



An
Bord
Pleanála

Inspector's Report ABP-319751-24

Development	The development consists of the retention of traditional timber shopfront, backlit signage on the fascia and illuminated projecting signs.
Location	4 Dame Lane, Dublin 2, D02YD79
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3327/24
Applicant(s)	Mochara Ltd.
Type of Application	Retention Permission
Planning Authority Decision	Refuse Retention Permission
Type of Appeal	First Party
Date of Site Inspection	6 th August 2024 and 9 th August 2024
Inspector	John Duffy

1.0 Site Location and Description

- 1.1. The appeal site is located at No. 4 Dame Lane, Dublin 2 and accommodates a red bricked public house and live music venue operating across two floors. Dame Lane, which is a pedestrian laneway, is relatively narrow in width, runs parallel to Dame Street and is accessed from Dame Court and South Great Georges Street at its western end and from Trinity Street at its eastern end. The laneway accommodates a variety of commercial uses including retail, hotel and office uses along with a number public houses.

2.0 The Development

- 2.1. The development comprises the retention of a traditional timber shopfront structure, yellow in colour, attached to the front façade of the building, which has a maximum height of 4.65 m, extending above the existing timber entrance doors and across the entire width of the front façade. Retention permission is also sought for the following signage:
- (i) Backlit fascia signage measuring 1 m in width and 0.45 m in height
 - (ii) Two internally illuminated projecting signs, one on the westernmost pilaster and the second on the eastern most pilaster. Both of these signs are identical and measure 0.4 m in height, 0.6 m in width and 0.12 m in depth
 - (iii) A projecting sign with illuminated red lettering above the shopfront centred on the building façade. This sign measures 0.9 m in height, 0.75 m in width and 0.12 m in depth

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission on 26th April 2024 for the following reason:

1. The shopfront and signage proposed to be retained, located on a busy pedestrian laneway in the city centre adjoining a Protected Structure, by reason of design, scale and bulk attached to the existing red brick façade, would not complement the

existing building and its simple and restrained architectural expression. The proposed retention would result in visual clutter and would be injurious to the character and visual amenities of the area. The proposed development to be retained would be contrary to the implementation of good shopfront design as provided for within the Shopfront Design Guide 2001 and the Dublin City Development Plan 2022-2028, would create an undesirable precedent for similar type development and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The area planner's report reflects the decision to refuse retention permission. While the report notes the quality of the shopfront is not in question, it considers that it is inappropriate on the subject building at the location. The issue of visual clutter is referred to in the report which notes there is no need for projecting signs to advertise the location of the bar. The report concludes that the proposal does not comply with current guidelines and policy in relation to signage and shopfront design, that the proposal appears bulky and has a negative visual impact on the existing premises.

3.2.2. Other Technical Reports

Drainage Division: No objection.

3.2.3. Third Party Observations

None.

3.2.4. Prescribed Bodies

The planning authority invited the National Transport Authority (NTA), Transport Infrastructure Ireland (TII), The Department of Housing, Local Government and Heritage and Irish Water to comment on the proposal.

The planning authority received one submission from TII which notes that the proposal falls within an area set out in a Section 49 levy scheme for light rail and requests inclusion of an appropriate contribution condition should permission be granted.

4.0 Planning History

Appeal site

Planning Authority Ref. 3210/21 refers to a December 2021 grant of permission consisting of modifications relating to the reforming of the entrance façade to Dame Lane including new entrance screen and doors, relocation of two gas light features on the façade, fitting a new illuminated sign and a retractable awning.

Relevant condition:

3. The projecting sign along the front elevation and the 2 gas light features shall be permanently omitted from the proposed development. In addition, the canopy shall be free from all lettering/advertisements.

Reason: In the interests of visual amenity and orderly development

Planning Authority Ref. 3482/15 refers to an October 2015 grant of permission for removal of part of first floor structure of existing licensed premises to provide an open air terrace, with new glazed barrier screen to front and alteration to the entrance elevation at ground floor.

Relevant condition

9. Notwithstanding the provisions of the Planning & Development Regulations 2001(As Amended), no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.

Reason: In the interests of visual amenity.

Planning Authority Ref. 3759/11 refers to a 2012 grant of permission for, inter alia, removal of the existing pitched roof structure at first floor level, provision of internal bar and external terrace at second floor level, demolition of existing brick façade and the provision of a new façade comprised of glazed and solid, fixed and opening sections to street level and a new perforated metal facade at first and second floor levels to project 0.5 metres past the existing building line with associated external lighting and signage.

Relevant condition

8. Notwithstanding the provisions of the Planning & Development Regulations 2001 - 2010, no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.

Reason: In the interests of visual amenity.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Under the Dublin City Development Plan 2022-2028, the appeal site is zoned Z5 – City Centre (see Map E) with the objective ‘To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.’

5.1.2. I note that ‘Advertisements and Advertising Structures’ are listed within the ‘Open for Consideration’ use category of the Z5 Zoning Objective. Section 14.3.1 defines an ‘open for consideration use’ as follows:

An open for consideration 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 for the zone, would not have undesirable effects on the permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area.

5.1.3. The appeal property adjoins No. 5 Dame Lane, Fumbally Exchange which is a protected structure (RPS No. 8764). The Stag’s Head public house, also a protected structure (RPS No. 2098), is located at the junction of Dame Lane and Dame Court to the west of the appeal site.

5.1.4. The provisions of the Dublin City Development Plan 2022-2028 relevant to this assessment are as follows:

Volume 1: 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.*

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.

Volume 2: Appendix 17

- Section 1.0 – Advertising and Signage
- Section 3.0 – Illuminated Signs

- Section 8.0 – Advertising Development Management Standards

5.1.5. The Shopfront Design Guide (2001)

This guidance document published by the local authority is intended to provide advice and assistance when considering shopfronts. The Guide's preface states the following:

'Shopfronts form an important part of the street's character as they constitute a highly visible part of the building at street level. Shopfronts which are well designed and well maintained make for a more attractive street for the shopper and passer-by. Poor-quality shopfronts, on the other hand, damage the perception of a street.'

The document notes that the primary function of a shopfront is to identify a retail premises within a street using a combination of name sign and window display. It notes that a shopfront is not an independent entity; it is, rather, an integral part of the building to which it relates and to adjoining buildings and shopfronts in the streetscape.

5.2. **Natural Heritage Designations**

The appeal site is located approximately 2.8 kilometres from the South Dublin Bay and River Tolka Estuary SPA.

5.3. **EIA Screening**

The proposal does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to EIA requirements.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The applicant has engaged the services of Dexter Planning Consultants to prepare an appeal against the decision to refuse retention permission for the proposal. The grounds of appeal are summarised as follows:

- Apart from the Stag's Head and the Fumbally Exchange there are few buildings of heritage value along the lane. The subject building is not a protected structure and the laneway is not within an Architectural Conservation Area (ACA).
- Dame Lane is used as a secondary access to service the businesses fronting onto Dame Street to the north. It is a narrow pedestrian priority lane and not a shopping street. The visibility profile of the façade is low.
- The modifications made to the façade do not detract from the setting of the adjoining protected structure at No. 5 Dame Lane nor do they negatively impact on the heritage value of the protected structure.
- Use of timber for the shopfront complies with the Shopfront Design Guide 2001.
- The projecting signage for retention is not unique in Dame Lane where there are several other examples of such signage including projecting corporate type signage.
- Given the narrow configuration of the laneway projecting signs are a necessity as pedestrians / tourists will be unaware of the premises when looking down Dame Lane from Trinity Street and Dame Court.
- Passing trade is very important to the business. The planning authority has not sufficiently considered that businesses located off shopping streets need to be visible in the streetscape. Viability is an important factor to be considered.
- The current signage replaces previous façade signage including a large projecting internally illuminated sign, an oval 'Guinness' sign and two large gas torch holders supported by projecting steel supports.
- A temporary permission would be acceptable to the applicant.
- Should the Board be minded to refuse retention permission, the applicant requests that a split decision is made i.e. refuse the shopfront and permit retention of the signage.

6.2. Planning Authority Response

No response on file.

6.3. Observations

None received.

7.0 Assessment

Having examined the application details and all other documentation on file, including the reports of the local authority, and having inspected the site during daylight hours and after dark, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Impact on the visual amenity and character of the area
- Other issue
- Appropriate Assessment Screening

7.1. Impact on the visual amenity and character of the area

7.1.1. As referred to above, Dame Lane is predominantly a pedestrian laneway and accommodates a variety of commercial uses including office, retail and hotel uses along with a number of public houses. It is narrow in configuration and also serves as a secondary access to businesses fronting onto Dame Street.

7.1.2. No drawings which show the front elevation of the building prior to the addition of the shopfront and associated signage are provided with the application. I have accessed online photography of the premises prior to the addition of the shopfront which clearly demonstrates its simple design, its minimalist and attractive, red-bricked façade with well-proportioned solid to void ratios. While the timber shopfront structure is well made and of good design quality, I consider it to be oversized and out of proportion with the building itself and the shopfronts of other buildings along Dame Lane. The shopfront is excessively high at 4.65 m covering too

much of the front façade. Having regard to the foregoing I do not consider that the shopfront is compatible with or appropriately relates to the architecture of the building of which it forms a part; it is overly dominant and overly scaled and out of place and proportion when compared to other shopfronts along Dame Lane resulting in injury to the visual amenities of this area and negatively impacting on the character of the area.

- 7.1.3. The Dublin City Development Plan 2022-2028 divides the City into separate zones of advertising control, which are set out at Figure 1 in Appendix 17. The appeal site appears to be located within Zone 1, described as a 'zone of high-quality urban form, where advertising is inappropriate in the streetscape.' Section 3.0 of Appendix 17 of the Development Plan sets out policy requirements in respect of illuminated signage will be taken into consideration when assessing proposals.
- 7.1.4. Section 15.17.5 of the Development Plan notes that shopfront signage should be located at fascia level. The proposal includes three projecting signs. Two of these are internally lit and positioned on the of the eastern and western pilasters of the shopfront, below the fascia and overhanging the public realm. The third projecting sign with illuminated red lettering is positioned above the shopfront centred on the building façade. Having regard to the foregoing it is clear that the projecting signage does not comply with Section 15.7.5. The Shopfront Design Guide advises that the number of attachments to a premises should be minimised in order to avoid visual clutter and it does not support this type of signage for that reason. I consider that this signage results in visual clutter at this location. Having observed the signage to be retained after dark I also have a particular concern in relation to the larger projecting sign with red lettering centred on the façade of the building. This sign is very visible and noticeable and is located at a height so that it may be viewed from adjoining streets. My view is that it detracts from the visual amenity and character of the area.
- 7.1.5. I acknowledge the issue of the viability of the business and the need for businesses to be seen, as raised by the appellant. I note the premises is located on a busy thoroughfare in the city centre, off main shopping streets, where there is a heavy footfall. The main objective of signage is to identify a premises and its

occupant and I consider this can be achieved without the need for projecting illuminated signage to advertise the bar and late night venue.

- 7.1.7. Noting the applicant's request to allow permission for the signage in the event the Board is minded to refuse retention permission for the proposal, I would not consider it appropriate to facilitate this request given the problematic nature of the signage as identified above, including non-compliance with Development Plan guidance, and the adverse impacts arising in terms of visual clutter and visual amenity.

7.2. Other issue

Should the Board decide to grant permission for the proposal I recommend inclusion of a condition requiring the payment of a Section 49 special contribution given that the development to be retained falls within the area covered by the Luas Cross City (St. Stephen's Green to Broombridge line) Supplementary Development Contribution Scheme. In this regard I note that Section 13 of the Scheme confirms that exemptions and reductions shall not apply to permissions for retention of development.

7.3. Appropriate Assessment Screening

- 7.3.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located in Dublin city centre.

No nature conservation concerns were raised in the planning appeal.

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 determination by the Planning Authority

I conclude that on the basis of objective information, that the proposal would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

8.0 Recommendation

8.1. I recommend that retention permission be refused for the following reason.

9.0 Reason and Considerations

1. It is considered that the shopfront to be retained is over-scaled and out of proportion with the architectural detail, scale, proportions and design of the existing building and the shopfronts of other buildings along Dame Lane, resulting in a negative impact on the visual amenities and character of the area. The shopfront to be retained would therefore be contrary to the Shopfront Design Guide 2001 and the development would result in an undesirable precedent for similar type development. The signage to be retained includes two projecting internally lit signs and a third projecting sign with illuminated red lettering which results in visual clutter, detracts from the visual amenities of the area and is injurious to the character of the area. The signage also fails to comply with section 15.17.5 of the Dublin City Development Plan 2022-2028. The development to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

John Duffy
Planning Inspector

29th August 2024