

An  
Bord  
Pleanála

## Inspector's Report ABP318395-23

### Development

Replacement of the illuminated advertising sign with a LED digital display sign.

### Location

51 Donnybrook Road, Dublin ,  
D04T9X7.

### Planning Authority

Dublin City Council.

### Planning Authority Reg. Ref.

4310/23.

### Applicant(s)

Robert O'Riordan & Sean McConnon.

### Type of Application

Permission.

### Planning Authority Decision

Refuse permission.

### Type of Appeal

First Party

### Appellant(s)

Robert O'Riordan & Sean McConnon.

### Observer(s)

Philip O'Reilly.

### Date of Site Inspection

26/12/23.

### Inspector

Anthony Abbott King.



## **1.0 Site Location and Description**

- 1.1. The site comprises a commercial building located in Donnybrook village on the south-west side of Donnybrook Road on the south side of the village. No. 51 Donnybrook Road is a three-storey building.
- 1.2. The ground floor contains a restaurant. The upper floors are in office use;
- 1.3. Donnybrook Road (R138) is a main access route to the city centre from the southern suburbs;
- 1.4. There is a large illuminated advertisement sign / billboard located on the north gable wall of the subject premises at first and second floor levels with a pronounced side profile, which is clearly visible to road users travelling south as they pass through Donnybrook village.
- 1.5. The gable end of the subject building over-looks a single-storey building at 51A Donnybrook Road and a laneway known as 'The Crescent'.

## **2.0 Proposed Development**

- 2.1. Replacement of the illuminated advertising sign (3.00m high by 6.00m wide by 600mm deep) with a LED digital display sign (3.00m high by 4.50m wide by 150mm deep), which will carry a series of alternating static advertisements (6 per minute). The permission would be on the basis of decommissioning in line with the outdoor advertising policy of Dublin City Council, two outdoor signs located at 1B Mountjoy Street, Dublin 7, D07V126.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Refuse permission for the following reasons:

- (1) *Having regard to the location of the site in Donnybrook Village, it is considered that the proposed development would be visually intrusive, would seriously injure the visual amenities of the area, would be out of character and*



*would, therefore, be contrary to the proper planning and sustainable development of the area.*

*(2) The proposed digital format of the advertising at this location would seriously injure the visual amenities of the area, would create an undesirable precedent for similar scaled digital advertising and would therefore, be contrary to the proper planning and sustainable development of the area.*

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

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

The decision of the CEO of the planning authority reflects the recommendation of the planning case officer.

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

Transport Planning Division of the planning authority do not object to the proposal.

### **4.0 Planning History**

There is no relevant planning history for the subject site.

The recent planning history of the adjoining premises at no. 53 Donnybrook Road is relevant.

Under Register Ref: 349/23 planning permission was granted for a replacement of an existing illuminated advertising sign (6.20m high by 2.00m wide by 600mm deep) at first and second floor level at 53 Donnybrook Road, Dublin 4 to an LED digital display sign (3.70m high by 2.00m wide by 150mm deep), which would carry a series of alternating static advertising (6 per minute), subject to 8 conditions at a location proximate to the applicant site elevating south-east onto Donnybrook Road.

### **5.0 Policy and Context**

#### **5.1. Development Plan**

The Dublin City Development Plan 2022-2028 is the relevant local planning policy document.



- The relevant zoning objective is Objective Z4 (Map H) 'Key Urban Villages / Urban Villages': *To provide for and improve mixed-services facilities.*

Chapter 14 (Land-use Zoning), Section 14.7.4 is relevant and states:

*Key Urban Villages and Urban Villages (formerly district centres) function to serve the needs of the surrounding catchment providing a range of retail, commercial, cultural, social and community functions and are easily accessible by foot, bicycle or public transport; in line with the concept of the 15-minute city..*

Advertisement and advertising structures are open for consideration uses.

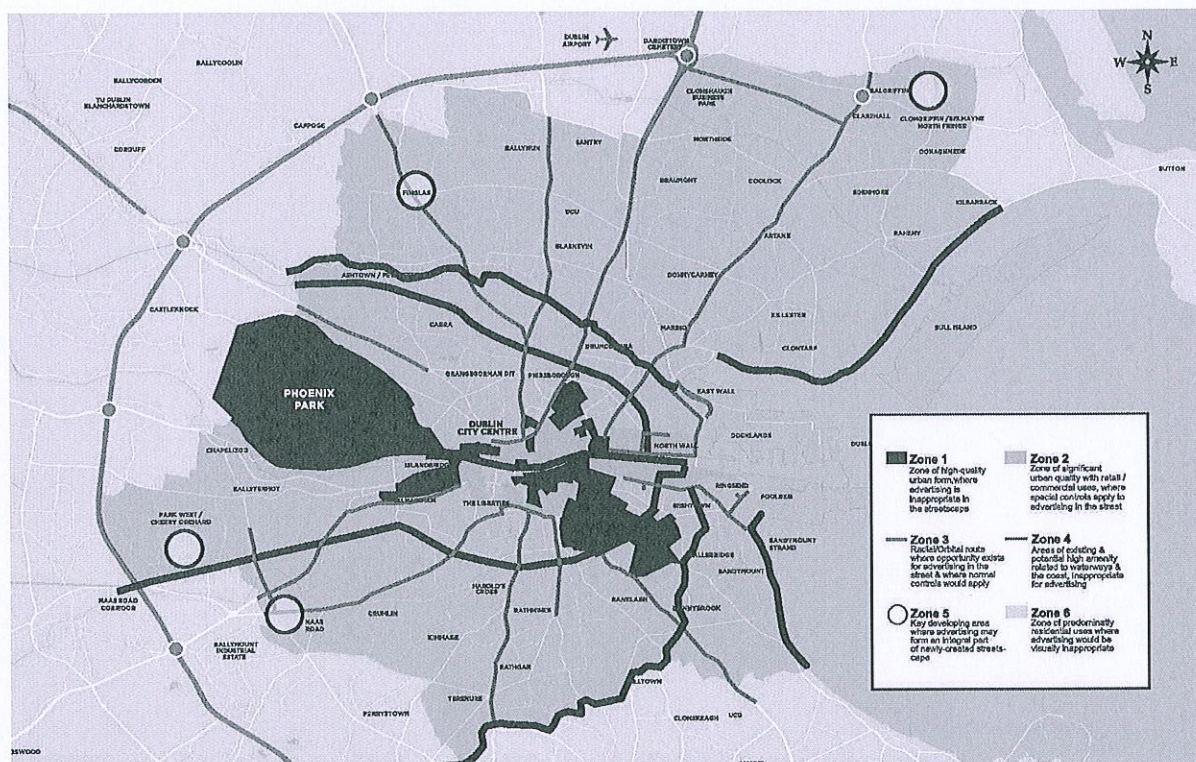
- Chapter 7 (Urban ) Policy CCUV45 (Advertising Structures) is relevant and states:

*To consider appropriately designed and located advertising structures primarily with reference to the zoning objectives and permitted advertising uses and of the outdoor advertising strategy (Appendix 17). In all such cases, the structures must be of high-quality design and materials, and must not obstruct or endanger road users or pedestrians, nor impede free pedestrian movement and accessibility of the footpath or roadway.*

- Appendix 17 (Advertising & Signage Strategy) is relevant. The outdoor advertising strategy seeks to set out guidance for the provision of various types of signage within certain locations in the city. In order to manage an effective programme of outdoor advertising, the City Council has developed a policy based on geographical zones.

**Figure 1: Zones of Advertising Control**





The subject development is located within Zone 6. However, Donnybrook Road is located along a radial route Zone 3. Zone 6 consists of areas predominantly residential in character where outdoor advertising would be visually inappropriate. However, within the zone there are also large-scale tracts of commercial land-use which have a separate robust character and may have the potential to accommodate outdoor advertising. Zone 3 consists of radial routes leading into and out of the city where opportunity exists for the managed provision of outdoor advertising.

In respect of replacement signage Appendix 17 states the following:

*Any upgrading and/ or replacement of existing outdoor advertising (e.g. trivision, scrolling, electronic, digital) will only be permitted if it is acceptable in amenity/ safety terms and an agreement is made to decommission at least one other display panel in the city and to extinguish the licence for that panel. The purpose of this measure is to ensure that other operators do not use the site. Where such an arrangement is not feasible, consideration may be given to replacement signage which would be of a significantly smaller scale; sensitive to the setting; and, of high quality, robust design and materials.*



Appendix 17, Section 2 (Digital Signage) is relevant and states:

*The use of digital signage is becoming more prevalent in the city and is beginning to replace the more traditional paper advertising signs. In this regard, the design and location of digital signage will be controlled as to prevent any adverse impact to road users and pedestrians.*

*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.*

## **5.2. EIA Screening**

5.3. The proposed development is not within a class where EIA would apply.

## **6.0 The Appeal**

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

The appeal statement is prepared by Manahan Town Planning Consultants on behalf of the appellant. The grounds of appeal are summarised below:

- The Transportation Planning Division of the planning authority had no objection to the proposed development and did not consider the proposed LED sign or the 10 second display transitions to be unacceptable;



- LED digital gable-end billboards only occur in the commercially zoned centre of Donnybrook and are acceptable in principle. It is noted within the zoned centre there are 9 no. illuminated out-door advertising panels some of which are LED digital. The proposal involves the alteration of an existing sign on a radial route where such signs are permitted and are already in existence.
- The proposal is not for a new sign location. The proposed LED billboard is the replacement of an existing illuminated billboard that has an awkward positioning and incongruous appearance. There are already permitted LED signs with a ten second transition speed on 26, 37 and 53 Donnybrook Road;
- The proposed sign is 75% of the existing sign, fits more neatly into the gable wall and improves the appearance of the building line and streetscape. The new digital display is carefully designed and would comply with development management standards for outdoor advertisement as provided for in Appendix 17 of the Dublin City development Plan 2022-2028;
- The proposal faces north where two outbound traffic lanes approach traffic lights. The speed limit on this section of the road is 50 km /h. The safety of predestines, the free flow of traffic is not altered while the impact on the amenity and street will have no appreciable difference in this part of Donnybrook Village;
- The proposal involves the decommissioning of two outdoor signs located at 1B Mountjoy Street, Dublin 7, fully complying with DCC Outdoor Advertising Strategy;
- The assessment contained in the planners report. is inconsistent with the assessment of adjoining sites for similar advertising structures, is not sufficient to justify a refusal and therefore should be dismissed. The Board should over turn the illogical reasons for refusal;
- The proposal is for a more environmentally friendly slime-line LED sign, which will use considerably less energy.

## 6.2. Planning Authority Response

None recorded.



### 6.3. Observations

There is one observation on file, which is summarised below:

- The refusal of this application should be upheld and the reasons for the refusal by the planning authority are fully valid;
- The subject proposal has been shown to be in other locations in the city an environmental nightmare and should be comprehensively outlawed;
- The subject proposal would give rise to serious light pollution and would destroy environmental and residential amenity;
- The city is saturated with similar unnecessary 'eyesores' and no further permissions should be granted for such environmental destruction;
- The proposal to decommission two older signs at Mountjoy Street is totally irrelevant to the proposal in Donnybrook where there is nothing to gain from the removal of the subject signage in Mountjoy Street;
- The proposal would be two storeys high and would be a distraction to road users.

### 7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission and is my *de novo* consideration of the application. It is noted there are no new substantive matters for consideration.
- 7.2. The applicant proposes to replace the existing illuminated advertising sign (3000mm high by 6000mm wide by 600mm deep) with an LED digital display sign (3000mm high by 4500mm wide by 150mm deep), which will carry a series of alternating static advertisements (6 per minute). The grant of permission would include the decommissioning of 2 outdoor advertisement billboards erected on the gable of no. 1B Mountjoy Street aligned with the policy of the planning authority in the matter of the replacement of outdoor advertising signage.
- 7.3. The existing illuminated gable bill board signage at No. 51 Donnybrook Road does not appear to enjoy a planning permission. The appellant argues that the display of advertisements at this location has been in situ since 2009. The appellant notes that



there is legacy established advertisement use of the subject gable (the appellant states that the applicant ordered 'the sign' in 1998 and erected it in 1999 and that evidence in the form of invoices is forthcoming). The appellant claims that the gable site is an established advertising station. Furthermore, it is claimed that the existing established advertising location is beyond enforcement action by the planning authority. Therefore, the appellant is of the view that the only matter under assessment is solely one of replacement signage advocating for the substitution of a smaller slimer sign that would relate to the size of the gable.

- 7.4. The planning authority refused permission for two reasons. The first reason for refusal relates to the location of the site in Donnybrook village, it is considered that the proposed development would be visually intrusive, would seriously injure the visual amenities of the area and would be out of character. The second reason for refusal relates to the digital format of the proposed new advertising at this location, which would seriously injure the visual amenities of the area and would create an undesirable precedent for similar scaled digital advertising.
- 7.5. The following planning assessment interrogates the principle of out-door advertising, with reference to the first reason for refusal, given the location of the proposal within Donnybrook village, and the merits of the proposal, with reference to the second reason for refusal, *inter alia* given the guidance provided for replacement signage and digital signage as contained in Appendix 17 (Advertising & Signage Strategy) of the Dublin City Development Plan 2022-2028.
- 7.6. The proposed development is located within Donnybrook village in an area zoned for the purposes to provide for and improve mixed-services facilities (Zoning Objective 4 – Key Urban Villages / Urban Villages). Key urban villages and urban villages (formerly district centres) function to serve the needs of the surrounding catchment providing a range of retail, commercial, cultural, social and community functions. They are locations easily accessible by foot, bicycle or public transport aligned with the concept of the 15-minute city.
- 7.7. Advertisement and advertising structures are open for consideration within this commercial zone. An open for consideration use is a use is one which may be permitted where the planning authority is satisfied that the proposed development would be compatible with the overall policies and objectives of the development plan.



The proposed development is assessed below within the relevant policy framework of the Dublin City Development Plan 2022-2028 with reference the guidance provided for outdoor advertising.

- 7.8. Appendix 17 (Advertising & Signage Strategy) provides guidance in the matter of various types of advertising signage within certain locations in the city. The City Council has developed a policy based on geographical zones in order to manage an effective programme of outdoor advertising. This strategy forms the basis of a practical policy to be applied to all proposals for outdoor advertising in the public domain including the subject proposal at no. 51 Donnybrook Road.
- 7.9. The applicant site is located within geographic Zone 6. Zone 6 consists of areas predominantly residential in character where outdoor advertising would be visually inappropriate. However, within the zone there are also large-scale tracts of commercial land-use which have a separate robust character and may have the potential to accommodate outdoor advertising. Furthermore, the appellant states that Donnybrook village is along a radial route indicating a Zone 3 location where outdoor advertisement is a permitted use. Zone 3 consists of radial routes leading into and out of the city and are areas where opportunity exists for the managed provision of outdoor advertising (please see Section 5.0 'Policy Context' of this report to see spatial designations).
- 7.10. The appellant notes that LED digital gable-end billboards occur in the commercial zoned centre of Donnybrook and that the planning authority have previously approved similar LED digital display signs within the village. I consider that the proposed development located on Donnybrook Road within an urban village designation, where the commercial streetscape has a separate robust character to the surrounding predominantly suburban residential areas, and positioned along a radial route between city and suburbs, has the potential to accommodate outdoor advertising signage.
- 7.11. The grant of planning permission for an LED digital display sign as a replacement of an existing billboard sign at no. 53 Donnybrook Road proximate to the applicant site is cited by the appellant. Furthermore, the prominent digital LED sign located on the north gable of no. 37 Donnybrook Road is cited as an example of a similar dimension LED digital display sign recently approved by the planning authority. It is



considered that the principle of development of an LED digital display sign in this location is acceptable subject to compliance with the relevant policy objectives of the Dublin City Development Plan 2022-2028, in particular Appendix 17 (Advertising and Signage Strategy) of the Plan.

- 7.12. Chapter 7 (The City Centre, Urban Villages and Retail), Section 7.5.9 (Outdoor Advertising Strategy) of the Dublin City Development Plan 2022-2028. Policy CCUV45 *inter alia* states that the planning authority will consider appropriately designed and located advertising structures primarily with reference to the zoning objectives and permitted advertising uses and of the outdoor advertising strategy (Appendix 17). The policy requires that structures must be of high-quality design and materials, and must not obstruct or endanger road users or pedestrians, nor impede free pedestrian movement and accessibility of the footpath or roadway.
- 7.13. In this regard, the Transportation Planning Division of the planning authority have no objection to the proposed development subject to condition. The Transportation Planning Division Report *inter alia* notes that the speed limit on Donnybrook Road in this location is 50kmph and, as such, the sign would not impact the safety of pedestrians, the accessibility of the footpath / roadway, or the flow of traffic. I note the assessment of the Transportation Planning Division. It is considered that the recommendations of the Division can be dealt with by way of condition.
- 7.14. Appendix 17 (Advertising & Signage Strategy) provides guidance for replacement signage, as the 'Advertising Strategy' recognises the benefits of replacement signage where the new signage would be an upgrade of existing signage, would be significantly smaller in scale and, *inter alia* would be robust and sensitive in design to its location. The planning case officer considers that the removal of the existing sign on the north gable of no. 51 Donnybrook Road would greatly improve the streetscape. However, its replacement with a large illuminated advertising sign that changes advertisements every 10 minutes would be undesirable *inter alia* by reason of visual amenity. In this regard the merits of the proposed new LED digital display sign are assessed below. Appendix 17 also provides for replacement signage where the proposal would provide for agreement to decommission at least one other display panel elsewhere in the city and to extinguish the licence for that panel.



7.15. The applicant would provide for the decommissioning of two existing advertising signs at Mountjoy Street in Dublin 7 (located one above the other on the three-storey side elevation of 1B Mountjoy Street measuring 6100mm x 2100mm). The subject billboards on Mountjoy Street appear to be redundant and are not proximate to the applicant site. The third party observer states that they are immaterial to the proposed development. The planning case officer states that no permission was granted for the billboard on Mountjoy Street and that details informing the planning authority on how the applicant would be in a position to remove the Mountjoy Street signage are incomplete. I note the concerns of the planning case officer. However, the removal of the Mountjoy Street redundant billboards is desirable.

7.16. Section 2 (Digital Signage) of Appendix 17 provides guidance criteria for the assessment of digital signage. The appellant has detailed the specification of the new LED digital display sign as follows:

- 3m high x 4.5m wide (13.5 sqm. surface area reducing from the 18 sqm. surface area of the existing sign);
- The mechanism of changing the LED advertising display will be by means of a fade transition at intervals of 10 seconds or more;
- The maximum illuminance of the display between dusk and dawn will not exceed 250 candelers per sqm (sd / m<sup>2</sup>);
- Only static images without movement will be provided;
- No animation, flashing 3D effects, smoke or noise or full motion video will be used.

The proposed new digital sign would be smaller in surface area than the existing sign (75% of the existing surface area) and in profile there would be a significant reduction in depth. The LED digital display sign (4500mm x 3000mm) would advertise static images by way of fade transition at intervals of 10 seconds and, would not exceed 300 candelas per square metre. It is considered, therefore, that the proposed new digital sign would be substantively in compliance with the guidance provided in Section 2 (Digital Signage) of Appendix 17 (Advertising & Signage Strategy) of the Dublin City Development Plan 2022-2028. The appellant states that the new sign would sit more comfortably on the gable end of the subject building. I would concur



with the appellant in this regard. I consider that the proposed sign albeit significant in scale would be appropriately sized with reference to the receiving building and the blank gable wall positioning of the sign.

- 7.17. In conclusion, the proposed development is located within a commercial streetscape in an urban village setting where advertising structures are open for consideration subject to compliance with the overall policy objectives of the development plan. Appendix 17 of the Dublin City Development Plan 2022-2028 advocates a geographic specific advertising and signage strategy as a basis for practical policy application for outdoor advertising in the public domain. This strategy recognises the benefits of replacement signage where the new signage would be an upgrade of existing signage, would be significantly smaller in scale and, would be robust and sensitive in design to its location. The provision also allows for signage replacement where the proposal would include agreement to decommission at least one other display panel elsewhere in the city and to extinguish the licence for that panel.

In this regard the applicant would provide for the decommissioning of two existing advertising bill board type signs at Mountjoy Street in Dublin 7. Furthermore, I consider that the proposed digital display sign albeit of a significant scale would be an appropriate size in the context of the receiving north elevation of the subject building given the positioning of the sign on a blank gable wall and, as such, would be acceptable in principle given the commercial character of the streetscape, the urban village setting and the site location along a radial route between city and suburbs. It is considered that the proposed LED digital display sign would substantially satisfy Appendix 17 of the Dublin City Development Plan 2022-2028 in the matter of replacement signage and digital signage and, as such, would be consistent with the proper planning and sustainable development of the area.

**7.18. Appropriate Assessment Screening**

The proposed development comprises a replacement outdoor advertisement comprising a digital display sign located in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS



## 8.0 Recommendation

- 8.1. I recommend a grant of permission subject to conditions having regard to the following reasons and considerations:

## 9.0 Reasons and Considerations

Having regard to the grounds of appeal, the reasons for refusal, the 'Key Urban Village / Urban Village' zoning objective (Z4), which seeks to provide for and improve mixed-services facilities, the policy framework provided by Appendix 17 (Advertising & Signage Strategy) of the Dublin City Development Plan 2022-2028, it is considered that the proposed replacement LED digital display sign, subject to compliance with the conditions set out below, would be an appropriate size in the context of the receiving north elevation of the subject building given the positioning of the sign on a blank gable wall, the commercial character of the streetscape, the urban village setting and the site location along a radial route between the city centre and suburbs where outdoor advertising signage may be permissible, would satisfy Appendix 17 of the Dublin City Development Plan 2022-2028 in the matter of replacement signage and digital signage and, as such, would be consistent with the proper planning and sustainable development of the area.

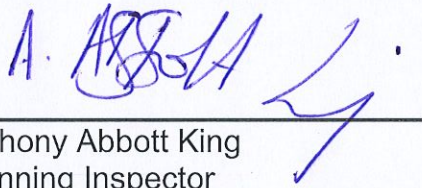
## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
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2.	<p>The requirements of the Transportation Planning Division shall be adhered to by the developer as provided for in their recommendation of the 18<sup>th</sup> September, 2023.</p> <p><b>Reason:</b> In the interest of orderly development and public safety.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p><b>Reason:</b> In the interest of public health.</p>

"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".



Anthony Abbott King  
Planning Inspector

29 December 2023