



An
Bord
Pleanála

Inspector's Report ABP-317509-23

Development	Replacement of existing lightbox advertising sign with a LED digital display sign, and if granted the decommissioning of outdoor signage.
Location	51 Grafton St, Dublin 2. 65 Harold's Cross Rd, Harold's Cross. and 57 Kilbarrack Rd, Dublin 5.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3567/23
Applicant(s)	Brightside Media Ltd.
Type of Application	Planning Permission
Planning Authority Decision	Refuse planning permission
Type of Appeal	First Party v. Refusal
Appellant(s)	Brightside Media Ltd.
Observer(s)	Robert McCormack Philip O'Reilly
Date of Site Inspection	18 th and 25 th September 2023
Inspector	D. Aspell

1.0 Site Location and Description

- 1.1. The site comprises three separate red line areas at 51 Grafton Street, Dublin 2; 65 Harold's Cross Road, Harold's Cross; and 57 Kilbarrack Road, Dublin 5.
- 1.2. At 51 Grafton Street the site comprises an existing advertising sign at first floor on the building elevation. The sign is c.3m high by c.2m wide by c.0.6m deep, and comprises a glass-fronted metal structure with internal advertisement sheet which is static and backlit.
- 1.3. No. 51 is at the end of Grafton Street, at the junction of Grafton Street, St. Stephen's Green and King Street. The building elevation is angled such that the existing sign faces Grafton Street. The building is within the Grafton Street and Environs Architectural Conservation Area (ACA) and Scheme of Special Planning Control for Grafton Street and Environs area (ASPC). No. 51 is not a protected structure.
- 1.4. At both 65 Harold's Cross Road and 57 Kilbarrack Road the site comprises an existing advertising sign at first floor on the gable wall of the respective buildings.

2.0 Proposed Development

- 2.1. The proposed development can be summarised as follows:
 - At 51 Grafton Street, replacement of existing lightbox advertising sign at first floor level with a LED digital display sign (c.3m high by c.2m wide by c.0.15m deep) which will carry a series of alternating static advertisements.
 - The proposed sign display would change by fade transition every c.10 seconds (6 per minute) and operate 24 hours per day. Only static images without movement would be shown, with no animation, flashing 3D effects, smoke, noise or full motion video. The maximum luminance of the display between dusk and dawn would not exceed 250 candelas per sqm (sd/sqm).
- 2.2. The appeal states that if the proposed replacement sign is permitted the signs at 65 Harold's Cross Road and 58 Kilbarrack Road would be removed.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council issued a notification of decision to refuse permission (7th June 2023) for one reason, as follows:

“The proposed replacement of a signage box with a digitised sign, by virtue of its nature, scale and location would result in an undue negative impact on the visual amenity of the surrounding area, the Grafton Street and Environs Architectural Conservation Area and Grafton Street Scheme of Special Planning Control. Accordingly, the proposed development would seriously injure the visual amenities of property, would depreciate the value of property in the vicinity and would set an undesirable precedent for similar type development. The proposal would therefore be contrary to both the provisions of the Dublin City Development Plan 2022-2028 and the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Report

The planning authority report stated that:

- The authority does not support provision of a digitised sign between two first floor windows in a prominent location on Grafton Street;
- The proposal has the potential to directly impact the character of the area by its prominence and the importance of the location;
- The ASPC scheme states that internally illuminated signs including digital signs will not generally be permitted on facades;
- It has not been demonstrated that the existing sign has planning permission;
- The decommissioning of signs at Harold’s Cross Road and Kilbarrack Road addresses the requirements of Appendix 17 of the development plan.

3.2.2. Other Technical Reports

Drainage Division – No objection subject to conditions.

3.3. Prescribed Bodies

Transport Infrastructure Ireland – Section 49 contributions if not exempt.

3.4. Third Party Observations

The planning authority records one observation, from Robert McCormack of R&C McCormack Jewellers, which occupies the ground floor of No. 51 Grafton Street. The observation states that the excessive brightness would distract from the aesthetic of the area and would take away from the sign above the observer's shop.

4.0 Planning History

Subject site – No. 51 Grafton Street:

- Planning authority Ref. 3740/16: Planning permission refused by Dublin City Council in 2016 at No. 51 Grafton Street for replacement of an existing advertising signage box with a digitised advertising sign with the same dimensions (2.9m in height by 2m in width by 0.3m in depth) at first floor level on the front elevation of the premises. No appeal.

The application related to a sign at the same location on No. 51 Grafton Street as the subject appeal, however I note differences in the stated dimensions.

- Planning authority Ref. 0159/13 (ABP Reg. 29S.RL3144): Section 5 deemed not exempt by the Board in 2014 at 51 Grafton Street as to whether replacement of a light box sign with both static and interactive displays with aluminium casing, 3.6m high, 2.4m wide by 0.60m deep at first floor, by a LED light box sign with static and interactive displays, aluminium casing 3.4m high, 2.3m wide by 0.25mm deep, on the first floor in the same location, would not be development and would be exempt from the requirements to obtain planning permission.

The description of development in the referral was similar to that of the subject appeal, however again I note differences in the stated dimensions.

- Planning authority Ref. 2299/07: Planning permission granted by the City Council in 2007 at No's. 51 & 51A Grafton Street to erect a unified shopfront.

The application did not relate the subject sign.

- Planning authority Ref. 0958/92: Planning permission granted by the City Council in 1992 at No. 51 Grafton for retention of new shop front and façade.

Information as to whether the application related to the subject sign is not available on the public record.

The appellant references a planning application Ref. 3854/79, describing it as “*Retention of illuminated sign’ at the third and 4th floors of 51 Grafton Street*” and states the application was refused by Dublin Corporation and granted on appeal. The application however is not on the available public record.

Having reviewed the site history and the submitted information I consider that information is not available to confirm whether or not the subject sign is authorised.

Sites in the vicinity of No. 51 Grafton Street:

Whilst there are a large number of signage applications along Grafton Street, there are no recent and directly comparable applications. I note the appellant refers to signage applications in the vicinity, including:

- Ref. Web1692/18: Planning permission granted by the city council in 2019 for new ‘metropanel’ standing LED advertisement sign at ground level on St. Stephen’s Green north. No appeal.
- Ref. Web1453/17: Planning permission granted by the city council in 2017 for replacement of non-digital sign by a ‘metropanel’ standing LED advertisement sign at ground level on King Street South. No appeal.

These signs are inside the Grafton Street & Environs ACA and previous ASPC area.

- Ref. 3975/15 (ABP Ref. PL29S.246100): Permission refused by the city council but granted on appeal in 2016 for retention of advertising signage projected onto the entrance lobby of St. Stephen's Green Shopping Centre.

The appellant refers to the above as a digital advertising display. For clarity, the permission was for retention of advertising signage projected onto the entrance lobby glazing. The site is outside the Grafton Street and Environs ACA and ASPC.

Subject site – No. 65 Harold’s Cross and 57 Kilbarrack Road:

No relevant planning history recorded.

5.0 Policy Context

5.1. Development Plan

At No. 51 Grafton Street the site is zoned 'Z5 City Centre' the zoning objective for the which is *"To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity"*.

Chapter 7 The City Centre, Urban Villages and Retail

Section 7.5.9 Outdoor Advertising Strategy, including Policy CCUV45 Advertising Structures

Section 11.5.2 'Architectural Conservation Areas', including Policy BHA7 Architectural Conservation Areas' which states:

- *"(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...."*

Appendix 17: Advertising and Signage Strategy:

- Section 1.0 Advertising Signage
 - *"Zone 2: This zone of significant urban quality comprises retail and commercial uses. In this zone, outdoor advertisement may be permitted subject to special development management measures..."*
- 2.0 Digital Signage

- *“Applications for digital signage should comply with the following design criteria:*
 - *Set out the details for the material, finishes and colours of the signage structure.*
 - *The maximum luminance of the advertisement display between dusk and dawn shall not exceed 300 candelas per square metre.*
 - *Only static images without movement shall be permitted, i.e. no animation, flashing, three dimensional effects, noise, smoke or full motion video shall be permitted without a prior grant of planning permission.*
 - *No more than one advertisement shall be displayed every ten seconds.*
 - *The mechanism of changing the digital advertising display shall be by means of a fade transition of the display at intervals of 10 seconds or more.*
- *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 design of the advertising panel and the use of high-quality materials...*
 - *Impact on the character of the street and the amenities of adjoining properties...*
 - *Impact on the character and integrity of Architectural Conservation Areas, Protected Structures and Conservation Areas...*

Grafton Street and Environs Architectural Conservation Area written statement

Section 4 Character of the Street

Section 5 'Issues for Grafton Street' including Sections 5.3 'Excessive Advertising and Signage' and Section 5.8 'Projective and Other Externally Mounted Signs', which states:

"In addition, a number have internally illuminated box signs mounted flat on the upper façades and a few have large material banner signs, which are temporary in character but permanent in fixture. The combination of signs detracts from the clarity of the main name signs and negates the identification function of signage. It also creates a poor quality image."

Section 6 Advertisement Structures

"Internally illuminated signs, illuminated scrolling signs or signs using exposed neon tubing shall not be permitted."

5.2. Scheme of Special Planning Control for Grafton Street and Environs 2019

Part 3 'Shopfronts and Advertisement Structures', including Section 3.4.4 'New Advertisement Structures' and Section 3.4.5, which states:

- *"Key Objective (7) It is an objective to ensure that all new advertisement structures erected in the area are well designed. Dublin City Council will permit only advertisements which are designed sensitively and which will enhance the appearance and vitality of the area".*
- *"Internally illuminated signs including box signs, illuminated scrolling signs, digital signs or signs using exposed neon tubing will not generally be permitted either on fascia board, shopfront, the façade (s) of a building or internally behind the glazing or shopfronts."*

At 65 Harold's Cross Road and 57 Kilbarrack Road the site is zoned 'Z3', the zoning objective for which is *"To provide for and improve neighbourhood facilities"*.

5.3. Natural Heritage Designations

None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal, from the applicant's planning consultant, can be summarised as follows:

- In relation to No. 51 Grafton Street, replacing the sign, which is an accepted part of the streetscape, would not significantly alter the external appearance;
- Replacement of this established lightbox with a modern LED digital display will enhance the vibrancy & vitality of the main retail thoroughfare;
- The proposal would not create a precedent as there are not many similar signs along Grafton Street that could be converted to digital signs;
- Digital signs are becoming prevalent and replacing traditional paper signs;
- The finished materials present a high design standard. It will be a visually aesthetic advertising structure, and will not injure the street's visual amenity;
- The refusal on visual impact is subjective and undermined by the authority's granting of digital advertising structures within/adjoining the ASPC;
- The proposed change is so minimal and limited that it will not impact adversely, unduly affect, injure or alter the character of the street or ACA;
- Every Grafton Street building contains signage and this is consistent with the character of the street, which is city centre retail and commercial use;
- The ASPC scheme does not prohibit new or upgraded advertising;
- There is no evidence the proposal will depreciate the value of property;
- It is not viewable by motorists. It does not interfere with pedestrians or traffic;
- It appears a sign was in this location when the 1963 planning act came into force. We submit images from 1966 and 1971 showing a sign in this location. This supports our contention that the sign is an established use and structure.
- It is proposed to remove the signs and extinguish the associated licences at 65 Harold's Cross Road and 57 Kilbarrack Road.

The appeal includes planning history details of the site and other signage in the city.

6.2. Planning Authority Response

None received.

6.3. Observations

Two observations are received:

- Robert McCormack, of No. 51 Grafton Street: The proposal would negatively affect the appearance of his wooden handmade sign and shop front.
- Phillip O'Reilly, of 18 Grosvenor Place, Rathmines: Refusal should be upheld, referencing the nature of the sign; its lighting, particularly at night; the frequency of sign changes; hazard for pedestrians / traffic; environmental impacts of lighting; and the impact of advertisements on other parts of the city.

7.0 Assessment

- 7.1. Having regard to the foregoing; having examined the application and appeal details; having inspected each part of the site; and having regard to relevant policies and objectives for the area, including the Scheme of Special Planning Control for Grafton Street and Environs, I consider the main issues in this appeal are the impact on the visual amenities and character of the area, and related matters.
- 7.2. In relation to visual impact, the existing and proposed signs have the same elevated location. The proposed sign would generally have the same size advertisement area but would have a lesser volume and projection from the façade, so overall I consider it would be of a lesser scale physically. Whilst both signs would show static advertisements, the existing advertisements are fixed, whereas the proposed advertisements would alternate automatically every c.10 seconds continually. The existing sign is an older sign comprised of a backlit fabric advertisement sheet, whereas the proposed sign would have a modern LED digital display. I note that limited details of the materials and colours of the proposed sign are provided.
- 7.3. In relation to luminance, the appellant states the maximum luminance of the proposed display between dusk and dawn would not exceed 250 candelas per sqm (cd/sqm). Details of the existing sign luminance are not provided, and as such it is

not possible to accurately compare both signs in this regard. I note luminance of the proposed sign is below the maximum stated in the development plan (300 sd/sqm).

- 7.4. Based on the available information, I consider that whilst the existing and replacement sign share similarities, the proposed sign would on balance be materially different and would have a greater visual impact than the existing, particularly having regard to its alternating digital display.
- 7.5. In relation to impact on the character of the Grafton Street area, the ACA written statement identifies the contributing features to the character of the area. It identifies the architectural variety, detailing, materials and features of the street, which are predominantly Victorian in style. It also identifies excessive advertising signage and externally mounted signs as detracting from the attractiveness of the street. I note the appellant again submits limited information in this regard.
- 7.6. Whilst there is illuminated signage along the street, it is largely restricted to ground level, with LED elements limited to more subtle accenting of shopfronts in contrast to above ground LED board-type signage such as that proposed. Alternating LED digital signage on Grafton Street, especially above ground level, is virtually non-existent. As such I am satisfied that the elevated and alternating LED digital advertising signage as proposed would be a material departure from the character of Grafton Street as a predominantly Victorian street, and would detract from its character and distinctiveness. For completeness I note that there are at least 3 no. retail units which have LED signs in the shop windows, however I find no record of authorisation of these signs, if authorisation was required at the time of installation.
- 7.7. In relation to the planning policy for the area, I note Policy CCUV45 and the Z5 zoning objective indicate that advertisements and advertising structures are only open for consideration. In addition, whilst the existing and proposed development share similarities, and whilst the proposed development meets some development plan requirements for advertisements in the city, as per Policy BHA7 the bar for assessing the proposed replacement sign within the ACA is higher than for replacement advertising signs in other locations. Policy BHA7 also states that development within an ACA must have full regard to the guidance set out in the character appraisals and framework for the ACA; in this regard, the ACA written statement states that internally illuminated signs shall not be permitted in the ACA.

- 7.8. I note that the scheme of special planning control for the area states that digital signs will not generally be permitted on the facades of buildings. Whilst this raises the question of whether and on what grounds digital signs may be permitted, the scheme also states that only advertisements which are designed sensitively and which enhance the appearance and vitality of the area will be permitted. I do not consider that the proposed replacement sign is consistent with these provisions.
- 7.9. Based on the foregoing, and having regard to the elevated and conspicuous position of the site on Grafton Street, I consider the proposed replacement sign, in particular its LED digital and continuously alternating nature would not contribute positively to the character and distinctiveness of the area, the area being in the Grafton Street & Environs Architectural Conservation Area and Area of Special Planning Control for Grafton Street & Environs, and would not satisfy the requirements of Policy BHA7.

Related matters

Precedent

- 7.10. I consider that there is a significant number (approximately 22) of external signs above ground floor along Grafton Street which have the potential to be brought forward for replacement with digital signs. As such I consider that the granting of permission would have the potential to establish a precedent for the area.

Removal of signs

- 7.11. The application proposes decommissioning the signs at 65 Harold's Cross and 56 Kilbarrack Road if permission for the replacement sign at 51 Grafton Street is granted. Removal of these signs is acceptable. Given the distances between these signs and Grafton Street, whilst their removal would improve the visual amenity of those areas, I do not consider this has a material bearing on the assessment of impacts on the Grafton Street area.

8.0 Environmental Impact Assessment screening

- 8.1.1. The proposed development does not fall within a class of development as set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to EIA requirements (Refer to pre-screening Form 1 attached as an appendix).

9.0 Appropriate Assessment screening

Having regard to the proposed development being a replacement sign and removal of existing signs, each being in serviced urban areas, I consider that no Appropriate Assessment issues arise given that the site is served by public mains drainage which could absorb surface water run-off from the site. I do not consider 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.

10.0 Recommendation

10.1. I recommend permission be **REFUSED** for the reasons and considerations below.

11.0 Reasons and Considerations

Having regard to the elevated and highly conspicuous position of the site, it is considered that the proposed advertisement sign at No. 51 Grafton Street would not contribute positively to the character and distinctiveness of the area, it being within the Grafton Street and Environs Architectural Conservation Area and Area of Special Planning Control for the Grafton Street and Environs area, and would not be consistent with Policy BHA7 Architectural Conservation Areas of the development plan, and would set an undesirable precedent for similar development. The proposal would therefore be contrary to the provisions of the Dublin City Development Plan 2022-2028 and the proper planning and sustainable development of the area.

-I confirm 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.-

D. Aspell
Inspector
18th October 2023