- 7.2.4. In this site context, it cannot be reasonably considered that the site could be considered as forming part of a large tract of commercial land use that has its own separate robust character.
- 7.2.5. As such in terms of outdoor signage and the advertising control zone the site forms part of I consider that the character of this area is one where advertising like that proposed under this application would be visually inappropriate.
- 7.2.6. Of further relevance No.s 3 – 4 Usher's Quay are designated Protected Structures, as a terrace group they are adjoined by a Protected Structure on their immediate west, i.e. No. 5 Usher's Quay, and in turn they form part of a Conservation Area as well as form part of the visual setting containing notable structures of built heritage significance, that when taken together contribute to the unique sense of place and intrinsic character of this inner city locality.
- 7.2.7. In this regard Policy BHA1 requires developments to conserve and enhance protected structures and their curtilage. It also requires their protection from any works that would have the potential to negatively impact upon their special character and appearance. It also seeks that any development, modification, alteration, or extension

affecting them and/or their setting is sensitively sited and designed as well as that they are appropriate in terms of their scale, height through to use of materials.

- 7.2.8. In relation to the existing context the current advertisement signage that is *in situ* on the eastern elevation of No.s 3 – 4 Usher’s Quay is positioned at its lowest point 3.225m above adjoining ground level with the current signage frame utilising a 6.4m by 7.7m signage area. With this area top lit by projecting metal light fixtures that are positioned at c10.95m above ground level with the overall building height of No.s 3 – 4 Usher’s Quay given as 13.3m. The main brick side elevation of No.s 3 – 4 Ushers Quay consists of blonde Dublin brick and has a width of c8.3m. Centrally positioned at roof level is a chimney stack. The main materials visible for this advertising structure are timber and the advertising medium is heavy duty coloured paper.
- 7.2.9. Whilst I accept that originally this eastern elevation would have adjoined No.s 1 and 2 Ushers Quay. With No.s 1 and 2 Ushers Quay demolished as part of facilitating the road widening scheme that took place in this area in the late 20th century. This existing advertising signage is nonetheless as an addition to the eastern elevation of this period terrace building out of character with its original architectural design intent and is also a use that is not consistent with its original function.
- 7.2.10. As said it conceals a large area of one of this Protected Structures elevation in a manner that diminishes the overall legibility of this building particularly when viewed from the public domain. In real terms the area of the eastern elevation is c110m² whereas the area of the existing signage is c49.28m². Therefore, covering c44% of this elevation with the signage placed as said above ground floor level to ensure its wider visibility to passerby’s.
- 7.2.11. No.s 3 – 4 Ushers Quay is also a building that outside of the advertising signage appears to have no active use and as such when taken together with its deteriorating external envelope its latent potential to contribute to the rich collection of period buildings along the River Liffey corridor and its streetscape scenes vibrancy as well as vitality arguably this buildings latent potential to contribute to the vitality and vibrancy of this inner city locality is not being realised.
- 7.2.12. When the proposed replacement modern digital sign is considered whilst there would be a reduction in area concealed by it, i.e., 36.4% of the eastern elevation would be covered (Note: 5.2m by 7.7m). Notwithstanding this reduction the advertising sign

would still have an area of over 40m² on an elevation that has an overall area of c110m², and the signage would be positioned higher up towards the top of this elevation finishing at 12.2m above ground level. This additional height would effectively increase its visibility from further distances for passerby's journeying in an east to west alignment along the River Liffey Corridor regional roads and from its historic bridges to the east of No.s 3 – 4 Ushers Quay.

7.2.13. In addition, the positioning of the sign higher up on the eastern elevation will increase its visibility for those journeying in southerly direction from the N1 over Father Mathew Bridge onto Bridge Street Lower as well as from the corner of Ushers Quay, Merchants Quay and Bridge Street Lower. Added to this is the significant difference of digital screening which as an advertising medium is acknowledged to be visually more robust and has a greater visibility during the day and into the night when compared with the existing paper posters with down lighting.

7.2.14. Moreover, this digital display screen allows for significant number of advertisements to be shown and has the ability to show animated advertisements. Of further concern the replacement signage display would be much deeper than the existing signage and would there be visually bulkier in its overall built form and appearance when viewed from the public domain. With the level of light overspill onto the Protected Structure, a Protected Structure than contains no external lighting, not clarified in the documentation provided. As such the level of illumination that would arise alongside the level of signage, with the established signage at No.s 3 – 4 Ushers Quay confined to the modest traditional shopfronts, would dramatically alter the legibility and intactness of the subject Protected Structures as appreciated in their Conservation Area. This is by way of their visual incongruity, their lack of harmony and respect with the period building itself, the lack of visual subordination and being a type of addition that is out of character with the architectural resolution of this type of period building and its designed land use function.

7.2.15. I also consider that the level of illuminated advertisement signage proposed is out of character with the more limited lighting in the subject buildings streetscape scene, whether or not this lighting is associated with advertising structures or not.

7.2.16. Of concern Section 15.15.2.8 of the Development Plan which deals with lighting of Protected Structures and buildings in Conservation Areas. It states that: "*well-*

designed exterior lighting of landmark buildings, structures and spaces can play an important role in defining the character of the built heritage”; and that: “a successful lighting scheme will relate to the architectural form of the building and will sensitively utilise the detailing and features of such buildings with low wattage and/or dimmable light sources in an appropriate colour, and discreet light fixtures. It will also minimise the spillage of potential obtrusive light to adjacent areas and will avoid unnecessary over lighting, which can alter the appearance of a building or area. In considering applications for lighting schemes, the need for such schemes should be clearly established.”

- 7.2.17. The proposed replacement advertising signage does not demonstrate that its design is anyway sensitive to the Protected Structures it would be attached to and their Conservation Area setting. Nor does the applicant establish a demonstrable need for this type of lighting in this built heritage sensitive context.
- 7.2.18. There is no localised planning gain for the proposed replacement sign with no improvement to the subject Protected Structures it would be attached to. But it would represent a more visually incongruous advertisement signage structure to what is currently present.
- 7.2.19. Further, the need for this replacement advertising sign and the additional overhanging of land directly adjoining the eastern gable of No.s 3 – 4 Usher’s Quay does not in my view outweigh the potential adverse impact that it would give rise to on any future redevelopment on what was once the site of No.s 1 and 2 Usher’s Quay. As discussed previously part of this adjoining is in private ownership, with this owner objecting to any development that would encroach onto his land or require access over it. I consider that there is potential for redevelopment at this albeit modest location that would provide a better presentation to this visually prominent inner city corner site, albeit its modest area and this could include amalgamation of this area with other privately owned adjoining land.
- 7.2.20. Section 15.15.2.8 of the Development Plan of details with this application missing many of these details including potential impact on the building material and features despite indicating in the accompanying Conservation Method Statement that the building was tested by structural engineers, nor does it include any visualisations to demonstrate the intended effects.

- 7.2.21. Further, the Conservation Method Statement and the documentation provided with this application does not clarify any repairs that would be undertaken upon removal of the existing advertising sign and simply indicates that this large in width, height and depth digital screen would be bolted to the eastern wall by way of approximately 20 No. 12mm diameter bolts. This is the extent of what the documentation provided with this application puts forward for us to accept as the total scope of the intervention that would occur to No.s 3 and 4 Usher's Quay as well as that would be sufficient to attach it to this historic elevation. It further makes no reference to the manner in which power would be provided to this structure through to it makes no comment upon what measures would be used to repair any damage caused to this elevation from the existing signage and lighting upon its removal.
- 7.2.22. In relation to the Conservation Method Statement provided with this application I note that Section 11.5.1 of the Development Plan requires all applications for Protected Structures to comply with the requirements of Appendix B of the Architectural Heritage Protection Guidelines. The Conservation Method Statement does not in my view meet or fulfil the scope of a Heritage Impact Assessment that in any way could be considered to be sufficient to examine the actual heritage impact and appropriateness of the proposed development relative to the built heritage sensitivity of No.s 3 – 4 Usher's Quay as set out in the guidelines.
- 7.2.23. In relation to the above I also note that Policy BHA2 of the Development Plan seeks to ensure that the form and structural integrity of the protected structure is retained in any redevelopment. As discussed the documents provided with this application provide no such assurance.
- 7.2.24. This Development Plan policy also seeks to ensure that new development does not adversely impact the curtilage or the special character of the protected structure with the replacement advertisement signage structure effectively breaking the historical plot of No.s 3 – 4 Usher's Quay and resulting in an above ground level encroachment onto what was historically the plot of adjoining terrace No. 2 Usher's Quay in a manner that is visually incongruous and at odds with the building to space relationship of buildings, structures and spaces in this setting.
- 7.2.25. This further gives rise to the concern that Section 15.15.2.2 of the Development Plan in relation to Conservation Areas is also not complied with in relation to the proposed

development as set out in this planning application. This section of the said plan sets out that all planning applications for development in such areas must demonstrate that not only do they respect the existing setting as well as character of the surrounding area they must also provide a visual assessment of the developments impact on the surrounding context, ensure that the materials and finishes are in keeping with the existing built environment through to that they positively contribute to the existing streetscape scene.

- 7.2.26. As discussed above the proposed replacement advertisement sign fails to demonstrate this and there is no robust visual assessment on the actual impact on the surrounding Conservation Area context with the documentation providing poor levels of visualisation of the existing and resulting outcome should permission be granted. Particularly in more inclement and night time lighting conditions from various vantage points given the high visibility of the eastern elevation from the long stretches of the Liffey Corridor. Including as said from key historic bridges to the west and from other key views and vantage points in this built heritage rich inner-city location.
- 7.2.27. In relation to the policies set out in the Development Plan for Conservation Areas I note that Policy BHA9 sets out that: “*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*”. For the various reasons set already set out above I consider that the replacement advertising signage would not contribute in a positive manner to the intrinsic individual character and distinctiveness of the Conservation Area setting of the site by way of its visual overbearance, visual incongruity and being a type of development that is at odds with the prevailing pattern of historic buildings, structures, and spaces that it contains from which its Conservation Area derives its unique sense of place and character.
- 7.2.28. In relation to the provisions set out in the Development Plan for advertising I note that Appendix 17 of the Development Plan sets out that the Council in order to: “*create a clutter-free, high-quality public domain will seek the removal of unsightly and outdated advertising structures*”. In this regard, it sets out the exception as being signs that are of historic, cultural, or social significance. The signage that is attached to the eastern elevation of No. 3 – 4 Usher’s Quay does not meet this exception.

- 7.2.29. Of further concern Appendix 17 of the Development Plan sets out that: *“any new applications for outdoor advertising structures will generally require the removal of existing advertising panels, to rationalise the location and concentration of existing advertising structures”*. Whilst this proposal puts forward the decommissioning of advertising signage at No.s 145 Parnell Street and No. 1A Fairview Strand these are as said remote from the subject appeal site, their settings are not comparable, and they would not result in any improvement to this locality. Instead, the replacement sign would give rise to a visually more apparent illuminated advertisement signage at an increased height with no improvements to the deteriorating state of No.s 3 – 4 Usher’s Quay which would in actuality result in more visually overbearing and visually incongruous new form of advertising signage at this visually sensitive location.
- 7.2.30. In addition, Appendix 17 also sets out that the: *“use of light box structures are also not supported. In order to achieve a coherent and standardised typology for outdoor display panels, Dublin City Council has a preference for smaller types of advertising panels.”*
- 7.2.31. As discussed the digital display is in effect a light box type sign that would be visible from greater distance and as such I consider that it is a type of sign that is contrary to Appendix 17 of the Development Plan.
- 7.2.32. Moreover, the overall size and scale of the replacement advertisement panel is as said out of context with the height, width through to highly homogenised brick finished wall.
- 7.2.33. Appendix 17 of the Development Plan also requires advertising signage to be: *“determined with regard to the streetscape quality and character of the urban fabric”*. Also, in relation to upgrading and replacement of existing outdoor advertising, which includes digital displays, it states that these: *“will only be permitted if it is acceptable in amenity”* and where agreement is made to decommission at least one other display panel in the city that is comparable.
- 7.2.34. As discussed in terms of the impact on the Protected Structure and Conservation area the replacement signage would not give rise to an acceptable amenity, particularly in visual and built heritage terms. In addition, as previously discussed the proposed decommissioned signage locations are not comparable to the site context and its unique sensitivities.

- 7.2.35. In terms of public realm, I note that Section 4.5.6 of the Development Plan states that: *“a high-quality public realm makes the city a more attractive place to live, work and visit, and provides for an improved quality of life for all. It is an integral part of healthy placemaking”* and that it: *“can have a very positive impact on Dublin’s competitiveness with other city regions internationally, both for tourism and for investment.”*
- 7.2.36. As set out above the proposed replacement advertising sign does not contribute positively towards achieving a high-quality public realm and would, if permitted, result in further diminishment of a highly prominent inner city corner site, a site that as a result of its unique location forms part of the historic inner city of Dublin which contains many key tourism draws within walking distance and also that would be passed by tourist in their movement around inner city Dublin including in terms of accessing public transport in the city and to get out of the city. As such the subject period building forms part of an important streetscape scene that contributes to cultural tourism and the economy of the city of Dublin due to its key locational attributes with its period charm also despite its poor state adding to the collection of structures in this locality that add positively to this particular areas character and identity.
- 7.2.37. Having regards to the above had the proposed replacement advertisement signage, complied with the relevant planning requirements discussed a condition could have been imposed to ensure that Section 2 and 8 of Appendix 17 was complied with. This sets out various controls for digital signage including luminance, materials, colours, the use of static images only, limiting advertisement displays to every ten seconds and the like. This however is not the case.
- 7.2.38. In conclusion, having regards to the concerns raised in terms of the compliance with the Dublin City Development Plan, 2022-2028, I consider that the general principle of the proposed development is not acceptable in this case. To this I also add that the aforementioned Development Plan accords with the ‘Architectural Heritage Protection Guidelines for Planning Authorities’, 2011, which I note recognises the importance of cultural tourism as playing a significant part in the tourist economy with Protected Structures and Conservation Areas playing their role in the attractiveness of Ireland as a place to visit. In addition, like the Development Plan Section 7.6.1 of the said guidelines seek to protect the special interest of Protected Structures from inappropriate works and unsuitable alterations and Section 8.1.1 notes the contribution of exterior structural elements like walls in contributing to the character of these

building. Moreover, Section 12.3 of the said guidelines on the matter of signage sets out that these should be required to respect the character of the protected structure and its setting. For the reasons set out above I consider that the proposed development not only fails to accord with local planning provisions but also is contrary to the guidance of the said Guidelines.

7.3. **Other Matters Arising**

7.3.1. **Precedent Cases:** I have reviewed the precedent cases set out by the First Party in their appeal submission to the Board. Similar to No.s 145 Parnell Street and 1A Fairview Strand I do not consider these examples of advertising signage were permitted mainly by Dublin City Council are comparable to this site and the proposed development sought. Further, the local planning provisions relevant to such a case have evolved since they were determined.

7.4. **Environmental Impact Assessment Screening.**

7.4.1. Having regard to the nature of the proposed development and its location in a serviced 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.

8.0 **Recommendation**

8.1. I recommend that permission be **refused**.

9.0 **Reasons and Considerations**

1. Having regard to its location on a prominent location of the replacement digital signage on the modest eastern elevation of No.s 3 – 4 Usher’s Quay, which are designated Protected Structures, (Note: RPS Ref. No.s 8199 and 8200), that form part of a larger built heritage rich urbanscape and streetscape scene that is designated protection as a Conservation Area, it is considered that the proposed development would seriously detract from the character and setting of these Protected Structure and from the character of this Conservation Area that contains several notable structures of built heritage merit that the subject

building forms part of their visual setting. The proposed development would be contrary to the policies and provisions of the Dublin City Development Plan, 2022-2028, regarding built heritage, advertising signs through to public realm, in particular Section 11.5.1; Policies BHA1, BHA2 and BHA9; Section 15.15.2.8; Section 11.5.3; Section 15.2.2.2; Appendix 17; Section 12.3 and Section 4.5.6. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the provisions of the Dublin City Development Plan, 2022-2028, to the nature and scale of the proposed development, including the type of digital display advertisement replacement signage and its placement at a more elevated height in order to increase its visibility to passerby's, on the eastern elevation of No.s 3 – 4 Ushers Quay, Protected Structures, it is considered that the proposed development at this highly strategic, prominent and visually sensitive to change historic urbanscape, would be contrary to Appendix 17 of the Development Plan which sets out the Outdoor Advertising Strategy and the development management controls for advertisements and advertisement structures.

This appendix of the Development Plan provides that any upgrading of existing outdoor advertising will only be permitted if an agreement is made to decommission at least one other comparable display panel in the city and where no amenity issues arise.

The proposed signage to be decommissioned by the applicant are not considered to be comparable and the information in terms of their decommissioning is not satisfactory.

Further, it is considered that the replacement signage would give rise to additional visual and built heritage amenity diminishment, particularly in terms of No.s 3 – 4 Usher's Quay, which are afforded protection under Policy BHA1 and BHA2 of the Development Plan as Protected Structures (Note: RPS Ref. No.s 8199 and 8200) and that form part of a larger Conservation Areas that is also afforded protection under Development Plan policy BHA9, alongside are

located in advertising control Zone 6, a location where Appendix 17 sets out that outdoor advertising in the context of the site is visually inappropriate.

Accordingly, the proposed development replacement signage sought under this application would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Patricia-Marie Young
Planning Inspector

11th day of September, 2023.