

An
Bord
Pleanála

Inspector's Report ABP317306-23

Development	New shopfront signage.
Location	83 Grafton Street, Dublin 2 / D02F798.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB1828/22.
Applicant(s)	Dr Martens, AirWair (Ireland) Ltd.
Type of Application	Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party
Appellant(s)	Dr Martens AirWair (Ireland) Ltd.
Observer(s)	None.
Date of Site Inspection	21/08/2023.
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The proposed development is an established retail premises on the west side of Grafton Street close to the junction with Johnson Court. Grafton Street is one of the premiere retail streets in Dublin city centre.
- 1.2. The site comprises a three-storey three-bay building over a commercial ground floor frontage.
- 1.3. The ground floor retail unit is in use as 'Dr Martens' – a comparison footwear store.
- 1.4. The subject building is not a protected structure.

2.0 Proposed Development

- 2.1. New shopfront signage to comprise the following:

1 - Main facade signage to read 'Dr. Martens'. Overall sign dimensions are 385mm high x 3000mm wide, sign area 1.155m². The sign is comprised of individual built-up metal lettering with an overall depth of 80mm. Front face of lettering is white acrylic with a metal surround and side with black powder coated paint finish. The sign is illuminated with integrated lighting.

2 - Signage board, mounted perpendicular to facade with Dr. Martens logo. Board dimensions are 600mm high x 600mm wide, area 0.36m². Signage board to be fabricated from aluminium with black powder coated paint finish. The sign is illuminated with integrated lighting.

3.0 Planning Authority Decision

3.1. Decision

Refuse planning permission for the following reason:

1. *The unauthorised shopfront would have a serious adverse and injurious impact on the architectural fabric and character of the building and on the surrounding environment including the visual amenity afforded within the designated Grafton Street Architectural Conservation Area and the Scheme of Special Planning Control for Grafton Street and Environs. The unauthorised*

works undertaken do not relate sensitively to the architectural detail, scale, proportions and design of the building. The development would result in an undesirable precedent for similar type development, would have a detrimental impact on the visual amenity and depreciate the value of property in the vicinity. The unauthorised works would contravene section 15.17.5 and BHA7 of the Dublin City Council Development Plan 2022-2028, the Grafton Street Architectural Conservation Area, the Scheme of Special Planning Control for Grafton Street and Environs and the Shopfront Design Guidelines. The proposal would thereby be contrary to the proper planning and sustainable development of the area.

Additional Information Request dated 04/11/2022

1. As noted, the main facade signage and lettering stating 'Dr. Martens' is already in place. It is unclear whether the lettering on the fascia is the same as indicated on the drawings submitted. Having carried out a site inspection, the planning authority has concerns that the lettering erected is oversized and excessive in scale for the subject site. The applicant is therefore requested to clarify if they are proposing to retain the existing signage or replace the lettering with a more sympathetic size. Retaining the existing lettering would not be supported by the planning authority.
2. The submitted elevation drawing onto Grafton Street depicts the removal of the existing stallriser with the window glazing proposed to run to pavement level. However, there is an existing metal stallriser that runs along the base of the shopfront framing the window panes that is currently in place. The planning authority does not support the removal of the stallriser as it is an important element of the overall shopfront and therefore must be retained. The applicant is therefore requested to submit revised drawings illustrating the retention of the stallriser.
3. The planning authority does not support the installation of an illuminated projecting 'Dr. Martens' sign mounted on the fascia. The projecting signage adds unnecessary clutter along the streetscape, is visually obtrusive and sets an undesirable precedent for this type of signage on a Category 1 Principal Shopping Street within The Grafton Street Architectural Conservation Area

and The Scheme of Special Planning Control for Grafton Street and Environs.
The projecting signage must therefore be removed.

Additional Information Response dated 25/04/23

Item 1: The applicant confirmed that the drawings submitted did not accurately show the erected unauthorised signage. The applicant submitted revised drawings which state the correct size of the unauthorised erected signage. This revised drawing confirms the sign dimensions are 475/600mm high X 4540mm wide.

Item 2: The stall risers are to be retained by the applicant.

Item 3: The applicant states the projecting signage is a discreet and elegant design, which enhances the overall appearance of the shopfront thereby making a positive contribution to the street.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Dublin City Council reflected the recommendation of the planning case officer.

3.2.2. Other Technical Reports

No objection

4.0 Planning History

The following planning history is relevant:

- Under register reference 5275/08 permission was granted for the refurbishment of the shopfront consisting of a new tiled surround to the shopfront glazing; the existing shopfront frame to be provided with a new stainless steel cladding; a new "Aldo" sign above the front entrance door and, two new flag signs together with a new illuminated blade sign.

Condition 2 is relevant and states:

Prior to commencement of development the applicant shall submit revised drawings, for written agreement of the Planning Authority to show the following amendments: a) The proposed illuminated projecting (blade) sign shall be omitted b) The proposed flagpoles and associated banners shall be omitted c) The proposed fascia signage shall be reduced in height and proportion to not exceed 300mm in height and shall comprise of individually pin mounted lettering and means of illumination shall be by rear illumination of the individual letters. d) The proposed white opaque window vinyl to the nine upper floor windows shall be omitted.

Reason: In the interests of visual amenity

- Under register reference 1632/98 permission was granted for the installation of a new shop front and signage.
- Under register reference 2207/95 permission was granted for a new polished timber glazed shopfront and fascia.

5.0 Policy and Context

5.1. Development Plan

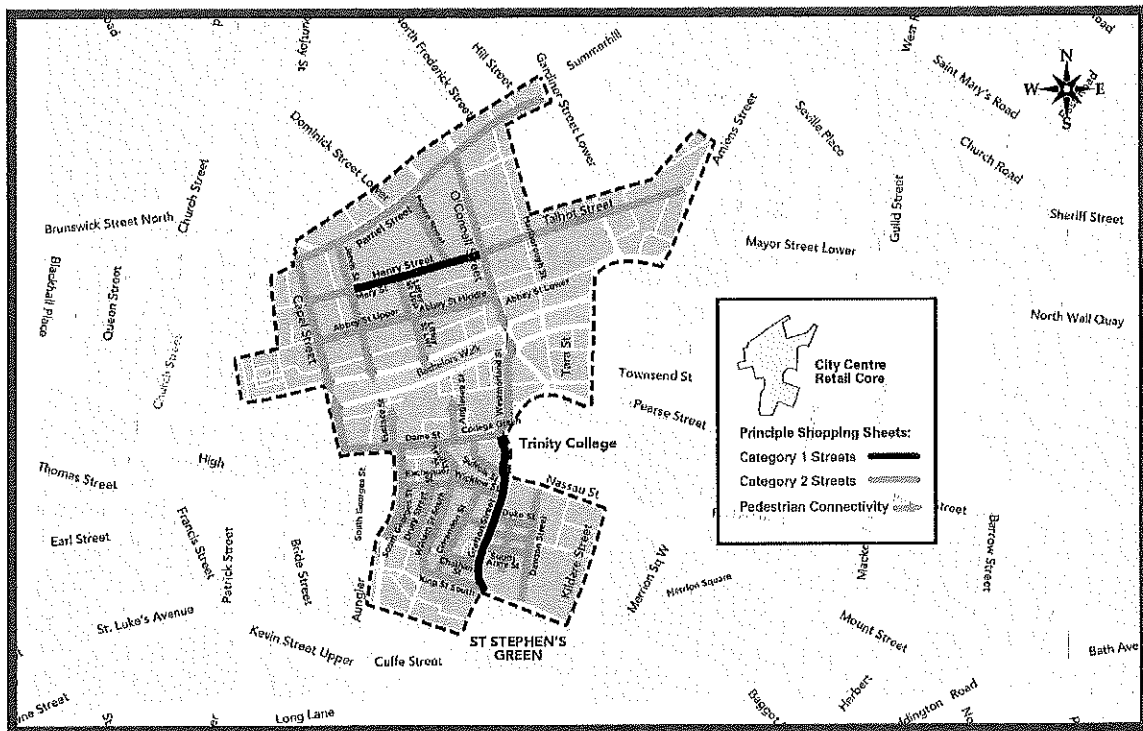
The following policy objectives *inter alia* of the Dublin City Development Plan 2022-2028 are relevant:

Relevant Designations

The site is located within:

- The Grafton Street Architectural Conservation Area;
- The Scheme of Special Planning Control for Grafton Street and Environs;
- Category 1 Principal Shopping Street.

The Figure 7.2: Dublin City Centre Retail Core, Principal Shopping Streets



Zoning

- The zoning objective is Z5 'City Centre' (Map E):

To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.

Retail a permissible use.

Shopfront Design Guidance

- Dublin City Council's Shopfront Design Guide, 2001 provides comprehensive shopfront design guidance and is relevant. The Guide sets out design considerations in relation to the development of shopfronts and signage.

Shopfronts are one of the most important elements in determining the character, quality and perception of retail streets...more successful designs comprise strong 'frameworks' including a well-defined fascia panel, pilasters and a strongly defined base.

- Chapter 15, Section 15.17 (Shopfront & Façade Design) is relevant and *inter alia* states:

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.*
- Chapter 11 (Archaeology & Built Heritage), Policy BHA9 (Conservation Areas), Dublin City Development Plan 2022-2028 *inter alia* states:

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and

distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

- 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- 2. Re-instatement of missing architectural detail or important features.*
- 3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.*
- 4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- 5. The repair and retention of shop and pub fronts of architectural interest.*
- 6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.*
- 7. The return of buildings to residential use.....*

5.2. EIA Screening

5.3. The proposed development is not within a class where EIA applies.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal statement is prepared by SBA Architect, on behalf of the applicant, Dr. Martens AirWair (Ireland) Limited. The substantive grounds of appeal are summarised below:

- Dr. Martens have erected shopfront signage above their store at no. 83 Grafton Street. A photograph of the erected shopfront and signage is attached to the appeal statement;

- The upper case letters of the individually mounted fascia letters are 600mm high and lower case letters are 475mm high. The signage is in proportion with the overall fascia height of 1200mm.
- The fascia signage is in proportion with many neighbouring shopfronts along Grafton Street. A number of photographs of selected shopfronts and fascia signage is attached to the appeal statement;
- The shopfront includes individually mounted letters to the fascia, does not include signage to the window display, no banner signage is proposed, the subject signage is neutral and is not illuminated - all in accordance with the requirements of the planning authority - with reference to the Grafton Street Architectural Conservation Area / Section 6 (Advertising Structures);
- The applicant intends to remove the projecting sign located on the left side of the shopfront fascia. A drawing (no. 22-014-P06 Revision B) is attached to the appeal statement showing this omission;
- The subject signage is restricted to the fascia and displays the recognized brand name of the business, consists of individually mounted letters albethey in excess of the guidance in terms of letter height size and no lettering and logos are affixed to the glazing all in general compliance with Section 3.3.9 (Shopfront Signage) of the Scheme of Special Planning Control for Grafton Street and Environs;
- The subject premises at no. 83 Graton Street is not a protected structure. The shopfront does not form part of the historic structure. The shop frontage was granted in March 2009. A drawing is appended with the appeal statement showing the approved shopfront. The modern lettering of the subject fascia signage is well suited to this shop frontage and the subject letter height is not out of proportion with the existing fascia height;
- There store is trading well and is popular with members of the public, which does not support the planning authority claim that the subject shopfront would have a serious adverse and injurious impact on the surrounding environment;

- The shop frontages on Grafton Street that have similar fascia letter height sizing to the erected lettering on the subject premises do not have a detrimental visual impact or devalue property in the vicinity;
- There is precedent in the vicinity for signage that is not in compliance with the guidelines on fascia letter height. These developments contribute positively to the successful trading environment.
- The planning authority decision to refuse planning permission is not justified in this instance and is not borne out by the subject shop frontage at no. 83 Grafton Street, which is broadly in line with relevant guidelines and is supported by precedent on the street. It is submitted that the planning authority have taken an over negative view of the development.

6.2. Observations

No observations recorded.

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission and encapsulates my *de novo* consideration of the application.
- 7.2. The applicant has appended revised drawings to the appeal statement that *inter alia* show a material change in the size of the fascia lettering from that submitted with the original planning application. The individually mounted fascia letters submitted with the planning application (Drawing 22-014-P06 submitted 07/09/22) show lettering 385mm in height. The revised drawing (22-014-P06 Revision B, submitted to ABP on the 09/06/23) show the individually mounted fascia letters predominantly measuring 600mm in height.

The revised drawing showing the increased letter height size of 600mm would match more accurately the existing unauthorised 'Dr. Martens' signage in situation on the day of my site visit. It is considered that the revised signage is a material change from the fascia signage advertised in the public notice: *sign dimensions are 385mm high x 3000mm wide*. I would consider that the revised signage would require new public notices and notify the Board of this fact.

The following assessment solely relates to the proposed development as submitted to the planning authority, as advertised in the public notices, and shown on the drawings and particulars received by Dublin City Council on the 07/09/22.

- 7.3. The proposed development is located on Grafton Street a premiere shopping street within the city retail core. Grafton Street is a Category 1 shopping street. The purpose of Category 1 and Category 2 shopping streets is to protect the primary retail function of these streets as the principal shopping streets in the retail core and to strengthen the retail character of the central shopping core with an emphasis on higher order comparison retail.
- 7.4. The subject retail store at no. 83 Grafton Street is occupied by the retailer 'Dr. Martens', which was trading from the store on the day of my site visit. The occupier is a comparison footwear retailer. I would concur with the planning case officer that the planning authority welcomes the continued retail use of the subject premises which will contribute positively to the area and animation of Grafton Street.
- 7.5. The planning history on site indicates that planning permission was granted circa. 2008 for the constituent elements of the existing shop frontage, including the stone shopfront frame, which the applicant proposes to retain. It is noted that Condition 2 of that permission *inter alia* omitted a proposed projecting sign and restricted the size of the individually mounted fascia letters to 300mm in height. It is considered that the substantive element of the shop frontage that is the subject of the current application is signage (see below clarification in the matter of the stallriser to the existing shop front frame).

The applicant proposes to replace the existing fascia signage and replace with new signage advertising the current occupier – 'Dr. Martens'. The signage would comprise individually mounted metal letters measuring 3.85 mm in height and 3m in length (as advertised on the public notices and submitted to the planning authority on the 07/09/22) to be mounted on the existing fascia and to be back lit (halo lighting to be contained within the body of lettering). The built up metal letters would be 80mm in dept. The metal letters would have an acrylic white font finish with a black outline (powder coated).

The planning application also incorporate an illuminated projecting sign measuring 600mm x 600mm advertising the occupier – ‘Dr. Martens’ accompanied by an ‘AirWair’ / ‘Dr. Martens’ logo (see assessment below).

- 7.6. It is reiterated that on the day of my site visit fascia signage was in situation advertising the occupier – ‘Dr. Martens’. However, the unauthorised signage albeit comprising individual mounted letters is at a significantly increased scale than the fascia signage submitted to the planning authority. The appellant confirms in the appeal statement that signage advertising the new occupier has been erected. The appeal statement states that upper case letters are 600mm high and lower case letters are 475mm high and claims the signage is in proportion with the overall fascia height of 1200mm.

The appellant claims that the signage as erected is in compliance with the requirements of Section 6 (Advertisement Structures) of the Grafton Street Architectural Conservation Area, and in general compliance with Section 3.3.9 (Shopfront Signage) of the Scheme of Special Planning Control for Grafton Street and Environs.

It is considered that the erected fascia signage is materially different from the signage submitted to the planning authority on the 07/09/2022. It is not the subject of this assessment. It is further considered that the fascia signage submitted to the planning authority, exhibiting a letter height of 385mm and length of 3m, would on balance comply with the shop front signage guidance of the Dublin City Development Plan 2022-2028 and the Shop Front Design Guide (2001), as the individually mounted letters would be in proportion to the depth of the fascia board, would have an acceptable material finish and appropriate illumination.

- 7.7. The planning case officer notes that the proposed projecting sign was in situation on the day of the officer’s site inspection. The case officer states:

It is noted that the projecting signage has already been erected. The projecting signage does not display as an artistic feature, neither is Grafton Street an out-of- the way location, being the principal shopping street in the city and in an area of high pedestrian footfall. Therefore, the projecting sign is not justified on either of the criteria set out in the policy.

I would concur with the planning case officer that the requirement for a projecting sign on Grafton Street is not justified. I consider that the proposed projecting sign would set an undesirable precedent for superfluous facade clutter and would be inconsistent with guidance provided by Section 15.17 (Shopfront & Façade Design) of the Dublin City Development Plan 2022-2028 and the Shop Front Design Guide (2001) – Projecting Signs, which *inter alia* requires that signage relating to any commercial ground floor use to be contained within the fascia board of the shopfront.

The applicant has stated in the appeal and evidenced in the drawings submitted with the appeal statement the omission of the subject projecting sign. It is noted that on the day of my site visit that the projecting sign was not in place. I conclude that the projecting sign has been removed subsequent to the lodgement of the subject appeal. The omission of the projecting sign can be dealt with by way of condition if a grant of planning permission is recommended.

- 7.8. The planning case officer noted that the submitted elevation drawings indicated the removal of the existing stallriser (the horizontal element between the bottom of the window and the ground) with the window glazing proposed to run to pavement level noting that the planning authority generally does not support the removal of the stallriser - *as it is an important element of the overall shopfront*. The applicant was requested by way of additional information to reinstate the stallriser.

The applicant's additional information response confirms that the existing stall risers would be retained. It is noted that the stallrisers were in situation on the day of my site visit. It is further noted that the drawing submitted by way of additional information also shows the increase in letter height, which was rejected by the planning authority *inter alia* as being disproportionate to the dimension of the existing fascia board. The planning case officer assessed the further information response as follows with reference to the fascia signage:

The dimensions of the fascia should dictate the size and height of the letters..... It is the view of the planning authority that the unauthorised 'Dr. Martens' signage already in place is oversized and excessive in scale for the subject site.

The reinstatement of the stall risers can be dealt with by way of condition if a grant of planning permission is recommended.

7.9. In conclusion, the fascia signage submitted to the planning authority on the 07/09/2022 would be acceptable in principle. However, the proposed projecting sign would be inconsistent with shopfront design guidelines for retail signage on Category 1 and Category 2 shopping streets and would be inconsistent with the Shopfront Design Guide (2001) – Projecting Signs. The omission of the stall risers to the existing shop frontage would also be inconsistent with the shopfront design guidelines and should be retained. The omission and retention of the elements inconsistent with shopfront design guidance can be dealt with by way of condition.

7.10. **Appropriate Assessment Screening**

The proposed development comprises new shopfront signage in an established urban area.

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

8.0 **Recommendation**

8.1. The grant of planning permission subject to condition.

9.0 **Reasons and Considerations**

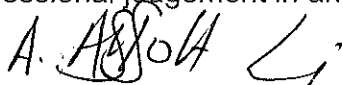
Having considered the reason for refusal, the grounds of appeal, the city centre zoning objective, where retail is a permissible use, the architectural conservation area designation and the policy framework for shop front design and signage provided by the Dublin City Development Plan 2022-2028 and the Dublin City Shopfront Design Guide (2001), it is considered that the proposed development subject to condition would comply with Section 15.17 (Shopfront & Façade Design) of the Dublin City Development Plan 202-2028 and the Shopfront Design Guide (2001), would be consistent with the conservation area designation and, as such, would be in accordance with 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 [as amended by the further plans and particulars submitted on the 26 day of April 2023 and by the further plans and particulars received by An Bord Pleanála on the 09 day of June 2023, 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 development shall be amended as follows:</p> <p>(a) The proposed illuminated projecting sign shall be omitted;</p> <p>(b) the stallrisers to the shop frontage shall be retained.</p> <p>A revised drawing showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests visual amenity and in compliance with Section 15.17 (Shopfront and Façade Design) of the Dublin City Development Plan 2022-2028.</p>
3.	<p>This grant of planning permission authorises the fascia signage detailed in the drawings and particulars submitted to the planning authority on the 7th September, 2022.</p> <p>Reason: In the interest of clarity.</p>
4.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>

<p>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".



Anthony Abbott King
Planning Inspector

25 August 2023