

An  
Bord  
Pleanála

**Board Direction**  
**BD-008220-21**  
**ABP-308260-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/05/21

The Board decided to allow the appeal, for the following reasons and considerations, and subject to the following conditions.

#### **Reasons and Considerations**

Having regard to the existing building being a Protected Structure and to the nature and scale of the building works and change of use proposed and to the spirit of TGD: M (2010) which notes the adoption without modification of the guidance contained in TGD:M (2010) may not, in all circumstances, be appropriate for existing buildings and historic buildings in particular, the Board considered it unnecessary and would be unduly restrictive or impracticable to require the same range of services comprising an accessible bedroom and sanitary facilities on the ground floor as is provided at the upper floor levels as an alternative to the provision of a lift access to the upper floors.

The Board further considered that the works or building to which the application relates, if constructed in accordance with the plans, calculations, specifications and particulars submitted the works proposed would achieve an adequate level of 'access and use' that would in turn demonstrate compliance with the requirements of Part M of the Second Schedule to the Building Regulations, 1997 to 2019.



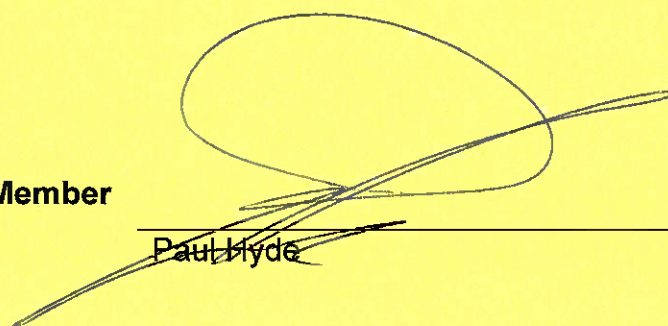
In deciding not to accept the Inspector's recommendation to refuse permission, the Board was satisfied that having regard to the spirit of the overall guidance set out in TGD: Part M (2010) outlined above, it is not necessary to provide a lift in the building or as an alternative to provide the same range of services/ facilities on the entry or accessible level to those that are available on other levels (bedroom and sanitary facilities).

### **Condition**

1 The proposed material alterations and change of use shall be carried out in accordance with the plans, specifications and other relevant information submitted with the application to the Building Control Authority and the further information received by the Building Control Authority on 16<sup>th</sup> July 2020.

**Reason:** In the interest of clarity.

**Board Member**



Paul Hyde

**Date:** 20/05/2021