



An
Bord
Pleanála

Inspector's Report ABP315089-22

Development	Remove authorised works and erect a new shopfront.
Location	15 Westmoreland Street, Dublin 2.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4722/22
Applicant(s)	Crofray Limited (Kingdom of Sweets)
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First v Refusal
Appellant(s)	Crofray Limited (Kingdom of Sweets)
Observer(s)	None
Date of Site Inspection	2 September 2023
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1. The application site comprises the shopfront at 15 Westmoreland Street, Dublin 2 which is a protected structure. The permitted and current use of the premises is as a retail/sweet shop. The building is one of a terrace of five storey buildings in various commercial uses between Aston Quay/O'Connell bridge to Fleet Street, in Dublin city centre. Immediately to the left is a "Supermacs" fast food restaurant, next is a retail use (Entertainment Exchange) then a double shopfront that used to be Bewley's Cafe and still retains a coffee house/restaurant use. To the right (towards O'Connell bridge) is a KFC shopfront followed by three shopfronts of Carroll's Gift shops, and finally two Circle K shopfronts which incorporate signage for a Subway sandwich bar operating inside.

2.0 Proposed Development

- 2.1. Remove the unauthorised ground floor shopfront fascia board and signage, installation of a new ground floor shop front fascia board and individually mounted non-illuminated acrylic lettering signage, painting of existing surround grey and associated works at 15 Westmoreland Street, Dublin 2 (a protected structure).

3.0 Planning Authority Decision

3.1. Decision

- 3.2. Refuse permission for a single reason.
- 3.3. The proposed shopfront by reason of design and materials would have an adverse visual impact on this protected structure. The proposed shopfront 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 forms part of a significant vista and prospect within the city. The proposed development would be contrary to policy CHC2, CHC4, SC7 and SC22 of the Dublin City Development Plan 2016 - 2022, would create a precedent for similar undesirable development and would be contrary to the proper planning and sustainable development of the area.

3.4. **Planning Authority Reports**

3.4.1. Planning Reports

The planner's report recommended that permission be refused as set out in the Executive Manager's order.

3.4.2. Other Technical Reports

The **City Conservation Officer's** report recommended refusal.

Transport Infrastructure Ireland recommended that in the event of a grant of planning permission that consideration should be given to attaching a Supplementary Development Contribution condition.

4.0 **Planning History**

4.1. **Ref 3832/10** permission refused for signage on the shopfront.

4.2. Previous application history set out in the planning officer's report are not central to the current application.

5.0 **Policy and Context**

5.1. **Development Plan**

The site is zoned Z5 in the **Dublin City Development Plan 2022-2028** with the objective "to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity".

In relation to works to protected structures.

Objective BH A2

"That development will conserve and enhance protected structures and their curtilage and will:

(a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for

Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.

- (b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- (c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.
- (d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.
- (c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.
- (d) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.
- (e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.
- (f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.
- (g) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.
- (h) Have regard to ecological considerations for example, protection of species such as bats.

In relation to development within Architectural Conservation Areas Objective BH07 requires:

- (a) To protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA 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. Development shall not harm buildings, spaces,

original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA. Please refer to Appendix 6 for a full list of ACAs in Dublin City.

(b) Ensure that all development proposals within an ACA contribute positively to the character and distinctiveness of the area and have full regard to the guidance set out in the Character Appraisals and Framework for each ACA.

(c) Ensure that any new development or alteration of a building within an ACA, or immediately adjoining an ACA, is complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass, density, building lines and materials, and that it protects and enhances the ACA. Contemporary design which is in harmony with the area will be encouraged.

(d) Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

(e) Promote sensitive hard and soft landscaping works that contribute to the character and quality of the ACA.

(f) Promote best conservation practice and encourage the use of appropriately qualified professional advisors, tradesmen and craftsmen, with recognised conservation expertise, for works to buildings of historic significance within ACAs.

All trees which contribute to the character and appearance of an Architectural Conservation Area, in the public realm, will be safeguarded, except where the tree is a threat to public safety, prevents universal access, or requires removal to protect other specimens from disease.

The site is also within the **O'Connell Street and Environs Scheme of Special Planning Control 2016** which includes (in Part 3) the key objective to "To redress the decline in quality and presentation of buildings and shopfronts within the O'Connell Street Area Special Planning Control Scheme".

5.2. Natural Heritage Designations

Not relevant.

5.3. **EIA Screening**

5.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage. OR

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- There is an authorised shopfront to this premises under 3536/99 – the application seeks to retain amendments to that shopfront. The applicant accepts that these alterations require permission.
- The amendments proposed are an appropriate design, scale and proportions on a more appropriate grey coloured background.
- The fascia board is reduced from 1.12m to 0.75m, the max height of the lettering will be 300mm and the length of the signage will be 2.4m – about half of the existing length. The individually mounted acrylic lettering will be acceptable given these reductions in scale.
- The appeal includes an amended scheme which has been implemented in Bath – which is a world heritage site and is comparable in heritage significance terms to the Dublin location.

6.2. **Planning Authority Response**

- None

6.3. **Observations**

- None

6.4. Further Responses

- None

7.0 Assessment

- 7.1. Although the application was assessed under the previous City Development Plan the current plan is the City Development Plan 2022-2028 and this assessment addresses the policy framework of the current plan. The proposed development is in an area zoned Z5 in the current Dublin City Development Plan. The zoning objective is to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity where retail is accepted in principle. The retail use of the premises complies with the zoning objective. The overall building (15 Westmoreland Street) is one of a terrace of protected structures and is located in an area of special planning control related to the O'Connell Architectural Conservation area.
- 7.2. Objective BH A2 in relation to **protected structures** seeks to ensure that new development will conserve and enhance protected structures and their curtilage and will, *inter alia*, ensure that new and adapted uses are compatible with the architectural character and special interests of the protected structure. Objective BH07 requires in relation to development within **architectural conservation areas** that it 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, development shall not harm buildings, spaces, or original street patterns. The **Scheme of Special Planning Control 2016** seeks to redress the decline in quality and presentation of buildings and shopfronts within the O'Connell Street area.
- 7.3. The site is the shopfront related to the ground floor retail use within a terrace of five storey houses on the west side of Westmoreland Street in Dublin 2. Immediately to the left is a "Supermacs" fast food restaurant with fascia mounted corporate signage including two flags, to the right is KFC fast food restaurant also with corporate signage and flags. To the right (towards O'Connell bridge) from the KFC shopfront are three shopfronts of Carroll's Gift shops, and finally two Circle K shopfronts which incorporate signage for a Subway sandwich bar operating inside.

- 7.4. The existing fascia board is unacceptably high and does not reflect the reasonably modest scale of the adjoining and nearby facias that reasonably respect the proportions of the protected structures on which they are mounted. Additionally, the background fascia colour is garish and the lettering excessively large. Therefore, I agree with the planning authority that current shop front is unacceptably visually obtrusive within its context and fails to have regard to the development plan objectives in relation to appropriate signage within an ACA or erected on a protected structure and has insufficient regard to the scheme of special planning control that flows from the O'Connell Street ACA.
- 7.5. The amended signage addressed these aspects of the development by a modest reduction in the height of the fascia, substituting a single grey colour within the fascia for the existing two colours and substantially reducing the letter heights and lengths. Subject to the conditions set out below I conclude that these changes make the revised shop front acceptable from a visual impact perspective and its location on a protected structure and within an ACA.
- 7.6. The applicant submitted an amendment proposal (see material appended to the end of the appeal documents) and suggested that this may overcome the concerns of the planning authority. I have considered this element of the submission and conclude that it should more properly be subject to a separate application which may be considered by the planning authority and open to submissions from the public. I recommend that the Board should determine the application as submitted to Dublin City Council.

7.7. **Appropriate Assessment Screening**

- 7.8. Having regard to the nature and scale of the proposed development, it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

8.0 **Recommendation**

- 8.1. I recommend a grant of permission.

9.0 Reasons and Considerations

9.1. The application site is zoned to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity in the Dublin City Development Plan 2022 to 2028. The proposed development comprises a shop front to a protected structure in an area designated an Architectural Conservation Area and subject to a scheme of special planning control. Having regard to the pattern of development in the area including retail and entertainment uses with associated signage and subject to the conditions set out below it is considered that the proposed shopfront would not seriously injure the visual amenity of the protected structure or the architectural conservation area, would not be out of character with adjoining uses and would otherwise accord with the provisions of the current City Development Plan and the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed shopfront shall be in accordance with the following requirements:-</p>

	<p>a. The sign shall be restricted to a single fascia sign using sign writing or individually mounted lettering,</p> <p>b. no awnings, flags, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,</p> <p>c. external roller shutter shall not be erected on the shopfront, any internal shutter shall be only of the perforated type, coloured to match the shopfront colour.</p> <p>d. no adhesive material shall be affixed to the windows (inside or outside) or the shopfront.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.

Hugh Mannion
Senior Planning Inspector

2nd September 2023