



An
Coimisiún
Pleanála

Direction
CD-022403-26
ACP-324120-26

The submissions on this file and the Inspector's report were considered at a meeting held on 12/08/2026.

The Commission decided to direct the BCA to remove condition number 3, generally in accordance with the Inspector's recommendation, as indicated in the draft Order hereunder.

Planning

Commissioner:

Tom Rabbette

Date: 21/08/2026

DRAFT WORDING FOR ORDER

WHEREAS the said appeal relates to condition number 3 attached to the decision of the said Building Control Authority:

AND WHEREAS An Coimisiún Pleanála is satisfied, having regard to the nature of the said conditions, that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted:

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act, 1990, as amended by section 6 of the Building Control Act 2007, and by Article 40 (2) of the Building Control Regulations, 1997, and based on the Reasons and Considerations set out below, hereby directs the said Building Control Authority to remove the said condition number 3 and the reasons therefor.

Reasons and Considerations

Having regard to the presented design of the proposed residential development and the accompanying compliance report, to the submissions made in connection with the Revised Disability Access Certificate application and the appeal, and to the report and recommendation of the Planning Inspector, it is considered that it has been demonstrated by the appellant in the Revised Disability Access Certificate application and appeal that the provision of a 1200 millimetres by 1200 millimetres clear space in front of an apartment entrance door, is not required to be outside of the clear landing space provided to the stair at second floor level in order to meet the requirements of Part M of the Second Schedule to the Building Regulations 1997, as amended. Therefore, condition number 3, as attached by the Building Control Authority to the Revised Disability Access Certificate, is not necessary to meet the guidance set out in Technical Guidance Document (TGD) Part M 2022 or accordingly to demonstrate compliance with Part M of the Second Schedule to the Building Regulations 1997, as amended.

It is considered that the proposed works, if constructed in accordance with the design presented with the application and the appeal, would comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997, as amended.