



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318157-23

#### Development

Removal of signage and installation of digital advertising displays and associated site works.

#### Location

Ambassador Theatre, Parnell Street,  
Dublin 1, D01R243 (Protected  
Structure)

#### Planning Authority

Dublin City Council

#### Planning Authority Reg. Ref.

5462/22

#### Applicant

Millenium Theatre Company

#### Type of Application

Permission

#### Planning Authority Decision

Refuse Permission

#### Type of Appeal

First Party v Refusal

#### Appellant

Millenium Theatre Company

#### Observers

None

**Date of Site Inspection**

25<sup>th</sup> March 2024

**Inspector**

John Duffy

## **1.0 Site Location and Description**

- 1.1. The appeal site is located at the northern end of Upper O'Connell Street, in Dublin city centre and accommodates the Ambassador Theatre which is a protected structure - Record of Protected Structures (RPS) No. 6437. The site lies within the south-eastern corner of Parnell Square, and is bound by Cavendish Row to the north-east and Parnell Street to the south-east. The Ambassador Theatre adjoins The Gate Theatre to the north-west and The Rotunda Hospital to the south-west.
- 1.2. The RPS describes the building as "former Ambassador Cinema (former Rotunda Rooms)." The building is also listed in the National Inventory of Architectural Heritage (NIAH Ref. No. 50010618) which describes it as a "Corner-sited attached two-tiered Classical-style rotunda theatre, built 1764-7, designed by John Ensor. Three-bay single-storey entrance portico to south, designed by James Gandon."
- 1.3. Existing signage on the front elevation comprises large banner signage on the upper stone wall, a painted horizontal boxed structure above the front entrance doors and rectangular signage boxes either side of the front entrance.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises;
  - the removal of all existing advertising signage and associated equipment facing Parnell Street on the front of the building's entrance portico;
  - replacement of aforementioned signage with 3 no. wall-mounted static digital display advertising signs, 1 mounted on the on the portico's attic storey and 2 on the portico's front entrance walls;
  - associated site works.
  - the proposed digital display advertising sign mounted on the portico's attic storey will be located within the central cavity of the attic storey and will measure 0.75m in height and 4.5m in width;
  - an alternative option, as referenced in the public notices, is to retain the existing 'AMBASSADOR' sign and mount the digital display advertising sign over that

sign (an alternative option as set out in the 'Architectural Heritage Protection: Guidelines for Planning Authorities' (2011);

- the 2 no. proposed digital display advertising signs on the portico's front entrance will measure 1.41m in height and 0.67m in width;
- total area of existing advertising signage to be removed is 31.93 sqm, with the total area of proposed replacement signage to be 5.27 sqm.

2.2. The planning application was accompanied by the following reports / studies;

- Planning Report prepared by TPA which sets out the planning rationale for the proposal.
- Conservation Report prepared by Lindsay Conservation Architects
- Stage 1 Road Safety Audit
- Ambassador Theatre – Photomontages

2.3. Further Information was submitted on the 11<sup>th</sup> August 2023 and included a Planning Report which set out detailed responses to the further information request. Items of note are as follows:

**(a)** Both conservation and digital signage can complement each other if done correctly and the updated proposal sufficiently addresses concern of visual amenity.

**(b)** Digital signage at attic storey level is still included in this application; its dimensions are reduced (4160mm x 910mm). A redesigned brass box framed static digital display panel is proposed to the attic storey. The maximum luminance of the display will not exceed 300 candelas per square metre between dusk and dawn.

**(c)** The signage referred to by the planning authority on Cavendish Row is of poor quality and pastiche in nature.

**(d)** In terms of the side panel signage, the box panels are framed in a brass surround and these digital signs are also reduced in size (1380mm x 910mm).

**(e)** Item 1 (c) of the further information request required the applicant to provide details of the approach to the refurbishment, cleaning and maintenance of the building façade, including restoration of architectural features. In response the applicant provided a copy of a submission dated September 2021 prepared by

Consarc Conservation which had been provided previously in connection with a Section 5 Referral (ABP Ref.312927 / PA Ref. 0029/22).

(e) Item 2 of the further information request related to several matters raised by the Conservation Officer seeking, inter alia, revised drawings and omission of the digital signage. Revised drawings detailing, inter alia, the design changes to the proposed digital signs were submitted with the further information response.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority issued a Notification of Decision to Refuse Permission on the 7<sup>th</sup> September 2023 for the following reason;

1. The proposed introduction of the large digital signage board above the principal entrance doors and the 2no. digital side boards would have an adverse and injurious visual impact on the dignity, architectural character and setting of this Nationally Significant Protected Structure, considering its particular prominence within the historic Rotunda Hospital and Gate Theatre Ensemble, and its presence within the O'Connell Street Architectural Conservation Area (ACA) the O'Connell Street & Environs Scheme of Special Planning Control – (2016), and Planning Zone Z8 – Georgian Conservation Areas. The Proposed works would contravene Policies BHA2 b), BHA7 a), b), and the requirements set out in Chapter 15: Section 15.15.2.1 Architectural Conservation Areas; 15.15.2.3 Protected Structures; Section 15.17.5 Shopfront and Façade Design, the O'Connell Street Architectural Conservation Area (Adopted 2001) and the O'Connell Street and Environs Scheme of Special Planning Control 2022, and would set a precedent for such development in the future. The proposed development, therefore, would be contrary to the proper planning and sustainable development of the Z8 conservation area.

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

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

The first report of the Planning Officer recommended that Further Information be sought. The report raised concern regarding the potential negative visual impact of the

proposal on the character and setting of the protected structure within an ACA. It recommended that an alternative approach be pursued, with individually mounted, backlit lettering deemed to be more appropriate for the proposed signage at attic-level. In terms of the replacement of the side panel signage, well-designed and sensitively lit cabinets are deemed to be more appropriate, given the historic setting. This report also reflected the views of the Conservation Officer, which are detailed at section 3.2.2. below.

The second Planning Officer's report considered that that the applicant had not sufficiently addressed the Further Information items, specifically that alternative and more appropriate signage was not proposed in the response. This report recommended that permission be refused for the proposed development as reflected in the reason set out in Section 3.1 above.

### 3.2.2. Other Technical Reports

Conservation Officer: the first report which recommends Additional Information is sought, notes the following:

- The NIAH records a National Rating for the Ambassador.
- Introduction of digital signage would have an adverse visual impact on the building; recommends omission of all digital signage and requests, inter alia, submission of revised drawings to indicate omission of all proposed digital signage and provides guidance on the proposed replacement sign boxes.
- In terms of the alternative option described in the public notices, this is considered unacceptable given that the existing banner signage is inappropriate and does not respect the character and setting of the protected structure.

The second Conservation Officer's report notes that the applicant proposes all new signage to remain as digital and therefore does not consider the applicant has satisfactorily addressed the Further Information request. A refusal of permission is recommended.

Drainage Division – No objection subject to condition.

### **3.3. Prescribed Bodies**

Transport Infrastructure Ireland (TII) – notes that the proposed development falls within the area where a Section 49 Supplementary Development Contribution Scheme for Light Rail applies.

An Taisce – expresses reservations in relation to the proposed digital signage and that there is potential for it to be visually injurious, detracting from the character and special interest of the protected structure and the Architectural Conservation Area.

The Planning Authority also notified The National Transport Authority (NTA), Uisce Éireann, Fáilte Ireland, the Department of Housing, Local Government and Heritage and An Chomhairle Ealaíon of the planning application; no submissions were made to the Planning Authority by these prescribed bodies.

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

None.

## **4.0 Planning History**

### **Appeal Site**

ABP Ref. PL29N.319160 / PA Ref. 4897/23 – This is a current first party appeal in relation to planning authority's decision to refuse permission for, inter alia, removal of bollards and railings, provision of galvanised mild steel railings and piers with painted finish on granite plinths, generally of overall height 1.5m, rising to 1.7m at pier locations, incorporating: (i) 1 No. vehicular service gate, on the Parnell Street frontage (ii) 1 No. cyclist and pedestrian gate (4.59m in width), on the Parnell Street/Cavendish Row junction. (iii) 1 No. blank gate to allow access to underground services on Cavendish Row, and (iv) 1 No. blank gate to allow access to underground services opposite the former east entrance on Cavendish Row; and all other associated site works. Appeal due for decision on 1<sup>st</sup> July 2024.

ABP Ref. RL 29N.312927 / PA Ref. 0029/22 – This refers to a first party referral which was decided in October 2023. Works for the external repair/maintenance of The Ambassador Theatre (Protected Structure) is development and is not exempted development.

PA Ref. 0494/19 – Section 5 Declaration. Proposed works comprising, inter alia, masonry repairs, reinstating mouldings, refurbishment of upper level parapets, stone repairs to pillars, rake and repaint damaged sections of painting declared to be development and not exempted development.

PA Ref. 0186/19 – Section 5 split-decision Declaration. Proposed works comprising, inter alia, cleaning / preparation / painting of ceilings, roof and deck repairs, refurbish external windows and doors at rear elevation, overhaul of flag poles declared to be development and exempted development. Other works including, inter alia, masonry repairs, refurbish mouldings, stone repairs to pillars, refurbish upper level parapets declared to be development and not exempted development.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The planning application was lodged with the Planning Authority on 16<sup>th</sup> December 2022. The proposed development was considered by the Planning Authority under the Dublin City Development Plan 2022-2028 which came into effect on the 14<sup>th</sup> December 2022.
- 5.1.2. The appeal site is zoned 'Z8' (see Map E) under the Dublin City Development Plan 2022-2028, the zoning objective of which is 'To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective.' Cultural/recreational building and uses are listed as permissible uses under the zoning objective.
- 5.1.3. The appeal site is located within O'Connell Street Architectural Conservation Area (ACA) and a red-hatched Conservation Area as illustrated on Map E.
- 5.1.4. The Ambassador Theatre is a Protected Structure (RPS No. 6437) described as 'Former Ambassador Cinema (former Rotunda Rooms). The adjoining Rotunda Hospital, main hospital and west wing are also included on the RPS (Nos. 6420 and 6419 respectively). The Gate Theatre and Assembly Rooms at Cavendish Row which adjoins the appeal site is also a protected structure (RPS No.1338).



5.1.5. 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 11 Policy BHA2 – Development of Protected Structures

*That development will conserve and enhance protected structures and their curtilage and will:*

*(a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.*

*(b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*

*(c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.*

*(d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.*

*(c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure....*

- Policy BHA7 – Architectural Conservation Areas

*(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....*

- Policy BHA9 of the Development Plan is of note. It states that: “*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.*”
- Section 15.15.2.2 in relation to Conservation Areas sets out the considerations for all planning applications.
- Section 15.15.2.3 in relation to Protected Structures sets out that all planning applications affecting Protected Structures shall be accompanied by an Architectural Heritage Impact Assessment and it sets out what information this report must contain.
- Section 15.15.2.8 of the Development Plan deals with lighting of Protected Structures and buildings in Conservation Areas. In this regard, it is noted that the site forms part of a red hatched Conservation Area and an Architectural Conservation Area.
- Section 15.17.5 in relation to Shopfront and Façade Design sets out the considerations for such works.

#### Volume 2: Appendix 17 – Advertising and Signage Strategy

- Section 1.0 – Advertising and Signage

The appeal site appears to be located in Zone 1 of the map (Figure 1) which relates to Zones of Advertising Control.

- *Zone 1: This zone encompasses those areas that are most vulnerable and sensitive and primarily relates to the Georgian area of Dublin City. There is a strong presumption against outdoor advertising in this zone.*

- Section 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.*
- **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 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....*

## 5.2. The O'Connell Street ACA – Written Statement

- Part II – Development Control – C. Protected Structures
- Part II – F. Shopfront Design and Advertisement Structures
- Part II – Section 6 – Commercial Signage
  - *It is an objective that commercial street signage (including finger post signs) in the Architectural Conservation Area be restricted to a limited number of locations where it is either associated with public information signage or is designed into elements of street furniture strictly controlled by the local Authority.*

## 5.3. Scheme of Special Planning Control - O'Connell Street and Environs (2022)

- Part 3 – Shopfronts and Advertisement Structures
- Section 3.1 - *Key Objective: To redress the decline in quality and presentation of buildings and shopfronts within the O'Connell Street Area Special Planning Control Scheme.*
- Section 3.7:
  - *Key Objective: The control of advertisement structures and the exhibition of advertisements*
  - *Key Objective: 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. Projected imagery or advertising (internal and external) and the installation of projection film on glazing or facades will generally not be permitted.*
  - *It is an objective of Dublin City Council to engage with the operator of the Ambassador Theatre in relation to establishing an acceptable*

*protocol for the display of event information relating to the use of the building as an exhibition hall and event centre*

#### **5.4 National Guidance**

- Architectural Heritage Protection Guidelines for Planning Authorities (2011)

#### **5.5. Natural Heritage Designations**

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

#### **5.6. 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**

The first party appeal prepared by TPA includes inputs from Lindsay Conservation Architects. The appeal can be summarised as follows:

- Table 2.1 sets out a timeline in terms of the evolution of the building, now referred to as the Ambassador Theatre.
- Based on photographic evidence signage of some description has been a feature at the site. Signage at the site has used the most up to date technology. Illuminated signage was in place in 1952.
- Figure 2.1 of the appeal submission details the various stages of architectural intervention over the lifecycle of the building.
- The proposals include removal of the large banner from the attic storey and its replacement with a simple illuminated sign that fits the rectangular recess. The side signage merely replaces the signs of O'Dwyer's designs.

- One of the major principles of conservation is to keep the building in use and it is all the better if the use is the original use.
- The building has evolved over time. The appeal submission includes a set of historic images demonstrating the Ambassador Theatre has always been subject to change, enabling it to operate in accordance with its principal historic use.
- The response provided to the Further Information request aligns with Policy Objective BHA2; the Planning Authority has not objectively interpreted this policy.
- The proposal will unveil elements of Gandon's façade as altered by O'Dwyer; it would enhance the protected structure and it constitutes planning gain. It is considered that the proposed digital signage, modest in size, has a positive impact on the setting of the building.
- The proposal introduces modern and discreet signage beneficial to the special interest of the protected structure, aiding it in becoming more competitive as a theatre space.
- The proposal to revitalise a long term theatre / cinema use is positively contributing to the O'Connell Street ACA and is in keeping with Policy Objective BHA7.
- Policy Objective BHA7 (b) requires, inter alia, that development proposals within an ACA have full regard to the guidance set out in the character appraisals and framework for each ACA. However, the O'Connell Street ACA (2001) does not specify a 'character appraisal' or 'framework.' As such the proposal cannot be properly assessed in terms of BHA7.
- The proposed signage is of contemporary design and is in harmony with the area given the existing digital signage in the vicinity.
- The proposal is compliant with Section 15.15.2.2 'Conservation Areas' and Section 15.15.2.3 'Protected Structures' of the Development Plan.
- Section 15.17.5 of the Plan sets out suggestions in relation to design of shop fronts. The O'Connell Street ACA does not list the Ambassador Theatre as a

‘shopfront,’ and it can be argued that the signage proposal is not bound by any requirements from this section of the Plan. Notwithstanding, the proposal is compliant, however the Planning Authority were incorrect in referencing this Section of the Plan in the refusal reason.

- There are obvious contradictions between the development control standards set out in the Scheme of Special Planning Control - O’Connell Street and Environs and the ‘on the ground’ reality on O’Connell Street and the ACA. Reference made to banners hung from the GPO, proliferation of digital bus signs, digital signage at Savoy Cinema, the Rotunda, the Hugh Lane Gallery the National Concert Hall and the American Embassy.
- The proposal addresses an objective to establish an acceptable protocol for display of event information. The proposed digital signage is superior to the existing signage on the building. The proposal represents an 83.5% reduction in the size of signage.
- Planner’s report makes no reference to the Conservation Architect’s report submitted with the application.

The following Appendices are included with the appeal:

- Appendix A: Notification of Decision to Refuse Permission dated 7<sup>th</sup> September 2023
- Appendix B: Copy of Planner’s Report in relation to proposed digital signage in Dublin 2 (Ref.1487/07) dated 2<sup>nd</sup> April 2007
- Appendix C: TII letter dated 18<sup>th</sup> January 2023 indicates no observations in connection with the planning application.

The following documents are also submitted with the appeal:

- (i) A copy of the Conservation Report prepared by Lindsay Conservation Architects submitted with the planning application.
- (ii) A copy of photomontages prepared by Redline Studios submitted with the planning application.

## **6.2. Planning Authority Response**

None received.

## **6.3. Observations**

None received.

## **7.0 Assessment**

7.1. Having examined the application and appeal details, inspected the appeal site, and had regard to relevant policies and objectives for the area, including the Scheme of Special Planning Control for O'Connell Street and Environs and the O'Connell Street ACA written statement, I consider the main issues in this appeal are as follows:

- Impacts on Visual Amenity and Character of the area
- Impact on Protected Structure
- Issues Arising
- Appropriate Assessment

### **7.2. Impacts on Visual Amenity and Character of the area**

- 7.2.1. The Planning Authority's refusal reason considers, inter alia, that the proposed development would have an adverse and injurious visual impact on the protected structure and the O'Connell Street ACA. The appellant contends that the proposal introduces modern and discreet signage, beneficial to the special interest of the protected structure, aiding it in becoming more competitive as a theatre space.
- 7.2.2. The Dublin City Development Plan 2022-2028 divides the City into different zones for the purpose of signage, which are indicated at Figure 1 (Appendix 17). As set out in Section 5.1.5. above, the Ambassador Theatre appears to be located in Zone 1 where there is a strong presumption against outdoor advertising, given that this zone encompasses areas most sensitive and mainly relates to Georgian Dublin.
- 7.2.3. The proposal relates to the provision of 3 no. wall-mounted static digital signs on the front / south elevation of the protected structure. The size of the signs was reduced on



foot of the Further Information request. In terms of visual impact, the largest sign measuring 4.16m in width and 0.91m in height is to be positioned above the main entrance doors on the portico's attic storey. The top of this proposed digital sign is c 6.5m above the street. The proposed 2 no. digital signs are positioned at ground floor level on either side of the main entrance and measure 1.3m in height, 0.63m in width and 0.09m in depth.

- 7.2.4. It is the case that the proposed replacement digital signage would have a much reduced advertisement area than the existing signs, which include a large externally lit banner advertisement across the front of the building along with 2 no. signs either side of the main entrance; the applicant indicates the reduction in size/area as 83%.
- 7.2.5. In terms of luminance the Further Information response submitted by the applicant notes that the brightness of the proposed digital signage at attic level will not exceed 300 candelas per square metre between dusk and dawn. I note luminance of this proposed sign equates to the maximum stated in the Development Plan.
- 7.2.6. Having regard to the information provided, while the area of the proposed digital signage is significantly below that of the existing signage, in my view the proposed replacement signage would be materially different to and would have a greater visual impact than the existing signage, given the digital nature of the signs which facilitates views of the signs over a greater distance. In this regard I consider that the proposed development would result in an undue impact on the visual amenity of the area.
- 7.2.7. In terms of the impact of the proposed development on the character of the area, the O'Connell Street ACA written statement notes that the area is characterised, inter alia, by a distinct urban fabric with the established pattern of development typified by a fine urban grain, a mixed land-use pattern and a number of important 18<sup>th</sup> and 19<sup>th</sup> century landmark buildings. It also identifies shopfronts as an essential component of the street scene which contributes to the ambience, character and quality of the street. Furthermore, the written statement includes guidance on advertisement structures, noting that many such structures are out of keeping with the architectural character of the area and detract from the buildings. The guidance states that 'internally illuminated signs, illuminated scrolling signs or signs using neon tubing will not be permitted.'

- 7.2.8. Having regard to the foregoing, specifically the installation of proposed digital signage at the appeal site, my opinion is that the proposal does not contribute positively to the character and distinctiveness of the O'Connell Street ACA; nor does it protect and enhance the character and appearance of the area, and its setting. As such the proposal does not comply with Policies BHA7(a) and BHA9 of the Development Plan.
- 7.2.9. I note that Policy BHA7(b) requires that development in ACAs have full regard to the guidance set out in the character appraisals and framework for the ACA. In this context, the O'Connell Street ACA written statement clearly states that internally illuminated signs shall not be permitted in the ACA. The appellant contends that the O'Connell Street ACA written statement (2001) does not include Character Appraisals or Framework and therefore it is not possible to assess the proposal against Policy BHA7(b). Having examined the written statement, in my view it is apparent that the document does include such guidance, albeit that the guidance may not be labelled under the headings of 'Character Appraisals' and 'Framework.'
- 7.2.10. The Scheme of Special Planning Control for the area notes that internally illuminated signs and digital signs will not generally be permitted on a façade of a building. A Key Objective of the Scheme is that the Planning Authority will permit only advertisements which enhance the appearance and vitality of the area. In my view the proposed development fails to comply with these requirements.

### **7.3. Impact on Protected Structure**

- 7.3.1. The refusal reason cited by the Planning Authority relates to the adverse impact of the proposed development on the dignity, architectural character and setting of the Protected Structure, which is nationally significant, given its location within the historic Rotunda Hospital and Gate Theatre ensemble. The appellant is of the view that the proposed signage would have a positive impact on the protected structure and its setting.
- 7.3.2. Objective BHA2 (b) of the Dublin City Development Plan 2022-2028 seeks to protect structures included on the RPS from any works that would negatively impact their special character and appearance. Having regard to the digital nature of the sign at attic level on the front facade of the protected structure, along with the digital signs at

either side of the main entrance below the larger sign, my view is that this signage will be highly conspicuous. I consider the proposed signs to be incongruous with the architectural character of the protected structure.

7.3.3. While I acknowledge that the reduced surface area of the proposed signage would allow more of the façade of the protected structure to be visible, in my opinion this benefit is largely negated given the digital nature of the signage, which would detract from the protected structure and its setting, affecting the legibility of the structure, and would also be incongruous with its architectural character and with that of the historic Rotunda Hospital and Gate Theatre ensemble, of which it forms part.

7.3.4. Having regard to the foregoing I consider that the proposed development would materially and adversely affect the character of the Ambassador Theatre, and would therefore conflict with Objective BHA2 (b) of the Dublin City Development Plan 2022-2028. Therefore, I consider that the proposed development should be refused permission.

#### **7.4. Issues Arising**

##### **7.4.1. Precedent**

The appeal submission refers to examples where similar developments may have been permitted and / or where digital signage is in place. In my view it would be inappropriate to draw any conclusions from the decisions of Dublin City Council or An Bord Pleanála in respect of previous applications / appeals 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.

On a related point, I consider that the granting of permission for the proposed development would have the potential to establish a precedent for similar type development relating to protected structures in the area.

##### **7.4.2. Alternative option**

Having regard to the foregoing and given the nature of the proposed development I do not consider the alternative option as identified in the public notices, which relates to the mounting of the digital signage panel above existing signage, as appropriate.

#### **7.4.3. Development Contributions**

The adopted Dublin City Council Development Contribution Scheme 2023 does not provide any exemption for development of the nature proposed. On this basis I consider that development contributions apply to the proposed development should the Board decide to grant permission; as such an appropriate contribution condition should be attached. In addition, the location of the proposed development is within the area for the adopted Luas Cross City Section 49 Supplementary Development Contribution Scheme. Should the Board grant permission for the proposed development a condition requiring a contribution towards this scheme should be attached.

#### **7.5. Appropriate Assessment**

- 7.5.1. Having regard to the proposed development being removal of existing signs and their replacement with digital signage, located in a serviced urban area, 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.

#### **8.0 Recommendation**

- 9.0 I recommend permission be refused for the reasons and considerations below.

#### **10.0 Reasons and Considerations**

1. It is considered that the proposed signage by virtue of its nature, appearance and location on the elevation of The Ambassador Theatre, a nationally significant Protected Structure, would result in undue negative impact on the visual amenity and would not contribute positively to the character and

distinctiveness of the area which is within the O'Connell Street Architectural Conservation Area, a red-hatched Conservation Area as denoted on Map E of the Development Plan, and is designated as an Area of Special Planning Control to which the Scheme of Special Planning Control for O'Connell Street and Environs, 2022 applies. Furthermore, it is considered the proposed development would detract from and injure the special architectural character and setting of the Protected Structure within the historic Rotunda Hospital and Gate Theatre Ensemble. The proposed development would be contrary to Policies BHA2 Development of Protected Structures, BHA7 Architectural Conservations Areas and BHA9 Conservation Areas of the Dublin City Development Plan 2022-2028 and would set an undesirable precedent for similar development. The proposed development would, therefore, be contrary to the provisions of the Dublin City Development Plan 2022-2028 and 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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John Duffy  
Planning Inspector  
28<sup>th</sup> March 2024