



An  
Bord  
Pleanála

## Inspector's Report

**ABP-315253-22**

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<b>Development</b>	Retention of intermittent and temporary advertising banners
<b>Location</b>	Grantham House, corner of Grantham Street and Camden Street Lower, Dublin 8
<b>Planning Authority</b>	Dublin City Council (South)
<b>Planning Authority Reg. Ref.</b>	4834/22
<b>Applicant(s)</b>	Micromedia
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refusal for 1 no. reason
<b>Type of Appeal</b>	First Party against Refusal
<b>Appellant(s)</b>	Micromedia
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	7 <sup>th</sup> June 2023
<b>Inspector</b>	Bernard Dee

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
4.0 Planning History.....	7
5.0 Policy and Context.....	7
6.0 The Appeal .....	12
7.0 Assessment.....	14
8.0 Recommendation.....	16
9.0 Reasons and Considerations.....	16

## **1.0 Site Location and Description**

- 1.1. The appeal site, a three storey plus set back penthouse level office/commercial building, Grantham House, is located at the junction of Grantham Street and Camden Street Lower, Dublin 8. The building is part occupied at present with a tile showroom at ground floor level with frontage onto Grantham Street with office uses above. The corner façade which is the subject of this application contains a vacant use.
- 1.2. Camden Street which is a Conservation Area, has a mixed use character with a range of retail, office, residential and café/restaurant use and Grantham Street has a similar character in the vicinity of the appeal site. No. 56 Camden Street Lower which is adjacent to (south of) the appeal site is a Protected Structure as are the row of shops on the north side of Grantham Street called Camden Market opposite the appeal site.
- 1.3. During the site visit on 7th June 2023 it was noted that banners advertising the deodorant Lynx covered the first and second floor levels of the corner of Grantham House while the ground floor lobby area was occupied by a curved digital display advertising the same product.

## **2.0 Proposed Development**

- 2.1. This application relates to the retention of the use of part of the ground, first and second floor facade for the intermittent and temporary display of advertising banners on a part of Grantham House that articulates the corner of Camden Street Lower and Grantham Street.
- 2.2. The stated surface area of the advertising banners is 19m<sup>2</sup> at ground floor level. However, while the 2.9m height on (the 'Proposed Elevations & 3D' drawing (Drawing AH35 PL201 1) submitted with the appeal is correct, the width of the ground floor advertising banner is not annotated on the drawing but I have measured it at 1:100 scale and I have calculated that it is 4.2m<sup>2</sup> in width which would give an area of 12.2m<sup>2</sup> for the ground floor banner for which retention is sought. This discrepancy in measurements may be due to the corner location of the banners and the 2D rendering of this three dimensional space.

2.3. At first and second floor levels the stated area is 50.3m<sup>2</sup> and a similar discrepancy in the unannotated width on the same drawing occurs. I measured a height of 7.1m and a width of 4.4m giving an area of 31.24m<sup>2</sup>. The correct overall area of all advertising banners/digital display is 43.4m<sup>2</sup>. In any event, the exact area of the banners on the façade is immaterial to the assessment of whether or not an advertising banner covering the ground, first and second floor corner of Grantham House is in accordance with the proper planning and development of the area or not.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Retention permission was refused by the Planning Authority on 7<sup>th</sup> November 2022 for the following reason:

*Having regard to the location of the application site within a designated conservation area, and adjacent to a Protected Structure at number 56 Camden Street Lower, and the size and scale of the advertisement panels for retention, it is considered that the proposed development would result in a visually obtrusive form of development which would detract from the character and setting of the streetscape along Camden Street Lower/Grantham Place, would be contrary to Appendix 19.6 of the Dublin City Development Plan in relation to Advertising, contrary to Policy SC22 ,and contrary to section 11.1.5.6 of the Dublin City Development Plan which seeks to severely restrict advertising on commercial properties. The proposed development would seriously injure the visual amenities of the area, and set an undesirable precedent for similar developments in the area which would thereby be contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### Planning Reports

NOTE: Dublin City Development Plan 2022-2028 is the statutory plan for the area within which the appeal site is situated and came into force on 14th December 2022. References in the Planner's Report to policies and objectives contained in the Dublin City Development Plan 2016- 2022 should therefore be disregarded. References in the Planner's Report that are still valid are contained in the following paragraphs below. Other policies and objectives relevant to this appeal are contained in Section 5.0 of this report below.

The Planner's Report notes that the subject site is located in a Z4 zoning - To provide for and improve mixed-services facilities. The Planner's Report notes the location of the application site within a Conservation Area (not an Architectural Conservation Area) and refers to the policies and objective relating to the zoning objective and to the treatment for advertising and advertising structures within this area.

The Planner's Report comments on the prominent location of the advertising banners and that this use is 'Open for Consideration' under the Z4 zoning objective and records 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"*.

The Planner's Report notes submissions both for and against the retention of the banners but that having regard to the fact that the application site is a designated Conservation Area, Dublin City Council in this regard will actively seek to severely restrict advertisement on commercial properties. The report continues that *"the size and scale of the advertisement panels are excessive and would be visually incongruous form or development which would detract from the character and setting of the streetscape which is a designated conservation area and the adjoining protected structure"*.

The Planner's Report concludes by recommending that retention permission is refused having regard to its location in a Conservation Area, its proximity to a Protected Structure and to the policies and objective of the Development Plan.

#### 3.2.1. Other Technical Reports

The Drainage Division responded that there was no objection to the retention of the advertising banners subject to appropriate conditions being applied.

#### 3.2.2. Prescribed Bodies

TII responded that if retention permission were granted then a Section 49 levy should be conditioned as the site lies within the defined LUAS line levy area.

#### 3.2.3. Observations

Submissions in support of the retention of the advertising banners were attached to the retention application from St. Patrick's Festival, Dublin Fringe Festival, First Music Contact, Sync&Swim Creative Marketing/Strategic Communications and the Project Arts Centre. In addition, during the five week consultation period additional letters of support were received from Whelans Public House/Music Venue, Camden Rotisserie and Paul Malone, a resident in the vicinity of the appeal site. These submissions comment that the advertising banners add life and vibrancy to the area and provide a useful information source for members of the public in relation to cultural events and items of Covid restrictions during the pandemic.

Submissions in opposition to the retention of the advertising banners were received from Bright Design Architects and Senator Lynn Boylan who cited the adverse impact the banners have on the streetscape, that the banners are contrary to Development Plan policies and objective regarding advertisements, that there is already a proliferation of advertising structures on Camden Street which detract from the visual amenity of the area which is a Conservation Area, that the banners would detract from the setting of several Protected Structures in the vicinity and that an undesirable precedent would be set for the area by a grant of retention permission.

Senator Boylan also points out that in addition to the advertising banners there are advertisements displayed on digital screens which are omitted from the retention application rendering said application invalid.

## 4.0 Planning History

### 4.1. On the Appeal Site

- Ref. 0171/22: Section 5 refused at Grantham House for temporary affixing of PVC banners to the Grantham Street and Camden Street facades of Grantham House, for advertising purposes.
- Refs. 2381/16, 3955/15, 2467/09, 5108/07, 3422/07, 3689/02 (PL29S.201639) and 2229/01 relate to various modifications and changes of use being granted or refused at Grantham House but do not relate to the signage which is the subject of this current First Party appeal.

### 4.2. In the Vicinity of the Site

- Refs. 1446/17 and 1461/17 relate to grants of permission for the replacement of the existing internally illuminated, double sided, scrolling 'Metropanel' advertising display with a double sided digital 'Metropanel' advertising display on both sides of Camden Street to the south-east of the appeal site. These are free standing structures and not affixed to buildings.
- I noted during my site visit on 7<sup>th</sup> June 2023 that there were several panel advertisement affixed to buildings in the vicinity of the appeal site that appear to have been erected either as exempted development or without the benefit of planning permission where permission would have been required.

## 5.0 Policy and Context

### 5.1. Development Plan

The Dublin City Development Plan 2022-2028 is the statutory plan for the area within which the appeal site is situated.

The appeal site is located in an area zoned Z4 – To provide for and improve mixed-services facilities. Within this zoning advertisement and advertising structures are deemed 'Open for Consideration'. The appeal site is located in a Conservation Area.

### 11.5.3 Built Heritage Assets of the City

These include heritage assets such as conservation area land use zonings, mews structures, vernacular buildings, 20th century heritage, industrial heritage and street furniture, which may not be protected structures but which contribute significantly to the streetscape and to the character of the city. Z2 and Z8 Zonings and Red-Hatched Conservation Areas The Z8 Georgian Conservation Areas, Z2 Residential Conservation Areas and red-lined Conservation Areas are extensive throughout the city. Whilst these areas do not have 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. Designated Conservation Areas include extensive groupings of buildings, streetscapes and associated open spaces and include (parts of) the medieval/walled city, the Georgian Core, the 19th and 20th century city, and the city quays, rivers and canals. The special interest/value of Conservation Areas lies in the historic and architectural interest and the design and scale of these areas. Therefore, all of these areas require special care in terms of development proposals. The City Council will encourage development which enhances the setting and character of Conservation Areas.

As with Architectural Conservation Areas, there is a general presumption against development which would involve the loss of a building of conservation or historic merit within the Conservation Areas or that contributes to the overall setting, character and streetscape of the Conservation Area. Such proposals will require detailed justification from a viability, heritage, and sustainability perspective.

Policy BHA9 gives effect to the above aspirations Chapter 11, page 358 of the Development Plan.

### 15.15.2.2 Conservation Areas

Conservation Areas include Z8 (Georgian Conservation Area) and Z2 (Residential Conservation Area) zones, as well as areas identified in a red hatching on the zoning maps which form part of the development plan [Camden Street falls into this category]. These red-hatch areas do not have a specific statutory protection but contain areas of extensive groupings of buildings, streetscapes, features such as rivers and canals and associated open spaces of historic merit which all add to the



special historic character of the city. All planning applications for development in Conservation Areas shall:

- Respect the existing setting and character of the surrounding area.
- Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.
- Protect the amenities of the surrounding properties and spaces.
- Provide for an assessment of the visual impact of the development in the surrounding context.
- Ensure materials and finishes are in keeping with the existing built environment.
- Positively contribute to the existing streetscape Retain historic trees also as these all add to the special character of an ACA, where they exist.

Further guidance on Conservation Areas is set out in Chapter 11 Section 11.5.2 of the Development Plan.

#### 15.17.5 Shopfront and Façade Design

Shopfront design plays a key part in contribution to the quality of the public realm. Attractive facades and shopfronts have the ability to rejuvenate the streetscape and create an attractive public realm environment. Shopfront signage should:

- Be located at fascia level.
- In the case of shop blinds, comprise traditional retractable canvas awning 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 elevation 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.

The following sections of Appendix 17 Advertising and Signage are relevant to this First Party appeal.

- Section 1.0: The outdoor advertising strategy seeks to set out guidance for the provision of various types of signage within certain locations in the city. In order to manage an effective programme of outdoor advertising, the City Council has developed a policy based on geographical zones.
- Zone 3: The radial routes leading into and out of the city are areas where opportunity exists for the managed provision of outdoor advertising. Subject to compliance with the development management standards, as set out in Section 6, the development of outdoor advertising in this zone will be open for consideration.
- The preferred location for outdoor advertising panels in the city is on public thoroughfares, distributor roads and radial routes contained within Zones 2, 3 and 5 as indicated in Figure 1 showing Zones of Advertising Control.
- Section 4.0 High Level Corporate Branding/ Signage - High level corporate signage/ branding (e.g. located on the top floor) on buildings will be assessed on a case-by-case basis having regard to the location of the development and the visual impact of the proposed branding/ signage. The provision of high level signage/ branding will be limited to one main elevation and should be used for navigational purposes only to identify the location of the development

on key thoroughfares. The design of the signage/ branding should be modest and in keeping with the surrounding materials and finishes and should respect the surrounding character of the area. The applicant is required to demonstrate the visual appearance of the signage through the production of photomontages in order for the planning authority to assess the overall visual impact of the development. Internal illumination of such signage will only be considered in exceptional circumstances where the planning authority are satisfied that it would have no material adverse visual impacts.

- Section 6.0 Temporary Advertising/ Artwork - Applications for temporary advertising display panels and temporary artwork will be considered on a case-by-case basis. In such instances, temporary display panels may be approved where they can be used for the screening of building sites or land which are aesthetically unsightly. Notwithstanding the temporary nature of such signage, it will still be necessary to ensure the protection of the special architectural quality and character of conservation areas. Under no such circumstances, however, will permanent permission be granted and all such permissions will be of a temporary nature.
- Section 8.0 Advertising Development Management Standards - Applications for new advertising structures will, in addition to the above considerations, be considered having regard to the following:
  - The geographical zone in which the site is located, as set out in the figure showing zones of advertising control. The rationale for the proposed advertising structure, including proposals for the removal and/ or rationalisation of existing outdoor advertising structures.
  - The concentration of existing advertising structures in the area.
  - The design of the advertising panel and the use of high-quality materials.
  - The scale of the panel relative to the buildings, structures and streets in which the advertising panel is to be located.
  - Impact on the character of the street and the amenities of adjoining properties.

- Advertising panels will not be permitted where they interfere with the safety of pedestrians, the accessibility of the public footpath or roadway, the safety and free flow of traffic or if they obscure road signs.
- Impact on the character and integrity of Architectural Conservation Areas, Protected Structures and Conservation Areas.
- Proposals must meet the safety requirements of the Transport Infrastructure Ireland (TII), where appropriate.
- To ensure that all proposals do not interfere with the safety and accessibility of pedestrians and wheelchair users on the public footpaths.

## **5.2. Natural Heritage Designations**

There are no natural heritage designations located in the vicinity of the appeal site.

## **5.3. EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

The First Party appeal prepared by Gravis Planning puts forward grounds of appeal which are, in summary, as follows:

- The corner façade of Grantham House to which the appeal relates has accommodated advertising banners of different brands for several years and is accepted by residents and business owners in the area as being a preferable use of this façade rather than an unoccupied and featureless corner.

- The advertising banner promotes the arts and the cultural life of the city and several cultural organisations have provided letters of support which are appended to this appeal - Dublin Fringe Festival, Project Arts Centre, First Music Contact and St. Patrick's Festival.
- The banners normally are in place for a two week period before being removed and then a further two week period elapses before the next banners are erected on the façade of Grantham House so the advertising use is not continuous but is of an intermittent nature.
- The mixed use nature of the area, the proximity of a Protected Structure (No. 56 Camden Street) and the location of the appeal site in a Conservation Area are noted, but the First Party does not think that the advertising banners have any adverse impact on the heritage value of the area and in fact the banners add interest and vitality to this thriving mixed use area by enlivening the streetscape at this corner location.
- The advertising banners do not breach Development Plan 'Advertising and Signage Strategy' as no "structure" is proposed and advertising banners are 'Open for Consideration' in the Z4 zoning area.
- The banners do not obstruct vehicular, pedestrian or bicycle traffic.
- The First party would be happy to accept a condition restricting the advertising banners to arts and cultural advertising with no commercial advertising if the Board grants retention permission.
- In addition, the First party would be happy to accept a condition restricting the advertising banners to a temporary period of 18 months.
- The granting of retention permission by the Board for the advertising banners would not create a precedent as each case must be decided on its own merits.

#### 6.1. Applicant Response

Not applicable.

#### 6.2. Planning Authority Response

No response has been received from the Planning Authority.

### 6.3. Observations

No Observations have been received in relation to this appeal..

### 6.4. Further Responses

Not applicable.

## 7.0 **Assessment**

7.1. Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The assessment below therefore addresses whether or not the temporary and intermittent use of the ground, first and second floor corner façade of Grantham House should be permitted to retain its use as a location for advertising banners. The issue of AA Screening is also addressed in this assessment.

7.2. The First Party argument in favour of the retention of the temporary (up to 18 months) and intermittent (alternating sequence of two weeks with banners and two without) advertising banners rests on the belief that notwithstanding the location of Grantham House within a Conservation Area in close proximity to the appeal site, the banners bring life and vitality to this mixed use area and perform a useful function in promoting the arts and culture of the city.

7.2.1. I would state firstly that the issue is not whether or not the advertising banners are promoting the arts and cultural events or are promoting commercial, retail or professional services. The relevant issue in this instance is whether or not the advertising banners are in compliance with the requirements of the Development Plan with respect to advertising which would entail by necessity that no adverse visual impact is associated with these banners or at the very least that the impact of the advertising on the character of the streetscape and the Conservation Area is benign.

- 7.2.2. Having visited the site I can confirm to the Board that Camden Street is host to a proliferation of all sorts of signage, fascia and projecting, illuminated and digital, large and small which does not contribute in a positive way to the character of the area which the Planning Authority seeks to protect and if possible improve.
- 7.2.3. The sheer scale of the advertising banners under appeal stretching over three floors of a visually prominent corner building has an adverse impact that would exceed a similarly sized banner on a mid-terrace façade. The location of the banners is highly visible travelling south along Camden Street and is also visible travelling north along Camden Street and in both east and west directions on Grantham Street.
- 7.2.4. By their very nature these advertising banners are designed to be prominent and eye catching and I do not concur with the appellant that these banners bring vitality and colour to the streetscape. In my opinion the banners have precisely the opposite effect in that they detract from the visual amenity of the streetscape and erode, cumulatively with the plethora of other advertising on Camden/Grantham Streets, the historic character of this Conservation Area.
- 7.2.5. The policies and objectives of the Dublin City Development Plan 2022-2028 seek to protect and improve the visual amenity and the character of this area. I find that said policies are both reasonable and necessary in order to protect the historic environment and make the streets less visually cluttered and disordered and hence more liveable for residents and visitors to the area.
- 7.2.6. To grant permission for the retention of the advertising banners would set an undesirable precedent for the area and be contrary to the policies and objectives of the Development Plan.
- 7.2.7. The digital screens on the ground floor are not the subject of the retention application under appeal and the issue of their presence being authorised or unauthorised advertising development is for the Planning Authority to address.

### 7.3. AA Screening

Having regard to the relatively minor development proposed within an existing housing estate and the distance from the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

I recommend that permission be refused for the advertising banners for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

Having regard to the provisions of the Dublin City Development Plan 2022-2028, it is considered that by reason of scale, design and location, the advertising banners would lead to proliferation of signs at this urban village location which is a designated Conservation Area and would detract from the visual amenities and character of the area. The proposed development would, therefore, be contrary to the provisions of the Development Plan, would seriously injure the visual amenities of the area and 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.

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**Bernard Dee**  
**Planning Inspector**

**9<sup>th</sup> June 2023**