



An
Coimisiún
Pleanála

Inspector's Report ABP-322608-25

Development

PROTECTED STRUCTURE:

Replacement advertising signage to
gable of protected structure.

Location

41 Upper Gardiner Street, Dublin 1

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

3098/25

Applicant(s)

JCDecaux Ireland Limited

Type of Application

Planning permission

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellant(s)

JCDecaux Ireland Limited

Date of Site Inspection

13th August 2025

Inspector

Sarah O'Mahony

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1.0 Site Location and Description

- 1.1.1. The 11m² site comprises part of the gable wall of a 4-storey over basement, end of terrace structure situated on the corner of Gardiner Street and Dorset Street on the northside of Dublin city centre. The structure comprises a Georgian redbrick former dwelling but is now in commercial use. It is also a protected structure with the RPS reference number of 3128.
- 1.1.2. The site comprises 1 large 12.85m x 3.5m billboard space with overhead strip lighting to display paper advertisements.
- 1.1.3. The address of the property is 41 Upper Gardiner Street however as the advertisement is situated on the gable wall facing Dorset Street, it is not visible from Gardiner Street. The area has a mix of residential and commercial properties.

2.0 Proposed Development

- 2.1.1. Planning permission is sought for development which comprises the following:
 - Removal of existing advertising display and its replacement with 1no. digital advertising display measuring 6.28m x 3.4m, and all associated site development works.
 - The digital advertising display will comprise a 'goalpost' type mounted structure and includes a camera mounted on top. An ESB metering unit and IT cabinet will be installed on the footpath adjacent existing similar cabinets.
 - Removal of an additional billboard at another location nearby on Gardiner Place, 300m southeast of the site, to comply with Dublin City Councils requirements to realise a planning gain in any rationalisation of such signage structures.
- 2.1.2. An Architectural Heritage Impact Assessment (AHIA) was submitted with the application.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dublin City Council issued a notification to refuse permission on 28th April 2025 for 3no. reasons as follows:

1. Having regard to the digital nature of the display and the sensitive and prominent location in a transitional Z4/Z8 zone, and as well as the proximity to residential dwellings on Dorset Street Lower, it is considered that the proposed development would be seriously injurious to the surrounding residential amenity as well as the character and visual amenity of the area and would therefore materially contravene Section 7.5.9, 14.6 and 11.5.3 and policy CCUV45 and Appendix 17 of the Dublin City Development Plan 2012-2028. The proposed development if permitted would set an undesirable precedent for further similar developments and is considered to be contrary to the proper planning and sustainable development of the area.
2. By reason of its scale and proportions, materials, appearance and siting on the gable wall of the Protected Structure on a prominent location at the junction of No. 41 Upper Gardiner Street and Lower Dorset Street, the proposed digital advertising display unit would have a significant adverse visual impact on and would cause serious injury to the special architectural character and legibility of both the Protected Structure and its setting, neighbouring Protected Structures and the overall character of the red hatch Conservation Area. The proposed development would therefore contravene Policies BHA2 (b),(c),(d),(e),(g), BHA9 and Appendix 17 3.0 and 17 8.0 of the Dublin City Development Plan 2022-2028 and would set an undesirable precedent.
3. The Planning Authority are not satisfied, on the basis of the submissions made in connection with the application, that the advertising displays proposed for removal represent a sufficient planning gain with regard to the rationalization of external media advertising within the public realm. Therefore, the proposed development would be contrary to Appendix 17 of the Dublin

City Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planners report recommendation to refuse permission is consistent with the notification of decision which issued.
- Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) issues are screened out and issues were screened out.
- The Case Planner considered the proposed removal of one additional billboard at Gardiner Place, 300m to the southeast, was an insufficient planning gain with regard to rationalisation of external media advertising in the public realm as the sign to be removed is situated on a site with development potential which will require its eventual removal in any case. Further, it was considered that Gardiner Place is less trafficked and the sign in question is less visible than the subject site.
- The report noted the location of the site within advertising zone 1 where there is a strong presumption against outdoor advertising and stated that the Planning Authority would have serious concerns regarding the continued use of the advertisement on this high profile gable elevation on the visual amenities and character of the protected structure and conservation area, as well as residential amenities of neighbouring dwellings.
- The reduction in extent of overall advertising on the gable of the protected structure was welcomed and considered compliant with local policy however it states that in principle the nature of both the existing and proposed signage on the site is a discordant imposing feature which does not enhance the streetscape and the Planning Authority is not satisfied that the replacement digital display is sensitive to the setting, or that it successfully relates to the character of the building or conservation area. Further, it considered the proposed digital display would increase the intensity of advertising in the area leading to concerns for negative impact and nuisance to occupants of dwellings at nos. 90-96 Dorset Street Lower directly opposite the site.

- The report concluded that a further information request would not overcome the Planning Authority's fundamental concerns regarding the principle of the proposed development in the context of its sensitive conservation setting.

3.2.2. Other Technical Reports

- Drainage Division: No objection subject to a condition requiring adherence to engineering codes of practice.
- Transportation Planning Division: No objection subject to conditions regarding the operation of the digital display and costs relating to works to the public footpath.
- Conservation Section: Refusal recommended due to visual impacts to the protected structure and conservation area. The report noted the overall reduction proposed but considered the proposed digital display would have a serious injurious impact by reason of its scale, proportions, materials, appearance and siting on the gable of the protected structure and conservation area.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland: Response received which outlines no objection to the proposed development, subject to adherence to a Section 49 supplementary development contribution as the site is situated within the Luas Cross City area.

3.3.1. The application was also referred to the following who did not respond or submit an observation:

- Uisce Éireann
- Iarnród Éireann
- National Transport Authority
- The Heritage Council
- An Taisce
- Department of Housing, Local Government and Heritage
- Fáilte Ireland
- An Comhairle Ealaíon

3.4. Third Party Observations

- None

4.0 Planning History

- 3685/17: Planning permission sought for the replacement of the existing 1 no. 96 sheet illuminated static advertising display with 1 no. 96 sheet (12.5m wide x 3.35m high) Premiere internally illuminated advertising display at the side gable of No. 41 Gardiner Street Upper (Protected Structure) fronting onto Dorset Street Lower, Dublin 1 and to permanently decommission and remove 1 no. 48 sheet advertising display. Permission was REFUSED for one reason as follows:

1. It is considered that the proposed development, having regard to the internal illumination and projection of the advertising display at a highly visible and sensitive location would be visually obtrusive, incongruous within the streetscape and would seriously detract from the character of the protected structure and the conservation area. As such the proposal would not contribute positively to the character and appearance of the protected structure or the conservation area and its setting and is therefore would be contrary to the policies and objectives of the Development Plan (2016-2022) and in particular Policies CHC2 and CHC4, and would be seriously injurious to the amenity of property in the vicinity and contrary to the proper planning and sustainable development of the area.

- 3548/06 Planning permission sought to replace the existing 12m x 3m illuminated static advertising display with a 12m x 3m illuminated trivision advertising display. Permission was REFUSED for one reason as follows

1. Having regard to the illumination and prominent location of the advertising hoarding adjacent to an Architectural Conservation Area and attached to the side of a Protected Structure, it is considered that the proposed structure would be seriously injurious to the character and visual amenity of the area, would be visually obtrusive and would materially contravene Section 15.32.1 of the Dublin City Development Plan 2005 – 2011. The proposed development if permitted would set an undesirable precedent for

further similar developments in the vicinity and is considered to be contrary to the proper planning and sustainable development of the area.

- 2740/05 Planning permission sought for alteration of WC layout at third floor level, alteration of tea-Station layout at third floor level, substitution of a timber and plaster partition for a glazed partition at third floor level, repairs to existing windows at all levels, front and rear at 41 Upper Gardiner Street, Dublin 1 - a protected structure. Permission GRANTED subject to conditions.
- 0320/01: Permission sought for the replacement of the existing projecting hall floor window with a Georgian window of Wyatt pattern and related internal alterations at hall floor level only - A Protected Structure. Permission GRANTED subject to conditions.
- E0083/10 - Unauthorised Signage. Status: Closed

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2022-2028 (referred to hereafter as the CDP). The site is zoned Z4 as 'key urban villages/urban villages' where the objective is *to provide for and improve mixed-services facilities*.
- 5.1.2. The site is also situated within a conservation area as identified on the zoning maps by red hatching. Chapter 11 provides protection for the city's built heritage and Section 11.5.3 outlines how conservation areas are separate and distinct to Architectural Conservation Areas (ACAs). They do not have a statutory basis in the same manner as ACAs but are recognised as areas with conservation merit which warrant protection. Policy BHA9 applies which is set out below.
 - **BHA9** *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.

Enhancement opportunities may include:

- 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- 2. Re-instatement of missing architectural detail or important features.*
- 3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.*
- 4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- 5. The repair and retention of shop and pub fronts of architectural interest.*
- 6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.*
- 7. The return of buildings to residential use.*

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

- 5.1.3. As noted previously, the structure on the site is included on the Dublin City Record of Protected Structures and therefore policy BHA2 applies as set out below. Please note there is an error in the numbering of the sub-headings which arises from the adopted CDP text.

- **BHA2** *It is the Policy of Dublin City Council that development will conserve and enhance protected structures and their curtilage and will:*

- a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.*

- b) *Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
- c) *Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.*
- d) *Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.*
- c) *Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.*
- d) *Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.*
- e) *Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.*
- f) *Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*
- g) *Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.*
- h) *Have regard to ecological considerations for example, protection of species such as bats.*

5.1.4. Chapter 7 of the CDP refers to the city centre, urban villages and retail and section 7.5.9 specifically refers to the outdoor advertising strategy of those areas which is set out in Chapter 17. Policy CCUV45 refers to advertising structures as follows:

- **CCUV45** *It is the Policy of Dublin City Council 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.

- 5.1.5. Chapter 14 of the CDP sets out the land use zoning proposals for the city's functional area. Section 14.6 refers to transitional zone areas and states '*while zoning objectives and development management standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and land-use between zones. In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones.*' The site is situated adjacent to a Z8 Georgian Conservation Area land use zone which seeks to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective.
- 5.1.6. Appendix 17 of the CDP sets out the Advertising and Signage Strategy for the city's functional area and divides the city into 6 no. zones each with their own range of controls and policies. The site is situated within zone 1 which '*encompasses those areas that are most vulnerable and sensitive and primarily relates to the Georgian area of Dublin City. There is a strong presumption against outdoor advertising in this zone*'. The advertising panel itself however faces into and is directed solely towards Dorset Street which is categorised as zone 3 *where the development of outdoor advertising in this zone will be open for consideration* subject to compliance with the development management standards.
- 5.1.7. The strategy requires the decommissioning of at least one other display panel in the upgrading or replacement of existing outdoor advertising, and it states that upgrading or replacement will only be permitted if it is acceptable in amenity / safety terms. Section 8.0 sets out general advertising management standards while Section 2.0 outlines specific requirements for digital signage as set out below, and requires the design and location to be controlled so 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. Natural Heritage Designations

- 5.2.1. The site is situated 300m southwest of the Royal Canal proposed Natural Heritage Area and 2km west of South Dublin Bay and River Tolka Estuary Special Area of Conservation.

5.3. Built Heritage Designations

- 5.3.1. The building on the site is included on the Dublin City Record of Protected Structures under reference number 3128 which is described on the record simply as a house. The building is at the western end of a terrace of similar four storey over basement buildings which are all included on the record as are most of the structures on both sides of Gardiner Street which rationalises the designation of the area as a Conservation Area in the CDP. The single storey building immediately south of the site on Dorset Street Lower is not on the RPS however the next 2no. terraced four-storey buildings are included.
- 5.3.2. The building on the site is also included on the National Inventory of Architectural heritage and has the following description and appraisal:

Description

Corner-sited two-bay four-storey house over raised basement, built c.1820. Now in office use. Double-pile slate roof, gabled to rear and set behind rebuilt parapet wall

with granite coping. Shared stepped and rendered chimneystack to south party wall and angled yellow brick chimneystack abutting rear elevation, all having clay pots. Red brick walls laid in Flemish bond on painted granite plinth course above rendered basement wall. Yellow brick walls to rear (east) elevation. Ruled-and-lined rendered wall to north side elevation fronting onto Lower Dorset Street. Gauged brick flat-arched window openings, patent rendered reveals, painted masonry sills and replacement timber sliding sash windows throughout, tripartite six-over-six pane to ground floor, nine-over-six pane to first floor, six-over-six pane to second floor, and timber casement windows to other levels. Wrought-iron window guards to second floor and to first floor of rear elevation. Round-headed door opening formed in brick with projecting moulded masonry surround and advanced painted masonry Ionic doorcase, having replacement twelve-panel timber door flanked by advanced Ionic columns supporting large lintel cornice with plain fanlight. Door opens onto granite paved platform bridging basement area, having partial wrought-iron bootscraper and enclosed by original wrought-iron railings opening onto pavement via four granite steps. Basement area to front and side (north) elevation enclosed by wrought-iron railing on painted moulded granite plinth wall with ornate cast-iron corner posts. North side elevation abutted by lean-to at basement level.

Appraisal

This late Georgian townhouse formally addresses Gardiner Street Upper at its northern termination point presenting a blank gable to Lower Dorset Street. Maintaining the parapet height and fenestration pattern of the neighbouring buildings, it brings a pleasing symmetry to the streetscape. The tripartite window and imposing doorcase add visual interest and the latter provides a decorative focus to the building. The railings and plinths to the basement area provide an appropriate setting to the site. The house forms part of a terrace which was laid out by Luke Gardiner II as part of the development of Mountjoy Square in 1792.

5.4. EIA Screening

- 5.4.1. 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 (or Part V of the 1994 Roads Regulations). 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

- The proposed digital display replaces an existing, dated display unit with a contemporary style unit that is 50% smaller. The overall visual impact is therefore neutral to positive, without any specific new impact on residential amenity or the visual amenity of the area and is in accordance with Appendix 17 'Advertising and Signage Strategy' of the Dublin City Development Plan 2022- 2028.
- Refusal reason no. 1 does not clarify what elements of Sections 7.5.9, 14.6 and 11.5.3 and Policies CCUV45 and Appendix 17 of the CDP that the development contravenes. Policy CCUV45 seeks to consider high quality designed and located advertising which does not obstruct road users or pedestrians. The appeal suggests this criteria has been met and will significantly improve aesthetics compared to the current situation. It is also set back from the footpath so will not impede accessibility and no objections are raised from either the Transport Department or TII regarding traffic impacts. The proposal would comply with CCUV46 in decommissioning an additional billboard nearby and also reducing the overall advertising capacity on the site by 50%.
- Dorset Street is indicated as falling within a zone 3 advertising area given its arterial character and the longstanding presence of advertising at this location. It is therefore inappropriate to rigidly apply zone 1 criteria to a site at a zone boundary which reads as part of a key corridor.
- The Case Planners report referred to the zoning objective for Z5 lands however the site is situated in Z4 zoned lands. The Z4 objective seeks to promote a diversity of uses to maintain vitality throughout the day and night and the appeal considers the proposed development would play a valuable role in the animation and activation of the streetscape and create visual interest and interaction along the key corridor.
- The sub numbering a, b, c etc of Policy BHA2 is incorrect and duplicated.

- With regard to residential amenity impacts, no third-party submissions were received, and the appeal suggests that the proposed controls including a limit on luminance with a lower night time luminance, fade transitions between the advertisements and sleep mode nightly for 4 hours will all greatly reduce the risk of light spill or visual nuisance for nearby dwellings.
- The first refusal reason states the development would set a precedent however the appeal disagrees and considers it would not as there is already a large, illuminated advertising display in situ.
- A list of precedent cases is provided to demonstrate how similar cases were granted permission in the city centre. These precedents strongly reinforce how appropriate designed digital advertising can be permitted on protected structures, adjacent to conservation areas and along major thoroughfares provided they represent an upgrade over existing signage.
- The orientation of the proposed digital display is towards Dorset Street (N1) updating an existing but dated display unit and therefore does not introduce a new use that has a neutral impact in term of Conservation & Landscape Visual Impact.
- The Proposed Decommissioning of an old 48 Sheet Display on Gardiner Place is in accordance with DCC Development Plan Policy, Appendix 17 'Advertising and Signage Strategy' having particular regard to the cumulative impact of concurrent applications by the applicant.
- The AHIA was re-submitted with the appeal together with a supplementary report responding to the refusal reasons and conservation related items raised in the Case Planner's and Conservation Officer's reports. The Case Planner and Conservation Officer reports do not reference the AHIA which demonstrates a gap in the departmental analysis.
- The supplementary report highlights how the designated conservation area terminates at the end of Gardiner Street and does not extend into Dorset Street and therefore contends that the gable of the protected structure is part of Dorset Street. It suggests that the blank gable offers no significant historical features to Dorset Street and has no architectural features responding to its corner site which contrasts with similar end-of-terrace buildings nearby. The blank façade offers a natural location of

advertisements as catalogued in the previous report. The supplementary report considers that the Local Authority's assessment based on the presence of a conservation area was non-contextual, not meaningful and was based on simply the label of designation.

- As the site is situated on Dorset Street, its impact on the neighbouring protected structures and overall character of the conservation area is minimal. Reason no. 2 is devoid of contextual analysis. Legibility of the protected structure is unaffected as no features would be concealed. 50% reduction of the scale advertising increases legibility of the protected structure.
- The conclusions of the Conservation Officer's report are incorrect and do not have regard to the context of the existing signage. The proposal is not visually dominant as the gable features are not concealed. CGI images are submitted which demonstrate the scale of the development.
- The additional off-site sign on Gardiner proposed for removal is also situated in an Architectural Conservation Area (ACA), a conservation area on both sides and abutted by protected structures which is different to the subject site which is a transitional area. Removal of this sign is a positive impact from a conservation perspective which is different to the Planning Authority's statement that it would be a lesser impact due to its location on a less trafficked street. Regard should also be made to the proposal to remove the other 3no. adjacent billboards on Gardiner Place as part of other planning applications. Permission has been granted for these proposals.
- The signage strategy set out in Appendix 17 of the CDP does not require the decommissioned sign to be situated in a comparable context or size as the site, and therefore the proposed decommissioning in this instance is an additional bonus in conservation terms as well as a planning gain. Decommissioning of the additional sign, which is in zone 1, complies with the advertising strategy as there is a presumption against outdoor advertising in this area.

6.2. Planning Authority Response

- 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, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development
- Built heritage
- Residential amenity

7.2. Principle of Development

7.2.1. The context of the site is unusual in that it comprises a two-dimensional site of only 11m² which is attached to the side of a building on the periphery of two areas with different characters. The billboard faces Dorset Street only and is not visible from Gardiner Street, however views of Gardiner Street and the billboard are achievable from Dorset Street, Synott Place and their junction with Gardiner Street. This is all applicable in demonstrating if the principle of development is acceptable as the two areas have different policy both in terms of land use zoning as well as signage strategy zones.

7.2.2. The site and the building it is attached to form part of the Z4 land use zone which is zoned 'key urban villages/urban villages' where the objective is *to provide for and improve mixed-services facilities*. This zoning includes the buildings to the north and south which all face west into Dorset Street and in the context of the built environment, the zoning objective seeks to ensure the creation of high-quality, mixed-use urban districts with a high quality public realm. It also seeks to promote the creation of a vibrant retail and commercial core with animated streetscapes and states that a diversity of uses should be promoted to maintain vitality throughout the day and evening.

- 7.2.3. Advertisement and advertising structures are stated to be open for consideration in Z4 lands and having regard to the above, and the fact that there is already signage on the site, I consider the principle of development is acceptable in terms of its land use zoning objective.
- 7.2.4. In relation to the signage strategy set out in Appendix 17 of the CDP, the site and building it is attached to are situated in Zone 1 which has a strong presumption against outdoor advertising in this area. The existing and proposed signage however both face Dorset Street which is categorised as Zone 3 '*where opportunity exists for advertising in the street and where normal controls would apply*'. It also states, '*opportunity exists for the managed provision of outdoor advertising*' subject to compliance with development management standards.'
- 7.2.5. In this context and having regard to the extent of existing signage already in place on the site, I also consider the principle of development is acceptable and complies with the zoning strategy.
- 7.2.6. Section 2.0 of the strategy sets out requirements for digital signage such as limiting the luminance and frequency of the display and I consider these matters have all been met in the application documents but should also be conditioned in the event of a grant of permission in the interest of clarity. The only criterion which was not addressed is the detailed finishes, materials and colours of the signage. In this case, given the limited scale of such non-digital finishes which comprise a frame surrounding the display panel and a goalpost type support structure, I consider it acceptable that a condition is attached requiring such details to be limited to a dark colour and a non-perishable finish.
- 7.2.7. Section 8.0 of the strategy sets out general development standards to be considered when assessing any proposal for advertising including matters like the zone as per above, the design of the panel, scale of the panel relative to the buildings, impact on the character of the street, impact to accessibility and traffic safety etc.
- 7.2.8. I will discuss the impact on built heritage and residential amenity in the following sections of this report however in my opinion the development meets all the remaining criteria and in this regard the proposal complies with policy CCUV45 which seeks 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).

- 7.2.9. Lastly, I note that section 1.0 of the strategy requires an agreement to decommission at least one other display panel in the city and to extinguish the licence for that panel. The application documents include proposals to decommission one display panel situated 300m southeast of the site at Gardiner Place. I consider this meets the requirements of the strategy and represents a planning gain.

7.3. Built Heritage Impact

- 7.3.1. The proposed development would result in a lower scale of advertising on the gable of the protected structure and I consider this 50% reduction is a benefit in terms of legibility of the protected structure as well improvements to the general setting and conservation area status of the area. The development would not impede principal views of the protected structure. Further, the side elevation on which the site is situated comprises a blank façade devoid of any special architectural features which could be physically impacted.
- 7.3.2. The site is situated in a conservation area which discourages outdoor advertising however, the fact remains that there is already advertising in place with a number of decades as demonstrated by the AHIA submitted with the application and appeal. Any alleged negative visual impact therefore lies in the change of character from a paper to digital form of display.
- 7.3.3. The proposed digital display panel is large in scale, measuring 6.28m in length and 3.4m high. In this context it would be visible together with the remainder of the conservation area along Gardiner Street when viewed from the west at the junction of Gardiner Street and Dorset Street. This is a transitional area and Section 14.6 of the CDP requires that *'in dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones'*.
- 7.3.4. In my opinion, the nature of digital advertising of this scale is not compatible with a conservation area or protected structure and an alternative location should be sought. I consider that the development would not *contribute positively to its character and distinctiveness* of the conservation area and would not be *appropriate*

in terms of the scale, height and layout simply because in my view the removal of all advertising from this location would be the best approach to contribute positively to the character of the area. However, I note the context of the advertising to be removed on offsite on Gardiner Place which is also within a conservation area and situated between two protected structures and consider its removal would represent a benefit to built heritage in the area as well as an improvement to general streetscape and visual amenity of the area. When taken together with the reduced scale of advertising on the subject site as well as its orientation onto Dorset Street and limited visibility within the conservation area, I consider on balance that the proposed development is acceptable, represents a net neutral impact to built heritage and would therefore comply with Policies BHA 2 and BHA 9. I consider the change of format from paper to digital advertisements would not significantly impact on the built heritage of the area.

7.4. Residential Amenity

- 7.4.1. The new display panel would be highly visible from the row of three-storey terraced dwellings situated directly opposite the site on Dorset Street, the closest of which have a separation distance of 35m from the site. It would also be visible from the 3- and 4-storey terraced dwellings on Synott Place to the northwest.
- 7.4.2. Dorset Street is an arterial route through the city and the junction between it, Synott Place and Gardiner Street is characterised by traffic signals, signalised pedestrian crossings and streetlights. Dorset St in particular where the site is facing has two lanes of traffic in each direction as well as a bus lane in each direction, providing 6 lanes of traffic in total. In this context, I consider the character of the area is dynamic and has the ability to accommodate and absorb a digital display panel of this scale.
- 7.4.3. In terms of impacts to residential amenity, I note the controls outlined in the signage strategy (appendix 17 of the CDP) which requires a limit on luminance and a fading transition no shorter than every 10 seconds. I also note the applicant's proposal to put the display into 'sleep mode' for 4 hours every night as well as further reducing the luminance between dawn and dusk. In my opinion, these measures will suffice to achieve an acceptable balance between providing advertising on a thoroughfare where billboard advertising exists and the protection of the amenities of the area.

8.0 AA Screening

8.1. Screening

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The subject site is located 2km west of South Dublin Bay and River Tolka Estuary Special Area of Conservation.
- 8.1.3. The proposed development seeks to replace an existing billboard with a digital display panel on the side of a protected structure and to also remove an additional billboard on a different street 300m to the southeast.
- 8.1.4. No nature conservation concerns were raised in the planning appeal.
- 8.1.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.1.6. The reason for this conclusion is as follows:
- The urban nature and small scale of the works,
 - The location of the site removed from any waterbodies and lack of any hydrological connectivity,
 - The lack of water services required to operate the development and
 - Taking into account the screening report/determination by Dublin City Council.

8.2. Conclusion

- 8.2.1. I conclude, 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.
- 8.2.2. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 WFD Screening

9.1. Screening

- 9.1.1. The subject site is located 300m southwest of the Royal Canal, 1km southwest of Tolka River, 2km west of Dublin Bay where the Tolka enters the harbour and 1.25km north of the River Liffey.
- 9.1.2. The proposed development seeks to replace an existing billboard with a digital display panel on the side of a protected structure and to also remove an additional billboard on a different street 300m to the southeast
- 9.1.3. No water deterioration concerns were raised in the planning appeal.
- 9.1.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.
- 9.1.5. The reason for this conclusion is as follows:
- The urban nature and small scale of the works.
 - The location of the site removed from any waterbodies and lack of any hydrological connectivity.
 - The lack of water services required to operate the development.

9.2. Conclusion

- 9.2.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

I recommend that planning permission is granted in accordance with the conditions set out below.

11.0 Reasons and Considerations

- 11.1.1. Having regard to the location and character of the site and surrounding area in an urban area together with the provisions of the Dublin City Development Plan 2022-2028 including the Z4 zoning of the site and conservation area designation, the protected structure status of the site and the transitional character of the area, together with the signage strategy outlined in Appendix 17 and policies BHA 2, BHA9 and CCUV45, it is considered that, subject to compliance with the conditions set out below, the scale and nature of the development is acceptable. The development would not seriously injure the built heritage, visual or residential amenity of the area. The development is, therefore, in accordance with the proper planning and sustainable development of the area.

12.0 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>Reason: In the interest of clarity.</p>
2.	<p>(a) The maximum luminance of the advertisement display between dusk and dawn shall not exceed 300 candelas per square metre. The luminance level of the display shall be subject to review by the planning authority and, following review,</p>

	<p>adjustments or amendments shall be carried out in accordance with the requirements of the planning authority.</p> <p>(b) 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.</p> <p>(c) No more than one advertisement shall be displayed every ten seconds.</p> <p>(d) 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.</p> <p>(e) The display shall not operate for a minimum of 4 hours between the hours of midnight and 6am.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>The external materials of the display panel including the supporting framework and structure shall be finished in a dark colour and comprise a non-perishable finish or otherwise as agreed in writing with the Planning Authority prior to commencement of the development.</p> <p>Reason: In the interest of visual amenity and architectural harmony.</p>
4.	<p>Within 6 months of the date of the final grant of decision, the developer shall remove, decommission and extinguish the licence for the 6.3m x 3.3m advertisement sign identified for decommission on Gardiner Place, Dublin 1. Evidence of the removal of this sign shall be submitted to the planning authority for written agreement. The removal of these signs shall take place prior to the commencement of development at 41 upper Gardiner Street, Dublin 1.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
5.	<p>Site development and building works shall be carried out between the hours of 07:00 to 18:00 Mondays to Fridays inclusive, between 08:00 to 14:00 on Saturdays and not at all on Sundays and public holidays.</p>

	<p>Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
6.	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.</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.

Sarah O'Mahony
Planning Inspector

20th August 2025

Form 1 - EIA Pre-Screening

Case Reference	322608-25
Proposed Development Summary	Remove paper billboard type advertisements and erect with digital advertisement panel.
Development Address	41 Upper Gardiner Street, Dublin 1.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	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 (or Part V of the 1994 Roads Regulations). No

development under Article 8 of the Roads Regulations, 1994. No Screening required.	mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____