



An
Coimisiún
Pleanála

Inspector's Report ABP-322780-25

Development	Telecoms infrastructure – 3 no. antennas with 6 no. radio remote units supported on 3 no. ballast mounted support frames, 1 no. wall mounted outdoor cabinet and associated equipment
Location	Kavanagh Court, 1 Gardiner Street Lower, Mountjoy, Dublin 1
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB1283/25
Applicant(s)	Vodafone Ireland Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Mountjoy Square Society
Observer(s)	None
Date of Site Inspection	11 th September 2025
Inspector	Philip Maguire

1.0 Introduction

- 1.1. This case relates to an appeal by Mountjoy Square Society under the provisions of Section 37 of the Planning and Development Act 2000, as amended ('the Act'), following a grant of permission by Dublin City Council in accordance with Section 34.
- 1.2. This Inspector's Report (IR) and recommendation is made pursuant to Section 146(2) of the Act. The Commission is required to consider both before determining the case.

2.0 Site Location and Description

- 2.1. Located in Dublin City Centre, the appeal site is situated at the junction of Gardiner Street Lower (R802) and Summerhill (R803). It has a stated area of 0.10ha and consists of the rooftop of Kavanagh Court, a predominantly 6-storey student accommodation building with central courtyard, roof terrace and café at ground floor.
- 2.2. Primary access is via Gardiner Street Lower with separate access to the café, to the northwest corner of the building, at the Summerhill junction. The roof terrace is located to the southwest corner of the building and includes screen glazing to both elevations. Adjacent to the roof terrace lies one of four mechanical plant outlets, with the others similarly located to the northwest, northeast and southeast corner of the building. There is existing telecoms infrastructure at these locations save for the latter area.
- 2.3. The adjoining area to the south includes a large public park located at the junction of Gardiner Street Lower and Sean MacDermott Street Lower with separate 5-storey student accommodation building and pre-school and national school building adjacent. To the north, east and west, the area is characterised by a mix of city centre uses.

3.0 Proposed Development

- 3.1. Planning permission is sought for roof-mounted telecommunications infrastructure etc.
- 3.2. The proposed development is described in the statutory notices as:

“To erect 3 No. telecommunication antennas with 6 No. radio remote units supported on 3 No. ballast mounted support frames together with 1 No. wall mounted outdoor cabinet and associated equipment.”
- 3.3. The application documents include a cover letter (Charterhouse, Feb. 2025).

3.4. Further Information (FI)

3.4.1. In addition to a response statement (Charterhouse, April 2025), FI included:

- Photomontages (Indigo, April 2025)

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Permission was granted on 20th May 2025, subject to 6 no. conditions. The conditions are generally of a standard nature; however, the following condition is of note:

Condition 4 restricts additional development including ducts, plant etc.

4.2. Planning Authority Reports

4.2.1. The Planning Officer's Report (02/04/25) can be summarised as follows:

Principle of Development

- Notes the Z5 zoning under which telecoms equipment is permissible.
- States that the planning authority supports digital infrastructure as per policy SI45.
- Notes the rationale for the proposal i.e., weak coverage as per ComReg mapping.
- States that the proposed co-location is welcomed as per policy SI48 where suitable measures are in place to reduce the potential visual impacts.

Visual Impact

- Notes the concerns raised by the third party given the visibility of the existing telecoms equipment from certain viewpoints.
- States that the existing equipment is visible on approach from Mountjoy Square but street level views aren't apparent and imperceptible on the opposite approach due to the presence of street trees along Diamond Park and roof terrace glazing.
- Notes that whilst existing equipment is visible on approach from Summerhill, this part of the building is located outside the conservation area.

- Considers that further information (photomontages and mitigation, where relevant) is required given the existing visibility and potential for cumulative impact.

Services and Drainage

- Notes the drainage section have no objection subject to conditions.

AA and EIA

- No AA or EIA issues arise.

Conclusion

- Concludes that the proposal is acceptable in principle but requires further consideration in relation to potential visual impacts.

4.2.2. The Planning Officer's Report (16/05/25) can be summarised as follows:

Further Information – Photomontages / Mitigation (where relevant)

- Notes the applicant's response, including photomontages from 5 no. viewpoints and analysis of each viewpoint in the accompanying cover letter.
- Notes that some of the equipment will be obscured from view or partially visible and whilst the most visible antennae (Sector 1 and 3) will be visible, notes that these are either set back from the roof edge or set behind existing infrastructure.
- Consider that the proposed cumulative visual impact is low.
- States that the new installation will improve an area of the city currently experiencing weak indoor signals and is unlikely to have an unacceptable visual impact on the surrounding streetscape.

Conclusion

- States that the proposal is unlikely to negatively impact on the visual amenities of the conservation area and recommends that permission is granted.

4.2.3. Other Technical Reports

- Drainage (18/03/25) No objection subject to condition.

4.3. Prescribed Bodies

None.

4.4. Third Party Observations

4.4.1. One third-party observation received. The issues raised are similar to the grounds of appeal. They are summarised in the initial Planning Officer's report as follows:

- *Existing antennae has had a significantly negative impact on the visual amenities of the building, being entirely visible on all approaches from Parnell Street East, Gardiner Street Upper, Mountjoy Square ACA and Summerhill.*
- *Significant negative visual impact on the streetscape and designated conservation area of which the building is part.*
- *Request that the proposed antennae must be fully screened and 3D imagery presented to ensure that they integrate and harmonise with the architecture and urban form of the building and wider streetscape. The existing antennae should be included as part of this mitigation.*

5.0 Planning History

5.1. Relevant to appeal site:

5.1.1. PA ref. 3639/22 – in July 2022, the planning authority granted permission for rooftop telecoms equipment including 6 no. antennas, 2 no. dishes and 1 no. outdoor cabinet.

5.1.2. PA ref. 2981/17 – in November 2017, the decision of the planning authority was upheld on appeal (ABP ref. 29N.249013) and permission granted for 2 no. external signs relating to the student accommodation building permitted under ref. PL29N.245025 and refused for a third sign on the southern façade of the building. Having regard to policy CHC4 (regarding conservation areas) of the City Development Plan 2016-2022, it was considered that the sign would seriously injure the visual amenities of the area as it would have been visible from Diamond Park and Gardiner Street, a Conservation Area, and located within an area where there is a notable absence of advertising signs.

5.1.3. PA ref. 3611/14 – in September 2015, the decision of the planning authority was upheld on appeal and permission granted for (ABP ref. PL29N.245025) for a 7-storey (6-storey plus setback level) student accommodation building with ground floor café. This permission was subsequently amended in October 2016 with various alterations and additions including a maintenance walkway at roof level, provision of a plant area

behind the parapet and increase in height of the 4 no. lift / stair cores (PA ref. 3345/16), again in May 2017 to vary Condition 2 of ref. PL29N.245025 to allow the café to operate independently of the student accommodation (PA ref. 2243/17), and in August 2017 to amend the layout including new access to the roof terrace (PA ref. 2932/17).

5.2. Adjacent properties:

Gloucester Place – Phase 2 Student Accommodation

- 5.2.1. PA ref. 2052/17 – in August 2017, the planning authority granted permission for a 6-storey student accommodation building as the second phase of ref. PL29N.245025. Condition 11 of this permission prohibited any additional rooftop plant, ducts etc.

5.3. Other relevant history:

Bus Áras, Dublin 1

- 5.3.1. PA ref. 3423/22 – in November 2023, the decision of the planning authority was upheld at appeal and permission refused (ABP-313639-22) for the retention of replacement telecoms equipment. An Bord Pleanála considered that the development to be retained constituted a visually obtrusive and dominant form, causing serious injury to the special architectural character, detail, design and legibility of this internationally significant 20th century structure which contributes positively to the setting and special interest of the surrounding conservation area and therefore contravened policy BHA 2 and BHA 9 of the City Development Plan and seriously injured the visual amenities of the surrounding area, setting an undesirable precedent for similar developments.

76 Thomas Street, Dublin 8

- 5.3.2. PA ref. 4203/22 – in November 2023, the decision of the planning authority was overturned on appeal and permission granted (ABP-314512-22) to increase the height of a chimney for telecoms equipment. Having regard to the provisions of the City Development Plan, the 1996 telecoms guidelines, Circular Letter PL07/12, and the nature and scale of the works, An Bord Pleanála considered that the proposed development would be in accordance with national guidance and the development plan and that the proposal would not injure the historic fabric, architectural detail and character of the protected structure or the special architectural character, amenities and setting of the Thomas Street and Environs Architectural Conservation Area.

- 5.3.3. PA ref. WEB1987/24 – in March 2025, the decision of the planning authority was upheld at appeal and permission granted (ABP-321141-24) for rooftop telecoms equipment. Having regard to the national strategy in relation to the improvement of mobile communications services, the 1996 telecoms guidelines, the City Development Plan including policy SI45 and Section 15.18.5, Circular Letter PL07/12, and the nature and scale of the works, An Bord Pleanála considered that the proposed development would not seriously injure the visual or residential amenities of the area and would not be contrary to the overall provisions of the current Development Plan for the area.

6.0 Policy Context

6.1. Local Planning Policy

Dublin City Development Plan 2022-2028

- 6.1.1. The current City Development Plan, as varied, came into effect on 14th December 2022. The planning authority decision of 20th May 2025 was made under the provisions of this Plan. This appeal shall also be determined under the current Plan.
- 6.1.2. The appeal site is zoned ‘Z5 – City Centre’ with a land use zoning objective ‘*to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity*’. Public service installations are permissible in this zoning subject to normal planning considerations as detailed in Section 14.3.1 of the Development Plan, including that related to policy.
- 6.1.3. A public service installation is defined in the Plan as a building, or part thereof etc. used for the provision of public services including those provided by statutory undertakers and includes all service installations necessary for telecoms etc.
- 6.1.4. Section 14.6 of the Plan relates to transitional zone areas and states that it is important to avoid abrupt transitions in scale and land-use between zones, and in dealing with development proposals in these areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones.

6.1.5. The site overlooks The Diamond Park to the south. This public park is zoned ‘Z9 – Amenity / Open Space Lands / Green Network’, with a zoning objective ‘to preserve, provide and improve recreational amenity, open space and ecosystem services’.

6.1.6. The westernmost portion of the site lies within a red-hatched Conservation Area (CA).

6.1.7. The main policies and objectives are set out under chapters 9 (sustainable infrastructure), 11 (built heritage and archaeology) and 15 (development standards).

6.1.8. The following sections are relevant to the appeal:

- 9.5.11 – Digital Connectivity Infrastructure
- 11.5.3 – Built Heritage Assets of the City (incl. red-hatched CA’s)
- 15.5.3 – Alts, Extensions and Retrofitting of Existing Non–Domestic Buildings
- 15.18.5 – Telecoms and Digital Connectivity

6.1.9. Summary of relevant policies and objectives:

SI45 Seeks to support and facilitate the sustainable development of high-quality digital connectivity infrastructure throughout the City in order to provide for enhanced and balanced digital connectivity that future-proofs Dublin City and protects its economic competitiveness.

This policy refers to Section 15.18.5 of the Plan for further guidance.

SI48 Seeks to support the appropriate use of existing assets for the deployment of telecoms equipment and to encourage the sharing and co-location of digital connectivity infrastructure in order to avoid spatially uncoordinated and duplicitous provision that makes inefficient use of city space and negatively impacts on visual amenity and built heritage.

SIO27 Seeks to support and facilitate the delivery of the National Broadband Plan.

BHA9 Seeks to protect the special interest and character of all Dublin’s Conservation Areas – 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.

6.2. National Planning Policy and Guidelines

Telecommunications Guidelines

- 6.2.1. The Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (DELG, July 1996) aims to provide technical information in relation to the installation of base stations and other telecoms equipment and offer general guidance so that the environmental impact is minimised, and a consistent approach adopted.
- 6.2.2. Section 4.3 of the Guidelines refers to visual impact and notes that only as a last resort, and if the alternatives are either unavailable or unsuitable, should free-standing masts be located in residential areas or beside schools. If such locations should become necessary, sites already developed for utilities should be considered, and masts and antennae should be designed and adapted for the specific location. It also notes that the proposed structure should be kept to the minimum height consistent with effective operation and possibilities offered by some commercial or retail areas should be explored whether as rooftop locations or by way of locating “disguised” masts.
- 6.2.3. Section 4.5 of the Telecommunications Guidelines states the sharing of antennae support structures will normally reduce the visual impact on the landscape and places an onus on the operators to demonstrate that they have made a reasonable effort to share. It notes that where it is not possible to share a support structure, the sharing of sites or adjacent sites should be encouraged so that masts and antennae may be clustered. It states that the use of the same structure or building by competing operators in urban or suburban areas will almost always improve the situation.

6.3. Other National Policy and Guidance

Circular Letter PL 07/12

- 6.3.1. Circular Letter PL 07/12 (DECLG, October 2012) revised elements of the Telecoms Guidelines. Section 2.2 advises that only in exceptional circumstances, where particular site or environmental conditions apply, should a permission issue with conditions limiting its life. Section 2.3 advises that planning authorities should avoid including minimum separation distances between masts or schools and houses in their Development Plans. Section 2.4 advises that future permissions should simply include a condition stating that when the structure is no longer required it should be

demolished, removed and the site re-instated at the operators' expense, as opposed to conditioning a security bond in respect of removal. Section 2.6 reiterates the advice in the Guidelines in that planning authorities should not include monitoring arrangements as part of planning conditions nor determine planning applications on health grounds, noting that such issues are regulated by other codes and such matters should not be additionally regulated by the development management process.

National Broadband Plan

- 6.3.2. The National Broadband Plan (DECC, August 2012) is a government strategy designed to deliver high speed broadband services to all businesses and households in Ireland and achieved through commercial investment along with State intervention.

6.4. Natural Heritage Designations

- 6.4.1. None relevant.

6.5. EIA Screening

- 6.5.1. The proposed development is not a class of development set out in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulation 2001, as amended ('the Regulations'), and therefore no preliminary examination required (Appendix 1).

6.6. WFD Screening

- 6.6.1. A screening for the purposes of the Water Framework Directive (WFD) has also been carried out. On the basis of objective information, I conclude that the proposal 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 waterbody in reaching its WFD objectives. Therefore, it can be excluded from any further assessment (Appendix 2).

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. A third-party appeal has been lodged by Mountjoy Square Society. It states that the original objection outlines their substantive issues and adds the following on appeal:

Visual impact

- States the applicant has failed to address the negative cumulative impact nor submitted any screening proposals or complied with the mitigation request.
- Suggests that the most important vista, northwards from the Georgian terraces on Lower Gardiner Street towards Mountjoy Square, has not been supplied; it is from here that the proposal is most impactful, having a significantly negative effect on the Georgian streetscape and on the architectural character of the wider area.
- Submits that the photomontages supplied demonstrate an amplification of the negative visual impact of the existing infrastructure.
- Dismisses any suggestion that the proposal would be screened by or fit amongst the existing antennae as facetious; stating that the existing equipment already has a significantly negative impact, both inside and outside the Conservation Area.
- States that adding more equipment does not lessen the impact of the proposal; it seriously intensifies the negative impact, adding clutter to the skyline; suggesting that the parent permission for the building would not have permitted such works.

Procedural

- Raises concerns regarding the Council's consideration of the application; suggesting that initial concerns evaporated at further information stage.
- Suggests that the existing antennae should not have been permitted, and states that the Council are now attempting to facilitate its expansion.

Planning Policy

- Submits that the Council has not considered Sections 15.5.3 and 15.18.5 of the City Development Plan and has therefore erred in its decision.

Design Precedent

- States that precedent examples in Dublin and internationally in terms of screening telecoms equipment should have been considered.
- Suggests that the proposal presents like a sinister form of surveillance silhouetted against the sky, with no mitigation, and this embodies the worst design practice.
- Refers to examples of discordant telecoms sites and a lack of coherent strategy.

7.2. Applicant Response

7.2.1. Charterhouse responded on behalf of the applicant, Vodafone Ireland Ltd. It includes a planning justification in addition to a rebuttal to each of the grounds of appeal.

7.2.2. The relevant points can be summarised as follows:

Visual impact

- Submits that concerns regarding cumulative impacts was addressed by the planning authority; noting Section 10.2 [*sic.*] of the initial Planning Officer's report and Section 2.0 [*sic.*] of the subsequent report.
- Submits that the Planning Officer gave a detailed consideration of cumulative impacts.
- States that the only screening option is a shroud should the Commission deem it necessary; but cautions that shrouds are proving inappropriate in some cases, especially where there is existing equipment present.
- Submits that all approaches were considered in terms of photomontages, and states that the most important vista is actually in the opposite direction towards the city and 'internationally significant Custom House', albeit met by the railway bridge.
- Refers to the photomontages, "Viewpoint 6" and "Viewpoint 7", submitted with the appeal and submits that the proposed installation does not have a negative effect on the vista of the Georgian streetscape or on the character of the area.
- Submits that the overall cumulative impact of the proposal is low, as detailed in the Council's assessment and further supported by the appeal photomontages.

Procedural

- States that it is not within the remit of the applicant to comment on the decision in respect of the existing rooftop telecoms equipment.

Planning Policy

- Submits that a detailed assessment of the application was made when arriving at the decision to grant permission.

Design Precedent

- Agrees that there are excellent examples of screening telecoms equipment but states that not every location offers this opportunity and submits that a shroud would create a greater visual impact than leaving the equipment open.
- Submits that telecoms equipment is recognised as an integral part of the streetscape, similar to the satellite TV dishes on the building opposite.

Conclusion

- Concludes that the proposal is supported by both planning and technical considerations and requests that the Commission confirm the decision of the City Council to grant permission.

7.3. Planning Authority Response

None.

8.0 Planning Assessment

8.1. Preliminary Points

8.1.1. Having examined the application details and all other documentation on the appeal file, including the appeal submissions and observations, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal.

8.1.2. The issues can be addressed under the following headings:

- Land Use and Development Principle
- Visual Amenity and Character
- Procedural Matters

8.2. Land Use and Development Principle

8.2.1. As noted, it is proposed to install 3 no. telecoms antennae along with associated equipment on the rooftop of Kavanagh Court, a student accommodation building located at the junction of Gardiner Street Lower and Summerhill, in Dublin City Centre.

- 8.2.2. Whilst the building is predominantly 6-storey, it includes setback roof levels to the northern, western and southern elevations. There is existing telecoms equipment along these elevations i.e., to the northeast corner, southwest corner and northwest corner. The proposed antennae and equipment would be sited at these locations and adjacent to the existing telecoms equipment, referred to as Sectors 1, 2 and 3. I note that Sectors 2 and 3, along Gardiner Street Lower, are within a Conservation Area.
- 8.2.3. The appeal site is, however, zoned Z5 City Centre where public service installations, including telecoms equipment, is acceptable in principle subject to normal planning considerations, including the policies and objectives outlined in the Development Plan.
- 8.2.4. In this regard, I note that policy SI45 supports high-quality digital connectivity infrastructure that future-proofs Dublin City and protects its economic competitiveness, and objective SIO27 seeks to support the delivery of the National Broadband Plan. In addition, policy SI48 provides broad support for the co-location of digital infrastructure.
- 8.2.5. These generally permissive provisions need to be appropriately weighted against those of policy BHA9 which seeks to protect the special interest and character of all Dublin's Conservation Areas, the granular detail of which is considered further below.

Applicant's Justification

- 8.2.6. In terms of site selection, the applicant submitted extracts from ComReg's interactive mapping system as justification for the proposal. Whilst it indicates that 4G and 5G coverage in the area is 'good' for the subject service provider (Vodafone), it is submitted that this is in fact weak compared to 'very good' coverage in the wider area.
- 8.2.7. In this regard, the applicant states that the proposal is required to significantly improve services in the Mountjoy target catchment area, and refers to the application cover letter (Charterhouse, Feb. 2025), which suggests that indoor signal will be improved.

Conclusion on Land Use and Development Principle

- 8.2.8. On balance, the proposed antennae and associated equipment is acceptable in land use and development principle terms within the Z5 zoning, and broadly supported by the relevant policies and objectives of the Plan. This is, however, subject to further assessment of the visual impact on the civic design character and amenity of the area.

8.3. Visual Amenity and Character

- 8.3.1. The core ground raised by the appellant relates to the impact of the proposal on the visual amenity of the area, having regard to the adjoining Conservation Area running from Mountjoy Square to the Custom House, including the cumulative impacts thereon. In this regard, they submit that there is a lack of a coherent telecoms strategy.
- 8.3.2. The applicant, on the other hand, states that the overall cumulative impact is low and states that the proposal does not have a negative effect on the vista of the Georgian streetscape or on the character of the area. Moreover, they suggest that the key vista is in a southerly direction towards Custom House, contrary to the appellant's position.

Siting, Layout and Design

- 8.3.3. As noted, the proposed antennae would be sited at roof level to the northeast, southwest and northwest corners of the building, referred to as Sectors 1, 2 and 3.
- 8.3.4. In Sector 1, the proposed antenna would be located c. 18m southeast of the existing antennae permitted under PA ref. 3639/22 and near the western façade. The bottom and top of the antenna would be +20.10mAGL and +22.30mAGL respectively. The associated outdoor cabinet has a footprint of 0.88m by 0.78m and height of 2.05m. It would be sited amongst the existing roof plant including HVAC ducts and lift overrun. The proposed antenna and cabinet are evident in the photomontages submitted under FI, "Viewpoint 3", and would be most visually apparent on the Summerhill approach.
- 8.3.5. In Sector 2, the proposed antenna would be located c. 7m east of the existing antennae permitted under PA ref. 3639/22 and on an elevated platform above the roof terrace. The bottom and top of the antenna would be +23.294mAGL and +25.500mAGL respectively. It would be sited amongst the existing roof plant. In this regard, I note that the lift overrun provides the base for the existing antennae support structures. The proposed antenna is evident in the photomontages submitted under FI, "Viewpoint 5", and would be most visually apparent on approach from the south.
- 8.3.6. Sector 3, the proposed antenna would be located c. 8m south, southeast of the existing antennae permitted under PA ref. 3639/22 and on an elevated platform albeit behind a notable parapet. The bottom and top of the antenna would be +23.294mAGL and +25.500mAGL respectively. It too would be sited amongst the existing roof plant and as with Sector 2, the lift overrun provides the base for the existing antennae support

structures. The proposed antenna is evident in the photomontages submitted under FI, "Viewpoint 2", and would be most visually apparent on approach from the north, although there are views on all approaches given its prominent location on a junction.

- 8.3.7. Each of the 3 no. telecoms antennae would be installed on ballast mounted support frames and include 6 no. radio remote units (RRU's), with 2 no. RRU's per sector.
- 8.3.8. In terms of layout and design, the applicant submits that the rooftop of the appeal site offers the height necessary to secure both the "line of sight into the network" and the required coverage over the target area. I note that the 'line of sight' requires obstacle clearance over the surrounding built environment, which is characterised by four, five- and six-storey buildings and on a gently sloping topography towards the River Liffey.

Preliminary Issues

- 8.3.9. Whilst policy SI45 provides support in principle for the proposal, it also refers to Section 15.18.5 of the City Development Plan for further guidance. This section is also highlighted by the appellant, who submits that neither it nor Section 15.5.3 were considered by the City Council, suggesting that they therefore erred in their decision.
- 8.3.10. Section 15.5.3 notes that alterations should be integrated with the surrounding area, ensuring that the quality of the townscape character of buildings and areas is retained and enhanced. It also notes that roof level alterations are to respect the architectural form of the building and states that telecoms equipment shall be concealed within the building envelope where feasible or designed and sited to minimise their visual impact.
- 8.3.11. Section 15.18.5 of the Plan provides specific guidance in relation to telecoms equipment. In assessing such proposals, it states that factors such as the object in the wider townscape and the position of the object with respect to the skyline will be closely examined and indeed "carefully considered" in a designated conservation area. Moreover, it further states that the location of antennae or support structures within such areas "should be avoided". Where existing structures are not unduly obtrusive, I note that the Council will encourage co-location or sharing of digital connectivity infrastructure such as antennae on existing support structures and tall buildings etc.

Visual Impact Generally

- 8.3.12. Having regard to the above, it is obvious to me that the proposed development does not fully comply with the guidance outlined in Sections 15.5.3 and 15.18.5 of the City

Development Plan. In general terms, it does not integrate with the surrounding area or preserve the quality of the townscape character of buildings and area, irrespective of the fact that two of proposed antennae lie within a Conservation Area. It is clear that no attempt has been made to conceal the structures or site them in such a manner as to minimise their visual impact. The applicant is relying on what could be considered a shifting baseline through the existing telecoms structures on the appeal site, but to quote the oft used proverb, two wrongs don't make a right. In my view, the existing telecoms structures are unduly obtrusive and detract from the aesthetic of the building on all approaches, albeit to varying degrees, and they evidently impact on the Georgian rooftop skyline on approach from the south along Gardiner Street Lower.

8.3.13. In this regard, I agree with the appellant and indeed share their concerns that a newly constructed building on a landmark corner site in the City Centre, with positive aspects, including that with the open space to the south, is defaced in this manner. To permit the proposal, would, in my opinion, exacerbate this wholly objectionable situation.

8.3.14. Whilst the Commission could condition the concealment or screening of the proposed telecoms equipment, as noted by the parties, I do not recommend such a course of action as it would only serve to highlight, and contrast with, the existing roof structures. The solution, is, in my opinion, contingent on a coherent approach amongst providers.

Conservation Area

8.3.15. Regarding impacts on the Conservation Area, the appellant claims that the proposal would have a significant negative effect on the Georgian streetscape of Lower Gardiner Street and surrounding architectural character when viewed from this vista.

8.3.16. Whilst I note that the applicant suggests that the key vista is in the opposite direction, south towards the Custom House, their appeal submission includes additional photomontages in a northerly direction in any event, i.e., Viewpoint 6 and Viewpoint 7. In this regard, they submit that the proposed development does not have a negative effect on the vista of the Georgian streetscape or on the character of the area overall.

8.3.17. I reviewed these viewpoints during my site inspection, in addition to the viewpoints submitted under FI, and indeed walked the entire length of Gardiner Street Lower from the railway overpass to Mountjoy Square West. Whilst I accept that such telecoms structures are a feature of any modern 21st century city, including those with well-preserved Georgian cores like Dublin, the City Development Plan provides a strong

basis for rejecting them in areas of special interest and character. In this regard, policy BHA9 is explicitly clear; development within or affecting a conservation area must contribute positively to its character and distinctiveness. It is not a case that the proposal must do no harm or have a neutral impact; the impact must be positive. In this regard, I am also unpersuaded that the proposal does not have a negative effect.

8.3.18. Notwithstanding the presence of the existing telecoms equipment on the appeal site, and irrespective of whether this now represents an altered baseline from a visual amenity perspective, the proposed development is, in my view, contrary to policy BHA9. It does not have a positive impact on the designated Conservation Area and I do not consider the marginal improvement in coverage outweighs this level of harm.

Co-location -v- Cumulative Impact

8.3.19. Finally, in terms of co-location, I note that alternative sites were examined and discounted due to being either unsuitable or already utilised by the subject provider.

8.3.20. Moreover, the applicant contends that co-location with another provider is proposed given the existing equipment on the appeal site. Whilst this approach is supported by the telecommunications guidelines, which states that the use of the same building by competing operators in urban areas will almost always improve the situation, in addition to policy SI48 of the Plan, which seeks to support co-location generally, and such an approach is commendable under normal circumstances, it is not in this case.

8.3.21. In my opinion, the proposal would result in the proliferation of rooftop structures in an incongruous way and result in a negative impact on visual amenity generally and the Conservation Area specifically, and the wider area in terms of civic design character.

Conclusion on Visual Amenity and Character

8.3.22. On balance, I consider that the proposed development alone and in conjunction with the existing rooftop installations on the appeal site, would result in a negative visual impact which would be detrimental to the visual amenities and character of the area.

8.3.23. Such a discordant, piecemeal approach to the siting of telecoms equipment in the city, and particularly within a Conservation Area is contrary to the proper planning and sustainable development of the area. Whilst I accept that there is a marginal deficit in the applicant's service, I am not convinced that the benefits of the proposal outweigh the harm, which is not localised nor can be absorbed within the receiving environment.

8.3.24. On this basis, I recommend the Commission uphold the appeal and refuse permission.

8.4. Procedural Matters

8.4.1. Finally, whilst I note that the appellant has raised more general concerns regarding the planning authority's consideration of the application, suggesting that initial concerns "evaporated" at FI stage, and to a large extent I agree, the Commission do not have an ombudsman role in such matters and this may fall within the OPR's remit. Moreover, this has not prejudiced the appellants participation in the planning process.

8.4.2. This concludes my *de novo* consideration of all issues material to the proposed works.

9.0 AA Screening

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered case ABP-322780-25 in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended.

The proposed development is located within a mixed-use commercial area in Dublin City Centre, and comprises the installation of telecoms equipment on the rooftop of an existing student accommodation building. The closest European Site, part of the Natura 2000 Network, is the South Dublin Bay and River Tolka Estuary SPA, located c. 1.9km east, northeast of the proposed development.

Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site.

The reason for this conclusion is as follows:

- Small scale nature of the development and the absence of any significant external works i.e., limited to rooftop alterations; and
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

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.

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

10.0 Recommendation

I recommend that permission be **refused** for the reasons and considerations below.

11.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028, as varied, and the location of the proposed development on zoned Z5 lands, where the land use zoning objective seeks 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity', and along Gardiner Street Lower, which contributes positively to the setting and special interest of the surrounding Conservation Area, the Commission considered that, given the lack of a coherent approach, the proposed development alone and in conjunction with other existing telecommunication infrastructure on the same site, would result in a proliferation of rooftop structures in an incongruous way and result in a negative impact on visual amenity generally and the Conservation Area specifically. The proposed development would therefore be contrary to policy BHA9 which requires all development within or affecting a Conservation Area to contribute positively to its character and distinctiveness. The proposed development would, therefore, be contrary to 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.

Philip Maguire

Inspectorate

25th September 2025

Appendix 1 (EIA Screening)

Form 1 – EIA Pre-Screening

Case Reference	ABP-322780-25
Proposed Development Summary	Telecoms infrastructure – 3 no. antennas etc.
Development Address	Kavanagh Court, 1 Gardiner Street Lower, 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.	
<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	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Appendix 2 (WFD Screening)

Template 1: Screening the need for Water Framework Directive Assessment Determination

The appeal site is located in a mixed-use commercial area in Dublin City Centre, some 0.7km from the nearest watercourses, the River Liffey to the south and the Royal Canal to the northeast. The proposed development comprises the installation of telecoms equipment on the rooftop of an existing student accommodation building. No water deterioration concerns were raised in the planning appeal submissions.

I have assessed the proposal and considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and 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.

The reason for this conclusion is as follows:

- Small scale nature of the development and the absence of any significant external works i.e., limited to rooftop alterations; and
- The location-distance from nearest water bodies and/or lack of hydrological connections.

Conclusion

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.