



An  
Bord  
Pleanála

## Inspector's Report ABP-318000-23

<b>Development</b>	Replacement of advertising sign with all associated site works
<b>Location</b>	101 Rathmines Road Lower and Military Road, Rathmines, Dublin 6, D06 V8R9
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	3994/23
<b>Applicant(s)</b>	Brightside Media Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Brightside Media Ltd
<b>Observer(s)</b>	The Rathmines Initiative and Philip O'Reilly
<b>Date of Site Inspection</b>	07 <sup>th</sup> July 2024
<b>Inspector</b>	Bernadette Quinn

## 1.0 Site Location and Description

- 1.1. The site is located at the junction of the Rathmines Road Lower and Military Road. The building is a three-storey red brick property with a retail unit on the ground floor. The site fronts onto Rathmines Road and the side elevation faces Military Road which is opposite the grounds of St. Mary's College. There is a large advertising panel on the side gable of the property at second floor level which is not illuminated. The character of the area comprises historic buildings, including a number of protected structures in the vicinity of the site.

## 2.0 Proposed Development

- 2.1. The development is described as the replacement of the existing illuminated advertising sign (2.75m high by 4.15m wide) at second floor level facing Military Road, with a LED digital display sign (2.25m high by 4m wide) carrying a series of alternating static advertisements (6 per minute). If granted, the permission would be on the basis of decommissioning 2 no. outdoor 48 sheet advertising signs situated at the top floor gables at 361 Ballyfermot Rd, Cherry Orchard, Dublin 10 YN30 and 365 Ballyfermot Rd, Cherry Orchard, Dublin 10, D10 XN29.

## 3.0 Planning Authority Decision

### 3.1. Decision

On 15<sup>th</sup> August 2023 the Planning Authority refused permission for two reasons as follows:

*1. It is considered that the proposed LED digital display sign by reason of its scale and proportions, appearance and location on a prominent corner building fronting Military Road and Rathmines Road Lower, and its proximity to the grounds of St. Marys College, which is a Protected Structure, would result in a structure which would be highly visually obtrusive and incongruous and would detract significantly from the appearance of the building to which it would be attached, would adversely impact on the residential and visual amenities of Rathmines Village, and detract from the setting of the nearby Protected Structure. The structure in itself and by the*

*precedent established for inappropriately sited advertising structures would cause serious injury to the amenities of properties in the vicinity and would be contrary to both the policies and objectives of the Dublin City Development Plan 2022-2028 and the proper planning and sustainable development of the area.*

*2. The Planning Authority is not satisfied on the basis of the information submitted that the advertising displays proposed for removal represent a sufficient planning gain with regard to the rationalisation of external media advertising within the public realm. Therefore, the proposal is not considered to be in accordance with Appendix 17 of the Dublin City Development Plan 2022-2028.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The local authority planning report can be summarised as follows:

- The existing sign is unauthorised and has been in place for many years and outside the period for enforcement.
- It would be preferable if the applicant (Brightside Media Ltd) were to decommission another sign in the Rathmines area, rather than in another part of the city.
- No permission can be found for the signs to be decommissioned
- The proposed sign would be located on the gable elevation of a very prominent building which fronts onto Military Road but is also visible also from Rathmines Road Lower. The existing sign is not an illuminated sign so changing this to an LED digital display sign would have significant negative visual impacts at this location.
- The sign would detract from the character of the playing fields to the front of St. Mary's College, which would form part of the attendant grounds of a Protected Structure (7196).
- The sign would be visually obtrusive and detract from the character and setting of the Protected Structure and Rathmines Village.

#### **3.2.2. Other Technical Reports**

Transportation Planning: Report recommends that the permission be for a temporary period of ten years and outlines no objection subject to conditions.

Drainage Division: No objection

### **3.3. Prescribed Bodies**

The Grand Canal Proposed NHA is located 350m north of the appeal site.

### **3.4. Third Party Observations**

Two submissions were received in relation to the proposed development. Issues raised reflect those raised in the observations to the appeal.

## **4.0 Planning History**

No recent relevant planning history.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. 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”.
- 5.1.2. Chapter 7 includes Policy CCUV45: Advertising Structures - To consider appropriately designed and located advertising structures primarily with reference to the zoning objectives and permitted advertising uses and of the outdoor advertising strategy (Appendix 17). In all such cases, the structures must be of high-quality design and materials, and must not obstruct or endanger road users or pedestrians, nor impede free pedestrian movement and accessibility of the footpath or roadway
- 5.1.3. Appendix 17 of Volume 2 of the plan relates to Advertising structures. Section 1 identifies geographic zones, with the appeal site located within Zone 3 which is defined as: 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 the development of outdoor advertising in this zone will be open for consideration.

- 5.1.4. Section 1.0 also states that 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; any new applications for outdoor advertising structures will generally require the removal of existing advertising panels, to rationalise the location and concentration of existing advertising structures. In order to achieve a coherent and standardised typology for outdoor display panels, Dublin City Council has a preference for smaller types of advertising panels such as six-sheet size advertising panels and 8 sq. m. advertising structures. The appropriate size will be determined with regard to the streetscape quality and character of the urban fabric and in accordance with the provisions of this outdoor advertising strategy.
- 5.1.5. Section 2.0 outlines requirements in relation to Digital Signage and Section 7.0 states that any advertising structures which would impact injuriously on amenity, the built environment or road safety will be restricted.
- 5.1.6. Section 8.0 Advertising Development Management Standards states that applications for new advertising structures will be considered having regard to the criteria outlined which include the geographical zone in which the site is located; the rationale for the proposed advertising structure, including proposals for the removal and/ or rationalisation of existing outdoor advertising structures; the scale of the panel relative to the buildings, structures and streets in which the advertising panel is to be located and impact on the character of the street and the amenities of adjoining properties.
- 5.1.7. There are a number of buildings which are included on the Record of Protected Structures in the vicinity of the appeal site, including RPS No. 7205 immediately to the south at 103 and 105 Rathmines Road Lower and RPS No. 7196 and No. 8725 at St. Mary's College and St. Mary's College Chapel located approximately 100m west of the appeal site.

## **5.2. Natural Heritage Designations**

The Grand Canal proposed NHA is located approximately 350 metres north of the appeal site.

## **5.3. EIA Screening**

- 5.3.1. See Appendix 1 - Form 1 EIA Pre-Screening attached to this report. 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.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A first party appeal can be summarised as follows:

- The altered sign will be 26% smaller in size than the existing sign and located on the same elevation
- It is proposed to decommission and extinguish the license for two existing advertising signs located at 361 Ballyfermot Road in line with DCC outdoor advertising strategy in Section 1.0 of Appendix 17. Development Plan policy does not require removal of signs in the same geographic area and the applicants do not have any other advertising structures within the Rathmines area that they could decommission.
- There are no conservation objectives or protected structures relating to the site.
- A version of the existing sign has been in place on this gable for decades. Until recently the sign has been externally illuminated. Altering the sign does not significantly alter its external appearance which is an accepted part of the streetscape at this location and does not create difficulties for passing traffic.
- Precedent exists for a digital display sign on the gable of 284 Rathmines Road Lower which included the decommissioning of signs on the upper floors

of No. 94 Dorset Street Upper, planning reference 3779/21 (ABP Ref. 312608-22).

- Similar advertising structures were permitted in similar circumstances in Dublin 2 (reference 2473/19), Dublin 4 (reference 3596/21, 4779/22 and 3497/23)) and Dublin 6 (reference 2233/21) in similar traffic circumstances and accordingly this proposal should prove acceptable to the Traffic Division and Planning Department.
- The sign is located in Zone 3 of the advertising control map and along a radial route which is in line with the preferred locations for outdoor advertising panels as identified in the Development Plan.
- The max luminance between dusk and dawn shall not exceed 250 candelas per square metre which is below the max limit set out in the Development Plan.
- The proposed sign will contain a series of 6 static messages per minute and will have a fade transition between advertisements.
- The proposed signs to be removed are within Zone 6 of the Zones of Advertising Control Map where advertising is deemed inappropriate.
- It is a requirement of advertising signage that it be prominent and visible so this should not be a deterrent to granting permission.
- The sign is 177 metres to visible windows on the protected structure, is far enough removed so as not to have an impact and faces playing fields with extensive flood lighting and so will not be inappropriate.
- The sign is long established at this location and will not seriously detract from the character of Rathmines Village. The nearest advertising structure is 250 meters to the north at 23/25 Rathmines Road Lower there is not a proliferation of advertising structures in the area. The proposal is appropriate having regard to the established history of the site for advertising purposes.

## **6.2. Planning Authority Response**

None received.

### 6.3. Observations

Two observations received from The Rathmines Initiative and Philip O'Reilly. The issues raised can be summarised as follows:

- ABP is requested to uphold the decision of the PA to refuse permission.
- The proposed removal of signage in another part of Dublin does not represent a planning gain.
- Development description is inaccurate in referring to the existing sign as illuminated.
- Residential amenity impacts from light pollution and impacts on sleep.
- The sign will have an adverse visual impact on St Mary's College and other protected structures in the vicinity in this historic area of the city.
- There is a proliferation of existing advertising signage in Rathmines.
- The proposal will cause distraction resulting in a traffic hazard.

### 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are those raised in the refusal reasons

- Principle of Development
- Visual Impact

7.2. Principle of Development

7.2.1. Outdoor advertising structures are considered open for consideration in the Development Plan in areas zoned Z4 and located in Zone 3 of the Outdoor Advertising Strategy set out within Appendix 17. The appeal site is located on a radial route and the development plan notes that the preferred location for outdoor advertising panels in the city includes radial routes contained within Zone 3. The



proposed development may therefore be considered subject to compliance with the provisions of the Development Plan relating to advertising signage.

- 7.2.2. The PA noted in the assessment of the application that no planning permission can be found for either the subject sign or for the existing signs in Ballyfermot to be removed. The first party have not provided any evidence that these existing signs are authorised and I have found no evidence of planning permission relating to these signs. I therefore do not consider it appropriate to rely on the removal of these signs for the purposes of compliance with the requirement in the Development Plan which requires new applications for outdoor advertising structures will generally require the removal of existing advertising panels, to rationalise the location and concentration of existing advertising structures.
- 7.2.3. The PA and observers raise concerns that the existing sign is not illuminated as referenced in the development description. The first party in their appeal outline that external overhead lighting was previously in place on the sign and that this has been removed for repair and will be replaced if permission for the proposed sign is refused. The appeal includes an image stated to be from 2018 which shows a projecting light positioned above the sign. I am satisfied that the sign is not currently illuminated but appears to have previously been illuminated, although it has not been established if the illumination was authorised.
- 7.2.4. In relation to precedent, I do not consider it appropriate to rely on previous decisions which do not relate to the subject site. The appeal before the Board should be determined in relation to the particular set of circumstances pertaining to the site and its surroundings and to the policy and provisions set out in the Dublin City Development Plan 2022-2028.

### 7.3. Visual Impact

- 7.3.1. The appeal site is located at the junction of Rathmines Road and Military Road and is highly visible on approach to Rathmines from the north. The area is characterised by a mix of commercial and residential premises and St Marys College, a Protected Structures is located approximately 100 metres west of the proposed sign and is separated from the appeal site by existing playing pitches. I note that the adjoining building to the south is also a protected structure, RPS No. 7205 described as 'Former Kelso Laundry building: Façade only'. There are also numerous buildings on

the opposite side of Rathmines Road Lower to the north and south of the appeal site which are protected structures and which reflect the historic character of the area.

- 7.3.2. I consider the proposed sign at 4 metres wide and 2.2 metres high along with its position on the second floor of the side elevation is excessive in scale and out of proportion and character relative to the structure on which it is proposed to be displayed.
- 7.3.3. Whilst both the existing and proposed sign would show static advertisements, the existing sign is an older static type sign and is currently unlit although appears to have previously been externally lit by an overhead light. The proposed sign would display advertisements which would alternate automatically with 6 static messages per minute with a fade transition and would be internally illuminated with a LED digital display. I consider the difference in nature in terms of illumination and alternating images, along with the elevation position of the proposed sign in a prominent position would have a greater visual impact than the existing sign. Notwithstanding the proposal to reduce the size of the sign relative to the existing sign I consider the proposal would not be sensitive to the façade of the building at this highly visible location on approach to Rathmines Village.
- 7.3.4. I have concerns in relation to the visual impact of the proposed illuminated sign, in particular its LED digital and continuously alternating nature, on the character of the area, particularly in the absence of any conservation assessment in relation to the proposal and its impact on the character of protected structures in the vicinity of the appeal site. I do not agree with the first party's argument that the sign will be appropriate in the context of its location opposite floodlit playing pitches in front of St. Mary's College having regard to the scale of the sign and its location on a highly visible route travelling south along Rathmines Road lower. I do not consider an illuminated sign of the nature and scale proposed is appropriate at this location and I concur with the decision of the planning authority in this regard
- 7.3.5. Noting that it has not been established that the existing sign is authorised I am not satisfied that a reduction in the size of the sign as argued by the first party is sufficient grounds to grant permission having regard to the likely impact on the character of the area.

- 7.3.6. I would also have concerns that a grant of permission for the proposed development would have the potential to establish a precedent for similar type development in the area.
- 7.3.7. Having regard to the above I do not consider the proposed sign is appropriately designed and located or that it complies with the outdoor advertising strategy contained in Appendix 17 and Policy CCUV45 of the Development Plan.

## **8.0 AA Screening**

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located approx. 3.5 km from the South Dublin Bay and River Tolka Estuary SPA (site code 004024) and South Dublin Bay SAC (000210).

The proposed development comprises the replacement of an existing advertising sign with a digital display. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion stems from the limited scale and nature of the proposed development, the distance from the nearest European site and the lack of connections.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

- 9.1. I recommend that permission be refused for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed digital sign and to its prominent location within the streetscape and in proximity to historic buildings and protected structures, it is considered that the proposed development would be visually obtrusive, incongruous and out of scale and character with the existing pattern of development in the vicinity, would negatively impact on the visual amenities of the area, would not be in accordance with Appendix 17 of the Dublin City Development Plan 2022-2028, would set an undesirable precedent for similar digital advertising structures at such locations and would therefore be contrary to the proper planning and sustainable development of the area.

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

---

Bernadette Quinn  
Planning Inspector

16<sup>th</sup> July 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-318000-23			
<b>Proposed Development Summary</b>	Replacement of advertising sign with all associated site works			
<b>Development Address</b>	101 Rathmines Road Lower and Military Road, Rathmines, Dublin 6, D06 V8R9			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X	
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>	X		Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>	X	N/A		No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....		Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	X	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_**Date:** \_\_\_\_\_