



An
Bord
Pleanála

**Board Order
ABP-304165-19**

Building Control Acts, 1990 AND 2007

Building Control Authority: Dún Laoghaire-Rathdown County Council

Building Control Authority Register Reference Number: RELAX 001/2019

Appeal by Simon Cullen care of Pro-Fire and Design Limited of Unit W9B, Tougher Business Park, Naas, County Kildare in relation to the decision made on the 1st day of April, 2019 by Dún Laoghaire-Rathdown County Council to refuse a dispensation from the requirements of Parts M1, M2 and M3 of the Second Schedule to the Building Regulations, 1997 to 2019 under section 4 of the Building Control Acts, 1990 and 2007 in respect of a small rear extension to existing nail salon at 52 George's Street Upper, Dún Laoghaire, County Dublin in accordance with the plans and particulars lodged with the said Council:

Decision

Pursuant to the powers conferred on it by section 7(2) of the Building Control Act, 1990, An Bord Pleanála hereby allows the appeal and directs the Building Control Authority to grant a dispensation from the requirements of Parts M1, M2 and M3 of the Second Schedule to the Building Regulations, 1997 to 2019 in accordance with the said plans and particulars, based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In arriving at its decision, the Board had regard to the application for the relaxation from Part M of the Second Schedule to the Building Regulations, 1997 to 2019 including the design and details which formed part of the application and the subsequent submissions made in connection with the appeal, and the Inspector's report and recommendation.

The Board considered that, having regard to the limited size of the extension, the physical and site constraints which prevail, the proposal to include an 'ambulant disabled' sanitary facility, the guidance set out in Section 0.7 of Technical Guidance Document Part M (2010), that the relaxation from Part M of the Second Schedule attached to the Building Regulations 1997-2019 is warranted, subject to the following conditions.

Conditions

1. The relaxation from Part M of the Second Schedule to the Building Regulations 1997-2019 shall apply to the area denoted in yellow and purple on Drawing Number 17264-DR-03 Rev 2.

Reason: In the interest of clarity.

2. The design of the extension and the circulation route from the entrance door of the nail salon to the extension shall conform to guidance set out in Technical Guidance Document M for ambulant accessible access and use.

Reason: To comply with Part M of the Building Regulations, 1997 to 2019.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Building Control Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Stephen Bohan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.