



An  
Bord  
Pleanála

## Inspector's Report ABP-318692-23

<b>Development</b>	Retention of two internally illuminated high level signs to side (southeast and northwest) elevations; and four flagpoles and associated holders at high level to front (southwest) elevation.		
<b>Location</b>	Merrion Inn, 188 Merrion Road, Dublin 4		
<b>Planning Authority Ref.</b>	4547/23		
<b>Applicant(s)</b>	Cormak Ltd.		
<b>Type of Application</b>	Retention	<b>PA Decision</b>	To refuse permission
<b>Type of Appeal</b>	First party	<b>Appellant</b>	Cormak Ltd
<b>Observer(s)</b>	None		
<b>Date of Site Inspection</b>	5 <sup>th</sup> Feb 2024	<b>Inspector</b>	Ann Bogan

### 1.0 Context

**1. Site Location/ and Description.** The site is a two-storey existing public house, the Merrion Inn on Merrion Road, a heavily trafficked multi-lane route. There is a filling station on the adjoining site to the south-east and an adjacent terrace of red-brick 19<sup>th</sup> century dwellings to the north-west. The site is opposite St Vincents Hospital.

## **2. Description of development.**

The development consists of retention of:

- Two internally illuminated 'MI' signs circa, 1.7m by 1.4m in area, above the level of first floor windows, close to eaves level, on the north-west and south-east side elevations of the two-storey building
- Four flagpoles located on the front (south-west) elevation, at first floor level

## **3. Planning History**

**4774/22** Split decision. Retention permission for a BAR sign to the front façade was granted; retention permission for 2 internally illuminated signs to the side elevations and 4 flagpoles to the front elevation was refused. Refusal reason for the signs was due to their first-floor location, scale and illumination which seriously injure visual amenity of area and lead to proliferation of signage on the building, contrary to the City Development Plan. Flagpoles and holders were refused as it would lead to visual clutter on the building, and be an undesirable precedent for similar buildings in the area, contrary to the City Development Plan. The signs and flagpoles refused permission are the subject of the current application for retention.

**2345/13** Permission granted for an external dining area to west corner of site, covered by an awning and new awning to existing set back entrance to east of site. Condition limited permission to two years.

**3327/12** Permission granted for removal of front entrance lobbies and chimney to rear, alterations to front elevation and new shopfront, rear extension and associated alterations. Condition 7 required the awnings proposed on front elevation to be omitted in the interest of visual amenity.

## **4. National/Regional/Local Planning Policy**

**The Dublin City Development Plan 2022-2028** (adopted 2<sup>nd</sup> November 2022))

- Zoning: Site is zoned Z1 Sustainable Residential Neighbourhoods, with an objective 'to protect, provide and improve residential amenities'. Adjacent residential terrace is zoned Z2 Residential Neighbourhoods (Conservation Areas) 'to protect and or improve the amenities of residential conservation areas'

- Objective BHAA 9: Conservation Areas
- Section 15.17.5: Shopfront and façade design
- Appendix 17, Advertising and signage strategy, Section 3 illuminated signs

#### **Dublin City Council Planning Dept Shopfront Design Guide 2001**

Pg 23 Signage

Pg 25 Banners and Flags

#### **5. Natural Heritage Designations**

- None relevant

## **2.0 Development, Decision and Grounds of Appeal**

**6. PA Decision.** Permission was refused as the retention of the flagpoles and illuminated signage would constitute visually obtrusive features contributing to visual clutter in the streetscape. Retention would have a detrimental impact to the character and appearance of the wider area and would conflict with the Dublin City Development Plan 2022-2028 and the Shopfront Design Guide 2001 and create a precedent for similar undesirable development, and be contrary to proper planning and sustainable development of the area.

#### **7. First Party Appeal.**

Summary of grounds:

- The premises and its shopfront are parallel to the back of the footpath and there is no view to the shopfront or fascia on the approaches along Merrion Road
- On a busy carriageway such as Merrion Road, lane selection manoeuvres must be planned in advance and where there is no view from the carriageway to the shopfront and fascia, signage is essential to aid travellers to switch lanes or plan to alight from public transport in time. The 'MI' signage on the side walls face oncoming traffic.
- Merrion Inn adjoins a Circle K fuel station with fully lit canopy and dominant signage compared to minimal impact of the Merrion Inn' MI' symbol.

- The planning officer's assessment of the proposed development based on the Shopfront Design Guidelines and on Section 15.17.5 of the Development Plan which deals with shopfront and façade design is clearly incorrect as the MI wall mounted symbols are not located on the shopfront or fascia
- The appropriate criteria to have been considered are those in Section 3 of Appendix 17 of the Development Plan which deals with illuminated signs
- The signage complies with the criteria in Section 3, in that the design of the symbols are determined by the building design, and use low energy LED fittings on a backboard to match colour of building; design is sympathetic to the building and does not obscure architectural features or impinge on roofscape or skyline; the daytime appearance has a neutral effect; and the symbols are static and are neither scrolling or exposed tubes;
- Criteria take into account number of illuminated signs in the vicinity and there is only 1 sign on each side wall and they are modest in comparison to range and scale of illuminated signage on adjoining premises
- Flagpoles are long established on the building at this level, are not used for advertising signage just for national/provincial flags for events, the same as other commercial premises around Dublin
- The flags are not used as forms of identification of the premises and therefore are not contrary to Development Plan policies.

#### **8. Planning Authority Response**

- None.

### **3.0 Environmental Screening**

#### **9. EIA Screening – Use standard wording with site specific focus**

Having regard to the nature and scale of development which is not a class of development specified in Part 1 or Part 2 Schedule 5 Planning and Development Regulations as amended, and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the development. The need for environmental

impact assessment can, therefore, be excluded without the need for a preliminary examination or screening determination.

## **10. AA Screening**

Having regard to the modest nature and scale of development, and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the development to be retained would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **4.0 Assessment**

### **4.1. Introduction**

4.1.1. Having considered the documentation submitted with the planning application and the appeal and taking into account Development Plan policies and objectives and having visited the site, I consider that the key issue to be considered is:

- Visual impact of the proposed signage and flagpoles on the area.

4.1.2. The current application is for retention of two internally illuminated signs on the side elevations and four flagpoles which were refused planning permission for retention by the planning authority under an earlier application (4774/22).

### **4.2. Visual Impact**

4.2.1. The context and character of the building and the wider area is a relevant consideration in assessing the impact of the signage and flagpoles. The site is located in an area Zoned Z1: Sustainable Residential Neighbourhoods, with an objective 'to protect, provide and improve residential amenities'. I note the immediately adjacent redbrick terrace to the north-west is in an area zoned Z:2 Residential Neighbourhoods (Conservation Areas) 'to protect and or improve the amenities of residential conservation areas'. As well as residential uses the area has a variety of commercial and community/social uses such as the nearby care home and hospitals and the adjacent filling station. The appellant refers to the dominant signage of the filling station compared to what he argues is the minimal impact of the signage to be retained. However, despite the character of the neighbouring business, the signage has to be considered in the context of the wider area and the

Z1 Sustainable Residential zoning and the adjacent Z2 Residential Neighbourhoods (Conservation Area) zoning. I note Objective BHA 8 of the City Development Plan which states that development within or affecting such 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'.

- 4.2.2. The appellant argues that the Section 15.17.5 of the City Development Plan Shopfront and Facia Design was not a relevant policy to assess the proposed signage against, as it only refers to shopfront design and the proposed signs are not on the shopfront but are on the side elevation at first floor level. Taken literally this may be the case, but it is obviously important that any signage on the building is assessed in terms of the overall signage, including the shopfront, and its impact on the building itself as well as the wider area.
- 4.2.3. The appellant submits that the signage to be retained complies with Section 3 of Appendix 17 of the City Development Plan that deals with illuminated signage and argues that as the premises front onto the footpath and there is no view to the shopfront or fascia on the approaches along Merrion Road the signage on the side elevation is necessary so that customers can see the premises in time on this busy road.
- 4.2.4. The Merrion Inn is a two storey well maintained building with a simple but attractive shopfront, fascia signage and front elevation onto Merrion Road. In my opinion the high level illuminated signage, in a prominent location close to eaves level, is out of character with the building, results in visual clutter and impacts negatively on the visual amenity of the area, taking account particularly of the nearby residential uses and the character and setting of the adjacent Residential Conservation Area. I believe this overrides any possible need for high level advance signage for the premises. If permission were granted it could also create a precedent for other premises fronting onto the street to seek similar undesirable signage, resulting in a proliferation of signage and a negative impact on the visual amenity of the area.
- 4.2.5. The four flagpoles are located on the front elevation at level at the midpoint of the first floor windows above the shopfront. The Dublin City Shopfront Design Guide 2001 states that 'banners and flags are considered to be unsuitable forms of

identification and will not be permitted'. Even if the flagpoles/flags they are not to be used for identification but for flags for provincial or national events, as the appellant argues, the visual impact would be similar. In my view the flagpoles cause unnecessary visual clutter on the attractive front elevation of the building and in the wider area and their retention should not be permitted.

## **5.0 Recommendation**

5.1. I recommend that permission for the retention of the development be refused.

## **6.0 Reasons & Considerations**

The retention of the first-floor level illuminated signage on the side elevations and the four flagpoles on the front elevation would constitute visually obtrusive features, contributing to the visual clutter in the streetscape. Their retention would result in a negative visual impact on the character and appearance of the building and the wider area and would conflict with the policies and objectives of the Dublin City Development Plan 2022-2028 and the Dublin City Shopfront Design Guide 2001. It would create a precedent for similar undesirable development and would, therefore, be contrary to the proper planning and sustainable development in 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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Ann Bogan

Planning Inspector

19<sup>th</sup> February 2024

## **Appendix 1 Relevant Policies and Objectives**

### **Dublin City Development Plan 2022-2028**

#### **Chapter 15 Development Standards**

##### **Section 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.



## **Chapter 11 Built Heritage and Archaeology**

### **Z2 and Z8 Zonings and Red-Hatched Conservation Areas**

The Z8 Georgian Conservation Areas, Z2 Residential Neighbourhoods (Conservation Areas) and red-lined Conservation Areas are extensive throughout the city. Whilst these areas do not have a statutory basis in the same manner as protected structures or ACAs, they are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application. The City Council will encourage development which enhances the setting and character of Conservation Areas.

### **BHA 9 Conservation Areas**

It is the policy of Dublin City Council 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.

## **Chapter 14 Land use zoning**

### **14.7.1 Sustainable Residential Neighbourhoods – Zone Z1 Land-Use Zoning**

Objective Z1: To protect, provide and improve residential amenities.

### **14.7.2 Residential Neighbourhoods (Conservation Areas) – Zone Z2 Land-Use**

Zoning Objective Z2: To protect and/or improve the amenities of residential conservation areas.

Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. A Zone Z2 area may also be open space located within or surrounded by an Architectural Conservation Area and/or a group of protected structures. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

## **City Development Plan Appendix 17 Advertising and Signage Strategy**

### **3.0 Illuminated Signs**

Illuminated signs in appropriate locations can provide both information and colour in the townscape after dark. Accordingly, the following guidelines will apply, in conjunction with the provisions of the general outdoor advertising strategy and with regard to the zones of sensitivity:

- The type of illuminated signs, internally or externally illuminated, individual letters, and neon tubes should be determined by consideration of the design of the building/site and its location, as well as the potential for low-energy options.
- The design of an illuminated sign should be sympathetic to the building on which it is to be displayed and should not obscure architectural features such as cornices or window openings in the area; on new buildings they should be part of the integral design.
- The daytime appearance when unlit will be considered.
- Sky signs i.e. signs that project in any part above the level of a building parapet or obtrude on the skyline, are not acceptable in principle and will not be permitted.
- Internally illuminated scrolling signs, or signs with exposed neon tubing (except for established historic/ culturally significant signs), are generally not acceptable.
- Illuminated signs with the use of electronic visual display technology such as LED (light emitting diode) and LCD (liquid crystal display) will be considered having regard to the Advertising Management Standards.
- The number of illuminated signs in the vicinity of the site will be taken into consideration when assessing proposals.

### **Dublin City Shopfront Design Guide 2001**

#### **Signage** (Pg 23)

The main objective of signage is to identify a premises and its occupant and shopfront designs should provide for identification as an integral part of this design.

In order to avoid visual clutter the number of attachments to a premises should be minimised.

**Banners and flags** (Pg 25)

Banners and flags are considered to be unsuitable forms of identification and will not be permitted.