



An
Bord
Pleanála

Inspector's Report ABP-319581-24

Development	Replacement of an existing light box advertising sign, at 1st floor level, with an LED digital display sign.
Location	51 Grafton Street, Dublin 2, D02 K635
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3169/24
Applicant(s)	Brightside Media Limited
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Brightside Media Limited
Observer(s)	None
Date of Site Inspection	15 th November 2024
Inspector	Frank O'Donnell

1.0 Site Location and Description

- 1.1. The subject appeal site is located at the southern end of Grafton Street (no. 51) close to its intersection with St. Stephen's Green West. The subject light box is mounted on the external front elevation of the subject property at first floor level, positioned between 2 no. large windows. The existing sign measures 3 metres in height by 2 metres in width and is positioned 4.53 metres above ground level. The subject appeal site is located within the Grafton Street and Environs Architectural Conservation Area (ACA) and Scheme of Special Planning Control for Grafton Street and Environs area (ASPC).
- 1.2. The subject appeal site, No. 51 Grafton Street, is not listed as a Protected Structure in the Dublin City Development Plan, 2022 to 2028. The subject building is however listed on the National Inventory of Architectural Heritage (NIAH), reg. no. 50920022 and has a Regional rating. The following Description and Appraisal of the building is provided on the NIAH website:

- Description:
 - *'Corner-sited attached two-bay four-storey commercial building, built c. 1860, with single-bay elevation fronting south onto Saint Stephen's Green. Single-span artificial slate roof with terracotta ridge tiles, hipped to south and hidden behind rendered parapet wall with concrete coping. Single brick chimneystack visible to north party wall without pots. Brick walls laid in Flemish bond with rendered quoins and continuous moulded sill courses. Square-headed window openings with render architraves and first floor windows flanked by slender pilasters and scrolled console brackets supporting window cornices. Replacement one-over-one timber sash windows, Wyatt-style windows to second floor of principal (west) elevation, recent casements to third floor. Recent shopfronts to ground floor. Terminating a continuous terrace of buildings lining east side of Grafton Street and turning on to Saint Stephen's Green.'*

- Appraisal:
 - *'Although Georgian in its proportions this is likely purpose-built as a commercial building, the parapet height and fenestration levels align with the terrace to the north. The building presents a single-bay to Saint Stephen's Green, which successfully overcomes its awkwardly shaped site. The decorative stucco details enliven the façade and adds further interest to the historic streetscape.'*

2.0 Proposed Development

2.1. The proposed development comprises the following:

- Replacement of existing lightbox advertising sign (3.0 metres high by 2.0 metres wide by 600 mm deep) at first floor level with an LED digital display sign (3.0 metres high by 2.0 metres wide by 150 mm deep) which is proposed to carry a series of alternating static advertisements (Rate of 6 per minute).
- If permitted, the permission would be on the basis of decommissioning, in accordance with the outdoor advertising policy of Dublin City Council, the approved 'Tesco Finest' outdoor signage located at the upper floors of the subject building in addition to ancillary strip lighting on the surrounds and spot lighting at parapet level.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Local Authority issued a Decision to Refuse permission on 2nd April 2024 for the following 1 no. reason:

1. *The proposed development for the replacement of an established signage box with a digitised sign in an area zoned Z5, by virtue of its nature, scale and location would result in an undue negative impact on the visual amenity of the surrounding area, the Grafton Street and Environs ACA and Scheme of Special Planning Control. Accordingly, the proposed development would seriously injure the visual amenities of property in the*

vicinity, would set an undesirable precedent for similar development and would thus be contrary to both the provisions of the Dublin City Development Plan 2022 – 2028 and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considers that it has not been demonstrated under the current planning application that the existing sign has the benefit of planning permission. Notwithstanding, the Local Authority Planner states that the Planning Authority would not support the provision of a digitised sign, located between 2 no. first floor windows in a prominent location of Grafton Street and within an Architectural Conservation Area (ACA).

3.2.2. Other Technical Reports

- The **Drainage Department** raised no objection to the proposed development subject to 1 no. standard condition.

3.3. Prescribed Bodies

- **Uisce Eireann:** No Response
- **Irish Rail:** No Response
- **TII:** No objection raised. A condition is recommended in the event of a Grant in relation to a Section 49 Contribution.
- **Department of Arts, Heritage & The Gaeltacht:** No Response
- **An Taisce:** No Response
- **The Heritage Council:** No Response
- **The Arts Council:** No Response
- **Failte Ireland:** No Response
- **National Transport Authority:** No Response

3.4. Third Party Observations

- 1 no. third party observation submission was received from Maria Byrne. The main issues raised in the Observation can be summarised as follows:
 - The Observer is curious as to how the subject installation will be sympathetically installed in the sensitive surroundings of the Architectural Conservation Area and has requested to be kept updated.

4.0 Planning History

4.1.1. Planning History on the subject site – No. 51 Grafton Street

- The appellant references a planning application Ref. **3854/79**, describing it as ‘Retention of illuminated sign’ at the third and 4th floors of 51 Grafton Street” and states the application was refused by Dublin Corporation and granted on appeal. The application however is not on the available public record.

Having reviewed the site history and the submitted information I consider that information is not available to confirm whether or not the subject sign is authorised.

- **0958/92:** Retention of shop front and facade at new travel shop. Permission was GRANTED on 7th September 1992 subject to 5 no. conditions. One of the conditions read as follows:

- *‘The projecting vertical illuminated box sign advertising ‘Thomas Cook’ and located at first floor over the shopfront shall be removed forthwith.*

REASON: The sign, by reason of its location, scale, materials and design, seriously detracts from the architectural character of the building of which it forms part and from the character of the adjacent Category 1 streetscape where significant efforts have been made to upgrade the environment.’

The above condition does not relate to the subject internally illuminated sign.

- **2299/07:** Permission to erect a new unified shopfront with canopy and lighting. Permission was GRANTED on 29th June 2007 subject to 4 no. conditions. The application did not relate to the subject sign.

- **0159/13 (ABP Section 5 Referral Ref. No. 29S.RL3144):** Whether the replacement of a LED light box sign is or is not development or is or is not exempted development. ABP decision: Is development and is not exempted development.
- **3740/16:** Permission for replacement of an existing advertising signage box with a digitised advertising sign with the same dimensions (i.e. 2.9 metres in height by 2 metres in width by 0.3 metres in depth) at First Floor Level on the front elevation of the subject premises. Permission was REFUSED on 4th November 2016 for the following reason:
 1. *The proposed development for the replacement of an established signage box with a digitised sign in an area zoned Z5, by virtue of its nature, scale and location would result in an undue negative impact on the visual amenity of the surrounding area, the Grafton Street and Environs ACA and Scheme of Special Planning Control. Accordingly, the proposed development would seriously injure the visual amenities of property in the vicinity, would set an undesirable precedent for similar development and would thus be contrary to both the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.*
- **Planning Reg. Ref. No. 3567/23 (Appeal Ref. No. 317509-23):** Construction of advertising sign. If granted, then decommission of outdoor advertising at 65 Harold's Cross Road, Harold's Cross, Dublin, D6W W447 and 57 Kilbarrack Road, Kilbarrack Lower, Dublin 5, DO5 V8P9. Permission was REFUSED on appeal for the following reason:
 1. *It is considered that the proposed replacement at Number 51 Grafton Street of a lightbox advertising sign with an LED digital display sign, by virtue of its nature and having regard to the elevated and highly conspicuous position of the site, would result in undue negative impact on the visual amenity of the area which is within the Grafton Street and Environs Architectural Conservation Area and designated as an Area of Special Control to which the Scheme of Special Planning Control for Grafton Street and Environs, 2019 applies. The proposed development*

would not be consistent with Policy BHA7 Architectural Conservation Areas of the Dublin City Development Plan, 2022 to 2028 and would set an undesirable precedent for similar development. The proposed development would, therefore, be contrary to the provisions of the Dublin City Development Plan 2022 – 2028 and the proper planning and sustainable development of the area.

4.1.2. Other sites in the vicinity of No. 51 Grafton Street

Although there are a significant number of signage applications along Grafton Street, there are no recent applications which are directly comparable to the subject appeal. The Applicant refers to signage applications in the vicinity, as follows:

- **3975/15 (Appeal Ref. no. PL29S.246100):** Retention of signage within lobby. Permission was GRANTED on 12th May 2016 subject to 2 no. conditions. Condition no. 1 b) restricted the permission to a temporary period of three years from the date of the order.

The Applicant refers to the above digital advertising display. This application was for retention of advertising signage projected onto the entrance lobby glazing. The site of planning reg. ref. no. 3975/15 (Appeal Ref. No. PL29S.246100) is located outside the Grafton Street and Environs Architectural Conservation Area (ACA) and Area of Special Planning Control (ASPC).

I note Condition no. 1 b) of Appeal Reg. No. PL29S.246100 reads as follows:

‘1. (a)

(b) This permission shall be for a temporary period of three years from the date of this order. The advertisement structure and all associated equipment shall then be removed unless, prior to the end of the period, permission for their retention shall have been granted.

Reason: To allow for a review of the development having regard to the circumstances then pertaining and in the interest of visual amenity.’

- **WEB1453/17:** Replacement of the existing internally illuminated, double sided, scrolling 'Metropanel' advertising display with a double sided digital 'Metropanel' advertising display. Permission was GRANTED on 20th October 2017 subject to 9 no. conditions.
- **WEB1692/18:** Permission for the installation of a double sided digital Metropanel advertising display. The proposed structure has an overall height of 2.882m, a depth of 0.255m and a width of 1.438m. Permission was GRANTED on 28th March 2019 subject to 10 no. conditions.

The above 2 no. signs approved under planning reg. ref. no's WEB1453/17 (c. 24 metres to the west) and WEB1692/18 (c.14 metres to the southwest) are both located inside the Grafton Street and Environs Architectural Conservation Area (ACA) and Grafton Street and Environs Area of Special Planning Control (ASPC).

5.0 Policy Context

5.1. Development Plan

At No. 51 Grafton Street the site is zoned 'Z5 City Centre' the zoning objective for the which is *"To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity"*.

Advertisement and Advertising structures and outdoor poster advertising are listed as uses which are 'Open for Consideration' on lands zoned Z5 City Centre.

The site is also located in the Grafton Street Architectural Conservation Area (ACA).

Chapter 7 relates to The City Centre, Urban Villages and Retail

- Section 7.5.9 Outdoor Advertising Strategy, including Policy CCUV45 & CCUV46:
 - 'CCUV45: Advertising Structures'

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.'

- 'CCUV46: Removal of Unauthorised Advertisements

To actively seek the removal of unauthorised advertisements, fabric banners, meshes, banner or other advertising forms from private property and public areas.'

Chapter 11 relates to Built Heritage and Archaeology and includes the following policies which are considered to be of relevance to the subject proposal:

- BHA1: Record of Protected Structures, BHA2: Development of Protected Structures, BHA3: Loss of Protected Structures, BHA4: Ministerial Recommendations, BHA5: Demolition of Regional Rated Building on NIAH, BHA6: Buildings on Historic Maps,
- Section 11.5.2 relates to Architectural Conservation Areas and includes the following policies which are considered to be of relevance to the subject proposal:

- BHA7: Architectural Conservation Areas, which states:

'a) To protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area, and its setting, wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA. Please refer to Appendix 6 for a full list of ACAs in Dublin City.

b) Ensure that all development proposals within an ACA contribute positively to the character and distinctiveness of the area and have full regard to the guidance set out in the Character Appraisals and Framework for each ACA.

c) Ensure that any new development or alteration of a building within an ACA, or immediately adjoining an ACA, is complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass, density, building lines and materials, and that it protects and enhances the ACA. Contemporary design which is in harmony with the area will be encouraged.

d) Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

e) Promote sensitive hard and soft landscaping works that contribute to the character and quality of the ACA.

f) Promote best conservation practice and encourage the use of appropriately qualified professional advisors, tradesmen and craftsmen, with recognised conservation expertise, for works to buildings of historic significance within ACAs.

All trees which contribute to the character and appearance of an Architectural Conservation Area, in the public realm, will be safeguarded, except where the tree is a threat to public safety, prevents universal access, or requires removal to protect other specimens from disease.'

Appendix 17: Advertising and Signage Strategy:

- Section 1.0 Advertising Signage

- o "Zone 2: This zone of significant urban quality comprises retail and commercial uses. In this zone, outdoor advertisement may be permitted subject to special development management measures..."

- 2.0 Digital Signage

- *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.*
- *8.0 Advertising Development Management Standards*
- *Applications for new advertising structures will, in addition to the above considerations, be considered having regard to the following:*
 - *The geographical zone in which the site is located, as set out in the figure showing zones of advertising control. The rationale for the proposed advertising structure, including proposals for the removal and/ or rationalisation of existing outdoor advertising structures.*
 - *The concentration of existing advertising structures in the area.*

- *The design of the advertising panel and the use of high-quality materials.*
- *The scale of the panel relative to the buildings, structures and streets in which the advertising panel is to be located.*
- *Impact on the character of the street and the amenities of adjoining properties.*
- *Advertising panels will not be permitted where they interfere with the safety of pedestrians, the accessibility of the public footpath or roadway, the safety and free flow of traffic or if they obscure road signs.*
- *Impact on the character and integrity of Architectural Conservation Areas, Protected Structures and Conservation Areas.*
- *Proposals must meet the safety requirements of the Transport Infrastructure Ireland (TII), where appropriate.*
- *To ensure that all proposals do not interfere with the safety and accessibility of pedestrians and wheelchair users on the public footpaths.*

5.2. Grafton Street and Environs Architectural Conservation Area Written Statement, 2006

- 5.2.1. The subject appeal site is located within the Grafton Street and Environs Architectural Conservation Area as shown on the Map in figure 1. The written statement is presented in 2 no. main parts. Part 1 is concerned with Background and Case for the ACA and Part 2 relates to Objectives and Policies.
- 5.2.2. The following Sections in Part 1 (Background Case for ACA) are of relevance to the subject proposal.
- Section 4.0: Character of the Street
 - Section 4.1: Land Use Character, Section 4.2: Social Character, Section 4.3: Physical Character (Buildings, Architectural Features),

- Section 5.0: Issues for Grafton Street
 - Section 5.1: Decline in the Quality of Shopfronts, Section 5.2: Poorly Defined Frames,
 - Section 5.3: Excessive Advertising and Signage
 - *Few shopfronts in the street confine identification signs to the fascia panel, which is designed to identify the retail occupant and number of the premises. There is a growing trend towards using a variety of additional signs, information panels and advertisements attached either directly to the window glazing or independently mounted as a window display. The resulting visual effect is a chaotic clutter of messages, which detracts from the appearance of the shopfront and from the overall appearance of the street.*
 - Section 5.4: Poor Quality Window Display, Section 5.5: Poor Quality Reproduction Shopfronts, Section 5.6: Inappropriate Materials, Section 5.7: Overly Strident/Garish Colour Schemes,
 - Section 5.8: Projecting and Other Externally Mounted Signs
 - *Despite the use of the fascia panel for name signs a good number of outlets have additional projecting signs of various sizes and in a variety of materials. Some of these are exempted development under the Planning Regulations. However, the cumulative effect, together with a range of other signage creates additional clutter.*
 - *In addition, a number have internally illuminated box signs mounted flat on the upper façades and a few have large material banner signs, which are temporary in character but permanent in fixture. The combination of signs detracts from the clarity of the main name signs and negates the identification function of signage. It also creates a poor-quality image.*
 - Section 5.9: Painting of Exterior Brickwork

5.2.3. The following Sections in Part 2 (Objectives and Policies) are of relevance to the subject proposal:

- Section 6.0: Advertising Structures
 - *‘..... Internally illuminated signs, illuminated scrolling signs or signs using exposed neon tubing shall not be permitted.’*

5.3. **Scheme of Special Planning Control for Grafton Street and Environs, 2019**

5.3.1. Part 3 of the Scheme relates to Shopfronts and Advertisement Structures. The scheme de-exempts all signage and advertisements both external and internal within the designated Grafton Street & Environs Area.

5.3.2. Section 3.4 relates to Existing Advertising Structures. Section 3.4.4 relates to New Advertising Structures and includes the follow extracts which are of relevance to the subject proposal:

- *‘Key Objective (7) It is an objective to ensure that all new advertisement structures erected in the area are well designed. Dublin City Council will permit only advertisements which are designed sensitively and which will enhance the appearance and vitality of the area.*

.....

To ensure the implementation of key objective (7), the following development control standards will be applied to advertisement structures: -

.....

- *Internally illuminated signs including box signs, illuminated scrolling signs, digital signs or signs using exposed neon tubing will not generally be permitted either on fascia board, shopfront, the façade (s) of a building or internally behind the glazing or shopfronts.’*

5.4. **Natural Heritage Designations**

5.4.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay SAC (Site Code: 000210), located c. 3.1 km to the east.

5.5. EIA Screening

- 5.5.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The Grounds of Appeal can be summarised as follows:

- **Design:** the existing signage is to be replaced with a slimmer digital advertising display of the same dimensions as the existing lightbox. The replacement sign will comprise of a high standard of materials and will result in a visually aesthetic advertising structure. The signage will include a series of 6 no. static images per minute in a fade transition. The replacement sign does not significantly alter the external appearance of the existing sign which is an accepted part of the streetscape at this location. The proposal will reduce existing signs at this location and should be welcomed.
- The Applicant has provided historic photographs and considers this demonstrates the established nature of advertising signs at the subject location, in place at least since 1966. The Applicant considers that the building has acted as a form of advertising structure in of itself with various evolutions of advertising sign attached to its façades.
- **Architectural Conservation Area:** The proposed replacement sign will not adversely impact the character of the Architectural Conservation Area or Conservation Area. The location of the site at the entry into the Grafton Street area can accommodate a greater degree of signage which is the same principle of providing strong corners in urban design. Signage is an integral part of the streetscape. The proposals are consistent with the character of the street.

- **Illuminance:** The proposed maximum illuminance between dusk and dawn is below 250 candelas per sqm.
- **Traffic Impact and Pedestrian Safety:** Owing to the location of the sign relative to the nearby traffic flow, it will not create any difficulties for passing traffic. The proposed development will not impact on pedestrian safety.
- **Visual Amenity:** The impact of the proposed development on the Visual Amenity and Streetscape will have no discernible difference at this part of the retail core of Grafton Street. The sign itself will not serve to injure the visual amenities of the area.
- **Development Plan:** The proposed development is consistent with the Development Plan, Appendix 17 (Advertising and Signage Strategy) and the proper planning and sustainable development of the area as it relates to the replacement of an established sign at a location synonymous with commercial and retail uses where such signs are already in place and are permitted.
- **Precedent Cases:** The Applicant refers to precedent cases where illuminated signage has been permitted at St. Stephens Green Shopping Centre and 2 no. nearby illuminated street signs.
- **Planning Status of Sign:** The Applicant considers that it is clear a sign of the type to be replaced was in place in this location when the Planning and Development Act, 1963 came into force on the appointed Day on 1st October 1964. The Applicant states that although they have no photographs from 1964, they have found video images published in 1966 and a photograph from 1971 which shows a sign in this location as well as signage across the extent of the facades. The photo/ video extract from 1971 shows a digital clock display at second floor level.
- **Reason for Refusal:** The Reason for Refusal on the grounds of a potential negative visual impact on the visual amenity of Grafton Street is subjective. The decision of the Local Authority is undermined by their own Granting of permission for new digital advertising structures in the area adjoining the Grafton Street Area of Special Planning Control.

- **Depreciation of Property Value:** There is no evidence submitted to support a contention that the proposed development will serve to Depreciate the Value of Property in the area.
- **Undesirable Precedent:** The concern of the Local Authority regarding an undesirable precedent which the proposed development would create is unfounded as there are not many similar sign types along Grafton Street that could be converted into digital signs.

6.2. Planning Authority Response

- None

6.3. Observations

- None

6.4. Further Responses

- None

7.0 Assessment

7.1. Introduction

- 7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/ regional and national policies and guidance for the area, including the Scheme of Special Planning Control for Grafton Street and Environs, I consider the main issues in this appeal are as follows:

- Visual Amenity
- Planning Status
- Precedent
- Other Matters
 - *Depreciation of Property Values*

7.2. Visual Amenity

- 7.2.1. The reason for refusal is concerned with the undue negative impact the proposed development would have on the visual amenities of the area. I note permission has been previously refused on 2 no. separate occasions for similar proposals, as planning reg. ref. no's 3740/16 and 3567/23 (Appeal Ref. No. 317509-23) refer.
- 7.2.2. I note the Z5 (City Centre) zoning of the subject appeal site and that on lands zoned Z5, Advertisement and Advertising Structures are listed as uses which are 'Open for Consideration'. I further note the appeal site is located within the Grafton Street and Environs Architectural Conservation Area (ACA), as well as a Red Hatched Conservation Area and that the site is also within a Scheme of Special Planning Control for Grafton Street and Environs. I further note that although the subject building is not listed as a Protected Structure in the Development Plan, it is listed as a building of 'Regional Importance' in the National Inventory of Architectural Heritage (NIAH).
- 7.2.3. Planning policy CCUV45 which relates to Advertising Structures is of primary relevance to the subject proposal. Owing to the location of the site within the subject Architectural Conservation Area, Policy BHA7 is also of relevance.
- 7.2.4. I note as per the guidance and recommendations set out in the Grafton Street and Environs Architectural Conservation Area Written Statement, 2006 and, in particular, Part 2 (Section 6.0) which relates to Advertising Structures, it is expressly stated that *'Internally illuminated signs, illuminated scrolling signs or signs using exposed neon tubing shall not be permitted.'* I am satisfied that the existing sign, which the proposed development seeks to replace, falls within the above category of an internally illuminated sign. The proposed replacement sign would similarly be an internally illuminated sign but differs from the existing internally illuminated sign in so far as it would provide a series of alternating static advertisements (6 per minute).
- 7.2.5. Further Guidance is set out in Section 3.4.4 of the Scheme of Special Planning Control for Grafton Street and Environs, 2019, which relates to New Advertising Structures. A number of development control standards are provided. I note that in order to ensure the implementation of key objective (7), a number of development control standards will be applied to advertisement structures which include the following:

‘Internally illuminated signs including box signs, illuminated scrolling signs, digital signs or signs using exposed neon tubing will not generally be permitted either on fascia board, shopfront, the façade (s) of a building or internally behind the glazing or shopfronts.’

- 7.2.6. In my opinion, it is clear that the policy approach towards New Advertising within this specific area, as outlined above, does not support the proposed development which seeks to provide an internally illuminated box sign (provide a series of alternating static advertisements (6 per minute) in place of an existing internally illuminated box sign on the front fascia of the subject building at first floor level.
- 7.2.7. The Applicant considers the proposal to replace the existing light box advertising sign with a LED digital display sign will have no discernible difference at this part of the retail core of Grafton Street and that the sign itself will not serve to injure the amenities of the area. I do not agree with the applicant in this regard. The proposed development is not, in my opinion, a simple case of a replacing like with like. It seems to me that the policy approach of the Local Authority does not, in the first instance, support the existing internally illuminated digital sign mounted on the front fascia of the subject building. The replacement sign is clearly proposed to present a more intensive advertising display, and in this regard, I consider this to be materially different to that of the existing internally illuminated sign.
- 7.2.8. In conclusion, I am satisfied that the proposed development, as presented, will serve to impact negatively upon the established visual amenities of the area, in particular Grafton Street and Environs Architectural Conservation Area and, if permitted, would serve to create an undesirable precedent for similar proposals within the ACA into the future. I am further satisfied that the proposed development, as presented, and by reason of the said negative visual impact on the established visual amenities of the area, would not be consistent with Policy BHA7 (Architectural Conservation Areas) of the Development Plan.
- 7.2.9. I note the Applicants’ proposal whereby, if permission is Granted, the existing ‘Tesco Finest’ outdoor signage at the upper floors of the building together with ancillary strip lighting on the surrounds and spot lighting at parapet level will be decommissioned/ removed. While there is merit in the overall redesign and reappraisal of all external signage and lighting on the external facades of this prominent building, in

consultation with the Local Authority, which could include the removal of the above said items, I note the manner in which this element of the overall proposal is presented, i.e., only in the event of a Grant of permission being issued.

7.2.10. I also further note policy CCUV46, which relates to the Removal of Unauthorised Advertisements and seeks *‘to actively seek the removal of unauthorised advertisements, fabric banners, meshes, banner or other advertising forms from private property and public areas.’*

7.2.11. I do not consider the proposed removal of the above stated signage items and lighting on the basis of permission being Granted for the proposed replacement of the existing internally illuminated digital sign to be justified in this instance, as this would still result in a form of advertising (internally illuminated digital signage) at first floor level on the front fascia of the subject building which the relevant planning policies, objectives and guidance seek to discourage.

7.3. Planning Status

7.3.1. I note, as per the Inspector’s Report attached to the previous Appeal on the subject site, as Appeal Ref. No. 317509 refers, that the planning status of the existing subject internally illuminated sign is questioned. The Local Authority Planner’s Assessment similarly questions the planning status of the existing sign and states *‘it has not been demonstrated in the current application that the existing sign has planning permission.’* I note the Applicant’s appeal submission does not provide any further definitive clarity in this regard but does present historic photographs showing the presence of a sign in the location of the subject sign. I share the opinion of the Local Authority that it has not been demonstrated that the existing sign has planning permission.

7.4. Precedent

7.4.1. The Applicant refers to a total of 3 no. nearby precedent planning permissions in support of their planning case, namely planning reg. ref. no’s. 3975/15 (Appeal Ref. no. PL29S.246100), WEB1453/17 and WEB1692/18. I note that in the case of planning reg. ref. no. 3975/15 (Appeal Ref. no. PL29S.246100), that this site is located outside of the ACA and that permission was granted on a temporary basis as stipulated under condition 1 b). This precedent case does not, in my opinion, present comparable characteristics to the subject appeal case which is located within the

ACA on the fascia of a building identified as being of Regional Importance in the National Inventory of Architectural Heritage (NIAH).

7.4.2. Similarly, the 2 no. other cases, planning reg. ref. no. WEB1453/17 and WEB1692/18, both relate to ground level internally illuminated double sided digital advertising displays and although both would appear to be located within the ACA, they do not, in my opinion, share comparable characteristics to that of the subject proposal.

7.4.3. I do not therefore accept the Applicant's opinion in this regard that the above referenced cases serve as relevant precedents.

7.4.4. *Other Matters*

- *Depreciation of Property Values*

7.4.5. I note the Applicant's opinion that there is no evidence submitted to support a contention that the proposed development will serve to depreciate the value of property in the area. I can find no reference in the Local Authority Assessment as to the issue of a depreciation of property values. I would agree with the Applicant that in the absence of any definitive supporting evidence to the contrary in relation to this issue, it cannot be stated with certainty that the proposed development would adversely affect the value of property in the vicinity.

8.0 AA Screening

8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

8.2. The subject site is located in an urban area. The nearest Natura 2000 sites are:

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), c. 3.1 km to the east;
- South Dublin Bay SAC (Site Code: 000210), c. 3.1 km to the east.

8.3. The proposed development comprises the replacement of an existing light box advertising sign with an LED digital display.

8.4. No nature conservation concerns were raised in the planning appeal.

- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- Small scale and nature of the development
 - Location-distance from nearest European site and lack of connections
 - Taking into account the AA Screening determination by the Planning Authority
- 8.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that permission be refused.

10.0 Reasons and Considerations

1. It is considered that the proposed replacement at Number 51 Grafton Street of a lightbox advertising sign with an LED digital display sign, by virtue of its nature and having regard to the elevated and highly conspicuous position of the site, would result in an undue negative impact on the visual amenity of the area which is within the Grafton Street and Environs Architectural Conservation Area and designated as an Area of Special Control to which the Scheme of Special Planning Control for Grafton Street and Environs, 2019 applies. The proposed development would not be consistent with Policy BHA7 Architectural Conservation Areas of the Dublin City Development Plan, 2022 to 2028 and would set an undesirable precedent for similar development. The proposed development would, therefore, be contrary to the provisions of the

Dublin City Development Plan 2022 – 2028 and 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

29th November 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319581-24		
Proposed Development Summary	Replacement of an existing light box advertising sign, at 1st floor level, with an LED digital display sign.		
Development Address	51 Grafton Street, Dublin 2, D02 K635		
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	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	X		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____