



An
Bord
Pleanála

Inspector's Report ABP-318256-23

Development	Retention: Of flag poles, advertising signs and wall mounted benches.
Location	Thomas Moore Inn, 12 Aungier Street and the corner of Longford Street Little, Dublin 2
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4281/23
Applicant(s)	Kateo Investments Ltd.
Type of Application	Retention
Planning Authority Decision	Refusal
Type of Appeal	Third Party
Appellant(s)	Jackie Owens
Observer(s)	None
Date of Site Inspection	3 rd May 2024
Inspector	Frank O'Donnell

1.0 Site Location and Description

- 1.1. The subject appeal site is located at the corner of Aungier Street and Longford Street Little and comprises an existing 4 storey building (5th floor recessed off Aungier Street frontage). The ground floor of the subject building is an existing Public House (Thomas Moore Inn). The appeal site has a stated site area of 115 sqm and is located within a Conservation Area.
- 1.2. There are some Protected Structures located further to the north, see no's 8, 9, 9 a), 10 and 10 a) Aungier Street (Ref. 294, 295, 296, 297 and 298).

2.0 Proposed Development

- 2.1. The proposed development seeks RETENTION for the following:
- i) 4 no. flagpoles on the west elevation to Aungier Street. The flagpoles and associated flagpole holders are shown to located at first floor level.
 - ii) 3 no. advertising canopies located at ground floor level. 1 no. located on the west elevation to Aungier Street (measuring 2.63 metres in length) and 2 no. located to the north elevation to Longford Street Little (each measuring c. 4.8 metres in length).
 - iii) 3 no. wall mounted historical advertising signs located at the west side of the north elevation to Longford Street Little at first, second and third floor level (all measuring 1.8 metres in height and 0.8 metres in width).
 - iv) 3 no. wall mounted benches at ground floor level on the north elevation to Longford Street Little (each bench is estimated to measure c. 2.1 metres in length).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a decision to Refuse planning permission on 2nd October 2023 for the following reason:

1. *The retention of the proposed flagpoles, advertising canopies and three wall mounted advertising signs would constitute visually obtrusive features contributing to visual clutter in this sensitive streetscape. Given the narrow width of the footpath the proposed benches would result in a hazard to pedestrian safety along Longford Street Little. The proposed development would seriously injure the character and amenities of this streetscape, which is situated within a Conservation Area and would conflict with the policies and objectives of the 2022-2028 Dublin City Development Plan, as well as the Shopfront Design Guide 2001. Accordingly, the proposed development would seriously injure the visual amenities of the Conservation Area and the amenities of property in the vicinity, would create a precedent for similar type undesirable development and would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considered that the site is on a prominent street corner and within a Conservation Area and that the proposed development (comprising flag poles, signage and advertising canopies) are contrary to Development Plan Guidance and the Dublin City Shopfront Guidelines for similar development.
- The Planner further considered that due to the limited width of the footpath the proposed benches would obstruct other users of the footpath.
- The Planner further notes that as per planning reg. ref. no. 3760/19 the flag poles and projecting sign were omitted, see Condition no. 2. The Planner further notes that said flag poles and projecting sign were not removed from the premises and that an Enforcement file was opened in 2021. The Planner notes that planning permission was also refused for an identical proposal under planning file ref. no. 3717/23, 3159/23 & 4596/22.
- The Planner therefore considers that the proposed retention would be contrary to the proper planning and sustainable development of the area and a refusal is recommended.

3.2.2. Other Technical Reports

- The **Drainage Division** raise no objection to the proposed development subject to 1 no. condition.
- The **Transportation Planning Division** raise no objection in relation to the retention of the 4 no. flagpoles or the 3 no. advertising signs but request that the benches and canopies and retention permission be removed and that permission be refused. The Division raise no objection to the proposed development subject to the following 4 no. conditions:
 1. *The wall mounted benches shall be omitted and shall be removed within 3 months of the date that permission is granted.*
 2. *The 2 no. canopies located on the North elevation to Longford Street Little and 1 no. canopy on Aungier Street shall be omitted, and shall be removed within 3 months of the date that permission is granted.*
 3. *All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.*
 4. *The developer shall be obliged to comply with the requirements set out in the Code of Practice.*

3.3. Prescribed Bodies

3.3.1. The proposed development was referred to the following Prescribed Bodies:

- **Transport Infrastructure Ireland:** The submission stated there are no observations to make. Further commentary noted the following:
 - *The proposed development falls within an area set out in a Section 49 Levy scheme for Light Rail. The Section 49 scheme lists several exemptions where the levy does not apply. If the above application is successful and not exempt, as a condition of the grant please include for the Section 49 Contribution Scheme Levy.*
- **Uisce Eireann:** No Response.
- **National Transport Authority:** No Response.

- **Department of Housing, Local Government and Heritage:** No Response.

3.4. Third Party Observations

3.4.1. 1 no. Third Party observation was received, as follows:

- Jackie Owens

3.4.2. The issues raised in the third-party observation are covered in the grounds of appeal.

4.0 Planning History

Subject Appeal Site:

- **Appeal Ref. no. PL29S.318225:** Invalid Fee S. 127 (1) (e).
- **Appeal Ref. no. PL29S.317675:** Invalid Fee S. 127(1)(f).
- **3717/23:** RETENTION of 4 no. Flagpoles, 3 no. Advertising canopies, 3 no. wall mounted advertising signs, 3 no. wall mounted benches. Permission was REFUSED on 30th June 2023 for the following reason:

1. *The retention of the proposed flagpoles, advertising canopies and three wall mounted advertising signs would constitute visually obtrusive features contributing to visual clutter in this sensitive streetscape. Given the narrow width of the footpath the proposed benches would result in a hazard to pedestrian safety along Longford Street Little. The proposed development would seriously injure the character and amenities of this streetscape, which it situated within a Conservation Area and would conflict with the policies and objectives of the 2022-2028 Dublin City Development Plan, as well as the Shopfront Design Guide 2001. Accordingly, the proposed development would seriously injure the visual amenities of the Conservation Area and the amenities of property in the vicinity, would create a precedent for similar type undesirable development and would be contrary to the proper planning and sustainable development of the area.*

- **3159/23:** RETENTION of 4 no. flagpoles, 3 no. advertising canopies, 3 no. wall mounted advertising signs, 3 no. wall mounted benches. Permission was REFUSED on 29th March 2023 for the following reason:

1. *The retention of the proposed flagpoles, advertising canopies and three wall mounted advertising signs would constitute visually obtrusive features contributing to visual clutter in this sensitive streetscape. Given the narrow width of the footpath the proposed benches would result in a hazard to pedestrian safety along Longford Street Little. The proposed development would seriously injure the character and amenities of this streetscape, which it situated within a Conservation Area and would conflict with the policies and objectives of the 2022-2028 Dublin City Development Plan, as well as the Shopfront Design Guide 2001. Accordingly, the proposed development would seriously injure the visual amenities of the Conservation Area and the amenities of property in the vicinity, would create a precedent for similar type undesirable development and would be contrary to the proper planning and sustainable development of the area.*

- **4596/22:** RETENTION of 4 no. flagpoles, 3 no. advertising canopies, 3 no. wall mounted advertising signs. Permission was REFUSED on 22nd September 2022 for the following reason:

1. *The retention of the proposed flagpoles, advertising canopies and three wall mounted advertising signs would constitute visually obtrusive features contributing to visual clutter in this sensitive streetscape. The proposed development would seriously injure the character and amenities of this streetscape, which it situated within a Conservation Area and would conflict with the policies and objectives of the 2016 Dublin City Development Plan, as well as the Shopfront Design Guide 2001. Accordingly, the proposed development would seriously injure the visual amenities of the Conservation Area and the amenities of property in the vicinity, would create a precedent for similar type undesirable development and would be contrary to the proper planning and sustainable development of the area.*

- **E0816/21:** Enforcement file opened in relation to the projecting flagpoles and signage.
- **3760/19: PERMISSION & RETENTION:** Permission for modifications to planning reg. ref. 3390/18 including the addition of a bust of the poet Thomas Moore, reinstatement of a plaque indicating the birthplace of Thomas Moore and Retention of changes to external finishes and signage, alteration of type and position of windows and doors, the removal of 3 no. windows. Permission was GRANTED on 6th August 2020 subject to 3 no. conditions.

Condition no. 2 read as follows:

2. The two flagpoles and two projecting signs on the front elevation shall be omitted.

Reason: In the interest of visual clutter.

- **3390/18:** Amendments to planning reg. ref.:3903/17, including removal of previously permitted extension to basement; alterations to internal layout and all elevations; provision for external plant to roof and all associated works. SPLIT DECISION – Permission GRANTED as described above. Permission REFUSED for the construction of a setback fifth floor to rear and over previously permitted building to accommodate 2 no. additional short-term accommodation bedrooms.
- **3903/17:** Demolition & removal of the existing second floor, new second and third floor to the rear of existing four storey building, new fourth floor and new set back fifth floor to rear and over existing building, all to accommodate a total of 19 no. short term accommodation bedrooms over existing public house in a six storey building over basement, new basement extension, internal modifications and refurbishment on all floors, renovation of pub, new pub façade/s and associated development. Permission was GRANTED on 26th February 2018 subject to 19 no. conditions.

Condition no. 6 read as follows:

‘6. The large mural or advertisement located on the northern gable wall stating “Hop House 13” does not form part of this planning application and should be removed.

Reason: In the interest of clarity.'

- **5456/06:** Planning Permission is sought for extension and renovations of existing building. Permission was GRANTED on 16th January 2007 (13 no. conditions).
- **2743/00:** Changes to side elevation, conversion of upper residential to 2 no. 1 bed apartments, new two bed duplex and penthouse, additional toilets and kitchen at basement. Permission was GRANTED on 28th November 2000.

Adjacent to the Subject Appeal Site:

- **HA29N.316272:** Bus Connects Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme. Case was due to be decided by 23rd October 2023.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Appeal site is zoned Z5 – City Centre in the Dublin City Council Development Plan, 2022 to 2028. The relevant zoning objective is: *'To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design and dignity.'* Uses which are 'Permitted in Principle' on lands zoned Z5 – City Centre include a Public House. Uses which are 'Open for Consideration' on lands zoned Z5 – City Centre include Advertisement and Advertising Structures, Outdoor Poster Advertising.

5.1.2. Chapter 7 relates to the City Centre, Urban Villages and Retail and includes the following Policies and Objectives which are of relevance to the subject proposals:

Policies:

- CCUV12: Shopfront Design, CCUV32: Outdoor Dining, CCUV35: Night-Time Economy, CCUV36: New Development, CCUV38: High Quality Streets and Spaces, CCUV39: Permeable, Legible and Connected Public Realm, CCUV40: Public Safety, CCUV42: Public Realm – City Centre, CCUV44:

New Development, CCUV45: Advertising Structures, CCUV46: Removal of Unauthorised Advertisements.

Objectives:

- CCUVO10: Shopfront Improvement Scheme, CCUVO21: Audit of Redundant and Unnecessary Street Furniture.

5.1.3. Chapter 11 relates to Built Heritage and Archaeology and includes the following relevant Sections, Policies and Objectives:

- Section 11.5 relates to Built Heritage and Archaeological Policies and Objectives:

- Policies

- BHA1: Record of Protected Structures, BHA2: Development of Protected Structures, BHA3: Loss of Protected Structures, BHA4: Ministerial Recommendations, BHA5: Demolition of Regionally Rated Building on NIAH, BHA6: Buildings on Historic Maps, BHA7: Architectural Conservation Areas, BHA8: Demolition in an ACA,

- BHA9: Conservation Areas:

To protect the special interest and character of all Dublin's Conservation Areas

– identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

- 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- 2. Re-instatement of missing architectural detail or important features.*

3. *Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.*
4. *Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
5. *The repair and retention of shop and pub fronts of architectural interest.*
6. *Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.*
7. *The return of buildings to residential use.*

Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications, and will promote compatible uses which ensure future long-term viability.

5.1.4. Chapter 12 relates to Culture and includes the following relevant Objective:

- Objective
 - CUO40 Victorian and Edwardian Public Houses

To protect Dublin's unique heritage of Victorian and Edwardian public houses as a central part of the city's cultural offer, and resist changes of use that would result in the loss of such premises from their traditional role where they are open to public use.

5.1.5. Chapter 14 of the Plan relates to Land Use Zoning. Section 14.7.2 relates to Residential Neighbourhoods (Conservation Areas) – Zone Z2.

5.1.6. Chapter 15 relates to Development Standards and includes the following relevant Sections:

- 15.15: Built Heritage and Archaeology
 - 15.15.2: Built Heritage

▪ 15.15.2.2: Conservation Areas

Conservation Areas include Z8 (Georgian Conservation Area) and Z2 (Residential Conservation Area) zones, as well as areas identified in a red hatching on the zoning maps which form part of the development plan. These red-hatch areas do not have a specific statutory protection but contain areas of extensive groupings of buildings, streetscapes, features such as rivers and canals and associated open spaces of historic merit which all add to the special historic character of the city.

All planning applications for development in Conservation Areas shall:

- *Respect the existing setting and character of the surrounding area.*
- *Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.*
- *Protect the amenities of the surrounding properties and spaces.*
- *Provide for an assessment of the visual impact of the development in the surrounding context.*
- *Ensure materials and finishes are in keeping with the existing built environment.*
- *Positively contribute to the existing streetscape Retain historic trees also as these all add to the special character of an ACA, where they exist.*

Further guidance on Conservation Areas is set out in Chapter 11 Section 11.5.2

- 15.17: Public Realm
 - 15.17.4: Outdoor Seating and Street Furniture

- *Certain uses in the public realm, including elements of street furniture, can lead to problems of visual clutter and to obstruction of public footpaths for pedestrians, in particular people with disabilities. These elements include newspaper stands, telephone kiosks, traffic and bus signs etc. It is an objective of Dublin City Council to control the location and quality of these structures in the interests of creating a high-quality public domain. All street furniture provided by private operators including retailers, publicans and restaurateurs, etc., and utility companies should be to the highest quality, preferably of good contemporary design avoiding poor historic imitation and respect the overall character of the area and quality of the public realm and be so located to prevent any obstruction or clutter of all footpaths and paved areas including landings. In this regard, street furniture requires either a licence under Section 254 of the Planning and Development Act, 2000 (as amended) or planning permission (including street furniture erected on private lands). In both instances, the applicant is required to submit details of the location, design, specification and quality of the proposed elements of street furniture. Details of maintenance and cleansing schedules, together with a certificate of structural stability, may also be required. Street furniture should be designed to be accessible to disabled persons where possible.*

In considering applications for outdoor furniture, the planning authority shall have regard to the following:

- *Size and location of the facility.*
- *Concentration of existing street furniture in the area.*
- *The visual impact of the structure, particularly in relation to the colour, nature and extent of advertising on all ancillary screens.*
- *Impact on the character of the streetscape.*

- *The effects on the amenities of adjoining premises, particularly in relation to hours of operation, noise and general disturbance.*
- *Impact on access and visibility.*
- *15.17.5 Shopfront and Façade Design*
 - *Shopfront design plays a key part in contribution to the quality of the public realm. Attractive facades and shopfronts have the ability to rejuvenate the streetscape and create an attractive public realm environment.*
 - *Shopfront signage should:*
 - *Be located at fascia level.*
 - *In the case of shop blinds, comprise traditional retractable canvas awning signs of Shopfronts and Other Business Premises.*
 - *The signage relating to any commercial ground floor use should be contained within the fascia board of the shopfront.*
 - *The lettering employed should be either on the fascia, or consist of individually mounted solid letters mounted on the fascia. The size of the lettering used should be in proportion to the depth of the fascia board.*
 - *Signage internal to the premises, including interior suspended advertising panels, which obscure views into the shop or business and create dead frontage onto the street shall not normally be permitted.*
 - *Corporate signs will only be permitted where they are compatible with the character of the building, its materials and colour scheme and those of adjoining buildings.*
 - *Advertisements and signs relating to uses above ground floor level should generally be provided at the entrance to*

the upper floors, in a form and design which does not detract from or impinge upon the integrity of the ground floor shopfronts, or other elevation features of the building.

- *Shopfronts sponsored by commercial brands will generally not be permitted.*
- *Proposals for shopfront signage shall have regard to the contents of the Retail Design Manual, 2012, Dublin City Council's Shopfront Design Guide, 2001 and the O'Connell Street Area Shopfront Design Guidelines, 2003, where appropriate. www.dublincity.ie*
- *For further information on advertising and signage, please refer to Appendix 17.*

5.1.7. The following Appendices are of relevance:

- Appendix 17: Advertising and Signage Strategy

5.1.8. The following Guidance is of relevance:

- Dublin City Council – Shopfront Design Guide (2001)

5.2. Guidelines/ Circulars

- Circular Letter PL 03/2024 (Planning and Development (Street Furniture) Regulations 2024 (S.I. 196 of 2024))

5.3. Natural Heritage Designations

5.3.1. The site is not located within or adjacent to a Natura 2000 site.

5.4. EIA Screening

5.4.1. The proposed development is not a class of development for the purposes of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

- Visual Amenity:
 - The Appellant refutes the opinion of the Planning Authority that the visual appearance of the development would be visually obtrusive.
 - The Appellant refers to Policy CUO40 and considers that the subject site and proposed development provides a unique and authentic visual amenity on Aungier Street, that they add to the visual amenity of the public house and are intrinsic to Dublin City Centre's Culture.
 - The proposal represents no significant change to either the front elevation of the Public House or the fabric of Aungier Street's streetscape. The 4 no. flagpoles pose no undue impact on visual amenities at the immediate location.
 - The benches are of bespoke design, use complimentary materials and can be folded/ closed. The benches extend only slightly onto the footpath and add to the customer experience allowing them to sit outside and enjoy the aesthetic and history of the surrounding streetscape.
 - The 3 no. historical advertising signs on Longford Street Little should not be considered as advertisements as they provide historical information on the building and directly refer to the history of the public house and the famous poet, Thomas Moore. The 3 no. 'advertising' signs serve to enhance the historical background of the Public House and should be considered informative and essential to the establishment.
 - The Appellant refers to 3 no. other public houses in Dublin City which they consider to have features contributing to visual clutter and has provided supporting photographs in this regard. The Appellant considers the subject Public house has sensitively placed the elements of the proposed development (flag poles, advertising canopies, wall mounted benches, advertising signs) on the exterior of the building to ensure no undue negative impacts on the public realm and streetscape.

- Wall-Mounted Benches:
 - The Appellant submits that the proposed 3 no. wall mounted benches would not result in a hazard to pedestrian safety along Longford Street Little. The Appellant states the width of the pedestrian footpath to be c. 1.6 metres and with reference to an attached photo considers that the said benches, when used, will allow for uninterrupted use of the space for pedestrians, limited mobility pedestrians and pedestrians with children or a stroller.
 - The Appellant refers to Section 15.17.4 of the Plan which specifically relates to Outdoor Seating and Street Furniture and quotes directly from the advice provided in the said section in terms of the consideration of applications for outdoor furniture.
 - The Appellants justifications for the proposed benches, having regard to the above criterion set out in Section 15.17.4 are that there is less footfall along the minor street Longford Street Little, there is little to no other street furniture in the area, allowing for ample space for the proposal, the proposed benches by reason of their simple design and colour are sympathetic to and blend in with the existing building. The Appellant believes the benches do not detract from the historic character of the Public House of the existing streetscape but instead enhance the usability of and footfall for the public house. As the benches can be folded away during periods when the Public House will be closed, the Appellant does not anticipate any issues regarding noise or disturbance out of hours.
 - The Appellant refers to Section 4.3.1 of the Design Manual for Urban Roads and Streets (DMURS), which relates to 'Footways, Verges and Strips.' The Appellant considers the subject street, Longford Street Little, to be of low pedestrian activity and that therefore the proposed benches are acceptable in this circumstance. The Appellant considers that the footpath will maintain ample space for pedestrians to manoeuvre, even when the benches are not in use.

- Policies:
 - The Appellant submits that the proposed retention application is compliant with the relevant Z5 zoning objective *‘To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.’*
 - The Appellant refers to Development Plan Policy CCUV12 which relates to a high quality of design and finish for new and replacement shopfront signage and advertising, the principles of good shopfront design as set out in the Shopfront Guidelines and Chapter 15 of the Plan.
 - With reference to Appendix 17 of the Plan ‘advertising and signage’, the Appellant notes that the site is in zone 5 and considers that the provision of the advertising canopies and wall mounted informative signs would be appropriate as they are sensitively placed on the exterior of the building and do not detract from the existing streetscape. The signs are informative and the canopies are identical to that of most pubs in the vicinity which advertise alcoholic beverages.
 - The Appellant refers to and quotes from Section 15.17.3 of the Plan (Section 15.17.5 in the Plan) which relates to Shopfront and Façade Design. The Appellant considers that the proposed signage complies with the criteria set out in this section.
- Visual Impact:
 - The Appellant believes that the proposed flagpoles and canopies represent a positive addition to the streetscape and serve to compliment the adjacent buildings with the addition of colour and detailing to the façade. The flagpoles are stated to be present for 5 years and the signs on Longford Street Little are stated to have been present since c. 2009.
 - The flagpoles, advertising canopies and informative signs are considered by the Appellant to add aesthetic appeal to the Public House and are maintained regularly to a high standard. The Appellant believes the said fixtures add to the visual amenity of the area and promote a high-quality streetscape. The Appellant considers the retention of these said fixtures to

be vital in order to continue the sense of character and authenticity of the Public House.

- The fixtures are attractive for visitors and increase footfall into the Public House.
- Licensed Premises:
 - The Appellant refers to Section 15.14.12 of the Plan (Night Clubs/Licensed Premises/Casinos/ Private Member Clubs) and considers that the proposed development, which is located on Z5 zoned lands, will not negatively impact upon neighbouring occupiers and residents.
- Conservation Area:
 - The Appellant refers to and directly quotes from Policy BHA7 (Architectural Conservation Areas) from the Development Plan. The Appellant considers that the proposed development will not detract from the visual amenity of the ACA and will enhance its distinctiveness and positively and sensitively contribute to the visual interest of the area.
- Shopfront Design Guidelines, 2001:
 - The Appellant considers that the proposed development is compliant with the standards set out in the Shopfront Design Guidelines, 2001.
- Precedents for Grant of Permission:
 - The Appellant refers to a number of pubs and restaurants in the area and proximate to the subject Appeal site that have flags, advertising canopies, wall-mounted benches or signs, outside their premises, identical to that subject Appeal site. The examples referenced by the Appellant are located at Poolbeg Street, Anne Street, South Great Georges Street, Usher's Quay, Camden Street (X3), Aungier Street (X2), Wicklow Street, Dame Street (X2), Stephen Street (X2) and Georges Street.
 - The Appellant submits that by allowing the retention of these elements at the subject Appeal site, the area is connected in harmony to adjacent pubs and restaurants through the use of flags, advertising and signs, thus creating a positive public realm feature.

- Alternative Design Option:
 - The Appellant states that the Applicant would be willing to accept a condition which requires the omission of advertising from the 3 no. canopies and a reduction from 4 no. flagpoles to 2 no. flagpoles with a requirement that the flags will fly the European and Irish Flags at all times. The Appellant states that the Applicant will also accept the omission of all 4 no. flagpoles.

6.2. Applicant Response

- None

6.3. Planning Authority Response

- The Planning Authority state the following: *'the observations of the Dublin Planning Officer on the grounds of appeal have been sought and these will be forwarded as quickly as possible.'*
- No further Response received.

6.4. Observations

- None

6.5. Further Responses

- None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeals, and having inspected the site, and having regard to relevant local/ regional/ national policies and guidance, in my opinion, the substantive issues in this appeal are as follows:

- Zoning
- Visual Amenity and the Character of the Area

- Pedestrian/ Traffic Safety
- Other Matters
 - Appropriate Assessment

7.2. Zoning

- 7.2.1. The Appeal site is zoned Z5 – City Centre in the Dublin City Council Development Plan, 2022 to 2028. The relevant zoning objective is: *'To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design and dignity.'* Uses which are 'Permitted in Principle' on lands zoned Z5 – City Centre include a Public House. An 'Advertisement', 'Advertising Structure' and 'Outdoor Poster Advertising' are identified as uses which are 'Open for Consideration' on lands zoned Z5 – City Centre, subject to assessment against normal planning considerations. These matters are discussed in turn below.

7.3. Visual Amenity and the Character of the Area

- 7.3.1. The proposed development, as presented, seeks retention of 4 no. flagpoles, 3 no. advertisement canopies, 3 no. bench seats and 3 no. information signs. Previous identical proposals to retain the same development have been refused by the Local Authority on 3 no. previous occasions, see planning reg. ref. no's 3717/23, 3159/23 and 4596/22. It is noted, as stated in the Local Authority Planners Report, that there is a current planning enforcement case, ref. E0816/21, in respect of the projecting flagpoles and signage, no further details are provided.

- *Retention of 4 no. flagpoles*

- 7.3.2. At the time of my site inspection there were no flagpoles or indeed flags in place along either the front west facing elevation onto Aungier Street or the north facing elevation onto Longford Street Little. It is noted there were however a total of 12 no. flag holders in place on the front west facing elevation onto Aungier Street, i.e. 4 no. flag holders on each of the upper first, second and third floors. As per the submitted photograph on the Plans & Elevations Drawing (Drg. 2017-44-P7-101), it is noted that it is proposed to remove the existing flag pole holders at the second and third floor.

- 7.3.3. In addition to the existing flag holders, there were several sets of unilluminated string lights suspended from the third floor covering the first, second and third floor front

west facing elevation. I further noted 2 no. existing projecting signs on the front elevation at first floor level.

- 7.3.4. The Board will note condition no. 2 of planning reg. ref. no. 3760/19 which stipulates that *‘the two flagpoles and two projecting signs on the front elevation shall be omitted. (Reason: In the interest of visual clutter.)’* Planning Reg. Ref. No. 3760/19 is the most recent Grant of permission pertaining to the appeal site.
- 7.3.5. I note the guidance provided in the Shopfront Guidelines, 2001, and, in particular, Section 5 on page 25, which states the following in relation to Banners and Flags:
- ‘Banners and Flags are considered to be unsuitable forms of identification, and will not be permitted.’*
- 7.3.6. I note the Appellants justifications for the retention of the flagpoles and the Appellants opinion that the proposed said flagpoles will not result in a significant change to either the front elevation or the fabric of the streetscape, will not pose an undue impact on the visual amenities of the immediate area, will result in a high quality and positive addition to the streetscape and is harmonious in this regard with other public houses. I also note that as part of the Appellant justifications for the retention of the said flagpoles, reference is made to policy CUO40.
- 7.3.7. The Board will note the prominent location of the subject appeal site at the corner of Aungier Street and Longford Street Little. The site is within a Conservation Area identified in the Development Plan as one of sixteen such Priority Architectural Conservation Areas (ACAs) which have been selected for future protection as ACA’s during the lifetime of the current Development Plan. The Board will further note the general character of the area, which includes a number of Protected Structures further to the north.
- 7.3.8. I note the Appellants reference to Objective COU40 of the Plan and the opinion presented that the proposed development is in line with Development Plan policies which aim for an authentic and unique streetscape at Dublin’s Core. I do not see how the addition of 4 no. flag poles along the prominent site frontage onto Aungier Street serves to adhere to Objective CUO40. In my view, the retention of the 4 no. flagpoles serve to do the opposite and detract from the unique Victorian and Edwardian heritage of the building and area.

7.3.9. I do not agree with the Appellant that the proposals will not result in any undue impact on the visual amenities of the area. In my view the retention of the said 4 no. flag poles will serve to result in visual clutter, will detract from the visual amenities of the area, are not consistent with the recommendations contained in Section 15.15.2.2 (Conservation Areas), particularly with regard to respecting the existing setting and character of the surrounding area and, if permitted, would serve to create an undesirable precedent for similar proposals into the future.

7.3.10. While I note the cited cases presented by the Appellant in support of their case to retain the 4 no. flagpoles, I also note the planning status of these said cases has not been specified. Notwithstanding, each planning case should be dealt with on its own merits. I do not therefore consider the said cited cases to be of particular relevance to the subject case.

7.3.11. I agree with the assessment of the Local Authority that the 4 no. flagpoles should be omitted.

- *3 no. advertising canopies*

7.3.12. I note the guidance provided in the Shopfront Guidelines, 2001, and, in particular, Section 5 on page 28, which relates to Canopies and states the following:

'5 Canopies

If the shopfront requires protection from the sun, a traditional-style, open-ended blind should be incorporated into the design of the shopfront with the blind box recessed. Perambulator-style, close-end canopies seriously detract from the streetscape, reducing the view to adjacent shopfronts, and are unacceptable. Shop names or advertising on the blind are not permitted.'

7.3.13. The 3 no. canopies proposed to be retained advertise the name of the Public House and include commercial advertising for an established beer company. Although the canopies are retractable, the housing is forward of and not flush with the front and side fascias of the building. In this regard, as the 3 no. canopies are not of a traditional style, are not blind box recessed and include advertising, it is my view that the said canopies do not adhere to the above quoted recommendations.

7.3.14. I agree with the assessment of the Local Authority that the retention of the said canopies would result in visual clutter in the streetscape.

7.3.15. I note the concerns of the Transportation Planning Division in relation to the proposed retention of the said 3 no. canopies and 3 no. wall mounted seats. The issues of Pedestrian and Traffic Safety are discussed further below in Section 7.5.

- *3 no. wall mounted advertising signs*

7.3.16. The Appellant refers in the public notices to 3 no. wall mounted historical advertising signs. The Local Authority refer to the said signs as advertising signs and I would agree with this assessment.

7.3.17. I note figures 11.0 and 12.0 of the Appeal and, in particular, the streetview images from 2018 and 2009. The Applicant states that the signs on Longford Street Little have been present since c. 2009. In my view, having reviewed available historic streetview imagery back to September 2009, I would not agree that the signs on Longford Street Little have been in place since that time as the streetview imagery is not reflective of this and instead shows 3 no. raised render panels. I note the Applicant has not provided any supporting photographic evidence to the contrary. I would however agree that the 3 no. raised render panels were in place since at least 2009 and that based on the said streetview imagery, it was not until the recent redevelopment works that the 3 no. advertising signs emerged. I would be of the further opinion that the 3 no. raised render panels do not constitute an advertisement structure.

7.3.18. I have reviewed the previous planning histories on the subject site and I note that under planning reg. ref. no's 5456/06, 3903/17, 3390/18 & 3760/19, the said 3 no. raised render panels are shown on the existing drawings. It is not until the lodgement of planning reg. ref. no. 4596/22 that the 3 no. advertising signs are shown on the elevation drawing.

7.3.19. I do not agree with the Applicant that the 3 no. advertising signs have been present since c. 2009.

7.3.20. I note there is a separate commemorative wall plaque positioned to the right-hand side of the west facing elevation onto Aungier Street and that above the third floor at parapet level there is a further commemorative inscription.

7.3.21. I note the recommendations set out in Section 15.17.5 of the Plan relating to Shopfront and Façade Design. As referenced by the Local Authority in their

assessment it is stated that *'the signage relating to any commercial ground floor use should be contained within the fascia board to the shopfront.'* I agree with the Local Authority that the proposed 3 no. signs on the side elevation of a prominent corner within a conservation area creates visual clutter within the streetscape. The proposed 3 no. advertisement signs are therefore not, in my view, in accordance with the proper planning and sustainable development of the area.

- 3 no. wall mounted benches

7.3.22. The existing 3 no. wall mounted benches are located along the side, north facing elevation onto Longford Street Little. I note that under planning reg. ref. no. 3760/19, which is the most recent grant of permission pertaining to the site, the said 3 no. benches are not shown on the approved elevation drawing, ref. 2017-44-P3-101. According to streetview imagery the 3 no. benches appear to have been introduced sometime after May 2021.

7.3.23. I note the recommendations contained in Section 15.17.4 of the Plan which relates to outdoor seating and street furniture. Having regard to the said recommendations I am satisfied that the 3 no. benches will result in a visually incongruous feature in the streetscape and I would share the opinion of the Local Authority that the said 3 no. benches, together with the other elements of the subject appeal, serve to constitute visually obtrusive features which contribute to visual clutter in this sensitive streetscape. The issues of pedestrian and traffic safety are discussed below in Section 7.4

7.3.24. In my opinion, the proposed development does not comply with policy CCUV12 (Shopfront Design), does not represent a high quality of design and finish in terms of shopfront signage and advertising and does not suitably adhere to recommendations contained in the Shopfront Design Guidelines, 2001, with particular regard to the provision of flags/ banners and canopies.

7.3.25. I do not agree with the opinion of the Appellant with regard to Policy BHA7 (Architectural Conservation Areas) (ACA). While I note the subject site is not located within an ACA and is instead within a Conservation Area, I am nonetheless satisfied that the proposed development, as presented, will serve to detract from the visual amenities of the area, will not serve to positively enhance its distinctiveness.

7.4. Pedestrian and Traffic Safety

- 7.4.1. I note the Report from the Transportation Planning Division and the comments and recommendations contained therein. I do not dispute the stated dimensions of 2.9 metres for the footpath on Aungier Street and 1.7 metres for the footpath on Longford Street Little. I share the same concerns that the retention of any outdoor seating on or over the public footpath on both Longford Street Little and Aungier Street creates a significant pedestrian and road safety risk. I further note the stated request that the benches and canopies be removed and retention permission be refused and also the 4 no. recommended conditions, particularly conditions 1 & 2.
- 7.4.2. I am satisfied that the retention of the 3 no. canopies and the 3 no. wall mounted benches create a significant pedestrian and traffic safety risk and that therefore permission should be refused.
- 7.4.3. I note the Appellants proposals set out in Section 5.6 of the Appeal and referenced as Alternative Design Option. In my view, owing to the other substantive reasons for refusal, the proposals presented do not serve to suitably address the issues raised above.
- 7.5. Other issues
- *Appropriate Assessment*
- 7.5.1. Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered 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

- 8.1. I recommend that permission be refused for the following reasons.

9.0 Reasons and Considerations

1. Having regard to the Z5 – City Centre zoning for the site *‘To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design and dignity’*, its location within a Conservation Area, Policies CCUV12 (Shopfront Design), CCUV32 (Outdoor Dining), CCUV38 (High Quality Streets and Spaces), CCUV45 (Advertising Structures), Section 15.15.2.2 (Conservation Areas), Section 15.17.4 9 (Outdoor Seating and Street Furniture), Section 15.17.5 (Shopfront and Façade Design) of the Dublin City Council Development Plan, 2022 to 2028, and to the layout, format and nature of the proposed flagpoles, the 3 no. advertising canopies, the 3 no. wall mounted advertising signs and the 3 no. wall mounted seats, it is considered that the development proposed to be retained would constitute visually obtrusive features contributing to visual clutter in this sensitive streetscape within this sensitive area. The proposed development, as presented, would seriously injure the character and amenities of this streetscape which is located within a Conservation Area and would conflict with the aforementioned policies of the Development Plan and the Shopfront Design Guide, 2001. The proposed development would, therefore, by itself and by reason of the undesirable precedent it would set for similar development in the area, be contrary to proper planning and sustainable development.
2. The proposed development, as presented, and particularly the proposed 3 no. canopies and 3 no. wall mounted seats, located adjacent to and above a public footpath would facilitate seating on the public footpath. Owing to the restricted width of the public footpath, particularly along Longford Street Little, and given the presence of said installations, pedestrians and other vulnerable users will be diverted onto the of the public road carriageway and would, therefore, endanger public safety by reason of traffic hazard. The proposed development is therefore not in accordance with 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.

Frank O'Donnell
Planning Inspector

24th May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318256-23		
Proposed Development Summary	Retention: Of flag poles, advertising signs and wall mounted benches.		
Development Address	Thomas Moore Inn, 12 Aungier Street and the corner of Longford Street Little, Dublin 2		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	X
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?			
Yes		Not Applicable	EIA Mandatory EIAR required
No	X	Not Applicable	Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____