



An
Bord
Pleanála

Inspector's Report

ABP-318017-23

Development

Retention permission for the erection of hoarding featuring branding graphics fixed to existing metal railings facing Appian Way and Leeson Street Upper.

Location

Site at the junction of Appian Way and Leeson Street Upper, Dublin 6 (adjacent to No. 1 Leeson Street Village and Mitchel House Apartments).

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

4050/23

Applicant

RGRE J&R Valery's Ltd.

Type of Application

Retention Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party v Refusal

Appellant

RGRE J&R Valery's Ltd

Observer	Upper Leeson Street Area Residents Association
Date of Site Inspection	21 st December 2023
Inspector	John Duffy

1.0 Site Location and Description

- 1.1. The appeal site comprises a prominent corner site which is presently overgrown, where hoarding is affixed to existing metal railings atop a low-rise boundary wall which encompasses a vacant site located on the southern side of Leeson Street Upper and the eastern side of Appian Way, Dublin 6, and which is adjacent to No. 1 Leeson Village and the Mitchel House Apartments located at Appian Way.

2.0 Proposed Development

- 2.1. The proposal relates to retention permission for erection of hoarding featuring branding graphics fixed to metal railings facing Appian Way and Leeson Street Upper.

The linear length of the hoarding is indicated as 55.1 metres and it has a stated overall surface area is 94.5 sqm. The hoarding stands c 1.6 metres above the low-rise wall encompassing the corner site.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to refuse retention permission on the 21st of August 2023 for the following reason:

1. *It is considered that the proposed hoarding for retention, by reason of its excessive scale and proportions, and its location on a very prominent corner site at the junction of Leeson Street Upper and Appian Way, would be visually obtrusive within the streetscape and would seriously detract from the character of the nearby conservation area and Protected Structures. The proposed development would seriously injure the residential and visual amenities of property in the area, would set an undesirable precedent for similar type development and would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Report

The report of the Planning Officer notes that the site encompassed by the hoarding does not have the benefit of a current permission and it is not a construction site. The report indicates that the applicant has not applied for a temporary permission, or any time limit to retain the hoarding. The proximity of the site to properties and Protected Structures located on Leeson Street Upper, which are located in a residential conservation area, is noted.

The report recommends a refusal of permission consistent with the Notification of Decision which issued.

3.2.2. Other Technical Reports

Drainage Division: no objection to the application.

3.3. Prescribed Bodies

No submissions received.

3.4. Third Party Observations

The Planning Officer's report refers to 2 no. observations having been received in relation to the planning application. The report provides a summary of the main issues raised in the third-party observations, as follows;

- The hoarding is on a Landmark site and is concealing a much-needed green space in the area, which is appropriately cordoned off by a period style railing.
- The hoarding is an unsightly eyesore and a graffiti magnet.
- The advertising hoarding with no purpose associated with the site; the text thereon is pointless.
- The hoarding seriously injures the visual amenity of the area

- An observation from the Upper Leeson Street Area Residents' Association (ULSARA) is strongly opposed to the retention of the unauthorised development which has been an eyesore in recent years. It is a corporate advertising hoarding wrapping around an important corner property in an architectural conservation area.
- The existing railings, currently concealed by the hoarding provide an entirely serviceable boundary to the property.
- The property is not the subject of any development works nor is it the subject of any live application for future development.
- To permit retention of such an unauthorised development is not only inappropriate but also would set an entirely inappropriate precedent for owners of other sites.
- It is noted that permission sought for the proposed retention is not time constrained.

4.0 Planning History

Appeal Site

ABP Ref. PL29S.312225 / PA Ref. 3562/21 – Permission **refused** in 2023 for the construction of a 10-storey apartment building with 44 'Build to Rent' units and all associated site works. Refusal reasons related to, inter alia, overdevelopment of the site, injury to the visual and residential amenities of property in the vicinity, traffic hazard and non-compliance with the Dublin City Development Plan 2022-2028 and the Sustainable Urban Housing: Design Standards for New Apartments 2022.

ABP Ref. PL29S.247070 / PA Ref. 2554/16 - Permission **granted** on appeal in 2016 for the construction of 16 no. residential dwelling units in a five-storey residential building (with a maximum building height of 16 metres) above a lower ground and basement level.

ABP Ref. PL 29S 229720 / P.A. Ref. 2282/08 - Permission **granted** on appeal in 2009 for the construction of 9 no. residential dwelling units in a five-storey residential building (with a maximum building height of 16.5 metres) above a lower ground and

basement level. An extension of duration of this permission was refused under PA Reg. Ref. 2282/08/X1.

ABP Ref. PL29S.222919 / P.A. Ref. 3882/06 - Permission **refused** on appeal in 2007 for the proposed construction of 17 no. residential dwelling units in a six-storey residential building (with a maximum parapet height of 18.35 metres and an overall maximum height with railings of 19.3 metres) with a set back at fourth floor level and a further set back at fifth floor penthouse level above lower ground and basement level. Refusal reasons related to, inter alia, overdevelopment of the site, injury to the amenities of property in the vicinity, and undue impact on the residential amenity of the adjoining apartment development.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The proposed development was considered by the Planning Authority under the Dublin City Development Plan 2022-2028 which came into effect on the 14th of December 2022.
- 5.1.2. The appeal site is zoned 'Z1' - Sustainable Residential Neighbourhoods (see Map H) under the Dublin City Development Plan 2022-2028, the zoning objective of which is *'To protect, provide and improve residential amenities.'*
- 5.1.3. The appeal site is near properties on Leeson Street Upper which are zoned Z2 (Residential Neighbourhoods – Conservation Areas). There is a large number of Protected Structures near the appeal site on both sides of Leeson Street Upper.
- 5.1.4. The provisions of the Dublin City Development Plan 2022 - 2028 relevant to this assessment are as follows:

Volume 1:

- Chapter 7: Objective CCUV45 – Advertisement Structures
- Chapter 7: Objective CCUV46 – Removal of Unauthorised Advertisements

Volume 2: (Appendix 17)

- Section 1.0 – Advertising and Signage
- Section 8.0 – Advertising Development Management Standards

5.2. Natural Heritage Designations

The appeal site is not located within or close to any European Site.

5.3. EIA Screening

The proposed development does not fall within a class of development 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

This is a first-party appeal against the planning authority's decision to refuse permission. The grounds for appeal are set out as follows;

- The principle of development on the site has been accepted by An Bord Pleanála in the recent refusal of permission (ABP Ref. 312225-21 refers).
- A revised scheme is currently being prepared in light of that refusal of permission.
- The hoarding is a temporary measure until such time as the site is developed.
- The applicant intends to develop the site which takes time to get through the planning process.
- The hoarding is of high quality and the graphics and colour are intentionally subdued and background in nature.
- The hoarding is only visible when close to the boundary of the site and is otherwise screened by mature trees and vegetation.

- The site is on the Vacant Sites Register and the hoarding helps to protect it from anti-social behaviour including dumping of waste until such time as development commences.

6.2. **Planning Authority Response**

None received.

6.3. **Observation**

An observation from the Upper Leeson Street Area Residents' Association was received in respect of the appeal. Issues raised in the observation are summarised as follows:

- The hoarding is an eyesore located around an important corner property in an architectural conservation area. It seriously injures the visual amenity of the area and attracts graffiti enthusiasts.
- The hoarding is a distraction to drivers and constitutes a traffic hazard.
- The railings concealed by the hoarding provide an entirely serviceable boundary to the property. The historical railings are in keeping with the architectural heritage of the area.
- The site encompassed by the hoarding is not the subject of any development works, nor is it the subject of any live application for future development. The developer failed to implement the permitted development on the site.
- To permit retention of this unauthorised development would set an inappropriate precedent for other such sites.
- Permission sought for the proposal is not time constrained.

7.0 **Assessment**

7.1. I consider the main issues in the assessment of this appeal are as follows:

- Impact on visual amenity
- Impact on adjoining residential conservation area
- Impact on residential amenity

- Appropriate Assessment.

7.2. Impact on visual amenity

- 7.2.1. The development proposed for retention is positioned at a particularly prominent corner site, located at the junction of Leeson Street Upper and Appian Way. The hoarding itself extends for a significant length, in excess of 55 linear metres and its surface area is given as 94.5 sqm.
- 7.2.2. The applicant contends that the hoarding is only visible when one is close to the boundary of the site and is otherwise screened by mature trees and vegetation. At the site inspection I noted mature trees and vegetation predominantly located behind the hoarding. In my opinion the hoarding is highly visible from the adjoining roads and paths, and it is not significantly screened by trees or vegetation. I also noted at the site inspection that parts of the hoarding have been defaced by graffiti.
- 7.2.3. While the applicant contends that the hoarding protects the site from anti-social behaviour, I consider that the existing railings, located behind the hoarding, serve as an appropriate boundary to the lands. As noted above, the site is located at a particularly prominent location and as such is well overlooked from adjoining public areas. I note there is no development on-going at the site and that it does not presently have the benefit of planning permission. As such, I consider there is no requirement for the hoarding to remain in place.
- 7.2.4. In my opinion I consider that the development to be retained by reason of its particularly prominent position extending from Leeson Street Upper to Appian Way, and its significant scale and proportions, forms a dominant and discordant feature at this location and on approach to the site it encompasses, results in visual clutter and seriously injures the visual amenities of the area.

7.3. Impact on adjoining residential conservation area

- 7.3.1. The appeal site is in very close proximity to properties on Leeson Street Upper which are subject to the Z2 zoning objective (Residential Neighbourhoods - Conservation Areas). There are also a significant number of Protected Structures in the immediate vicinity of the appeal site, mainly located along the northern and southern sides of Leeson Street Upper.
- 7.3.2. I share the concerns of the observers and the planning authority in terms of the affect the development to be retained has on the residential conservation area and the associated Protected Structures. In my view the existing hoarding significantly detracts from the character of the area and Protected Structures in the vicinity, and would be contrary to the Advertising and Signage Strategy as set out in Appendix 17 of the Dublin City Development Plan 2022-2028, which requires that in assessing proposals for signage, the impact on the character of the street and the amenities of adjoining properties be considered, and that advertising structures which would impact injuriously on amenity will be restricted. I therefore recommend that retention permission is refused.

7.4. Impact on residential amenity

- 7.4.1. Part of the reason cited by the Planning Authority for refusing retention permission relates to the impact of the hoarding on surrounding residential amenity. Having inspected the site I consider that the hoarding does not impact on the residential amenity of the area.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature of the proposal, the developed nature of the landscape between the site and European sites and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the development to be retained would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 Recommendation

9.0 Having regard to the above it is recommended that planning permission be refused for the proposal based on the following reasons and considerations.

10.0 Reasons and Considerations

1. It is considered that the development to be retained by reason of its scale and proportions, design and location, extending from Leeson Street Upper to Appian Way, forms a dominant and discordant feature at this location, resulting in visual clutter and serious injury to the visual amenities of the area. Furthermore, having regard to the Advertising and Signage Strategy as set out in Appendix 17 of the Dublin City Development Plan 2022-2028, it is considered that the proposal significantly detracts from the character of the area, including the nearby residential conservation area and the associated protected structures. The proposal 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.

John Duffy
Planning Inspector

2nd January 2024