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**Building Control Acts 1990 to 2014**

**Building Control Authority: Dublin City Council**

**Building Control Authority Register Reference Number: DAC/2019/0215**

**Appeal** by Brian Keogh care of Goldsmith Engineering Limited of Mount Pleasant Business Centre, Ranelagh, Dublin in relation to the decision made on the 17<sup>th</sup> day of June, 2019 by Dublin City Council to grant subject to conditions a disability access certificate under section 6 (2)(a)(ix) of the Building Control Act, 1990, as amended by section 5 of the Building Control Act 2007, in respect of expansion of café into an existing adjacent café at Lemon Jelly Café, Millenium Walkway, Dublin in accordance with plans and particulars lodged with the said Building Control Authority:

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

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

**NOW THEREFORE** An Bord 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 reason therefor.

## **Reasons and Considerations**

Having regard to the form, use and layout of the existing building, to the nature and extent of the works proposed, to the provisions of Technical Guidance Document Part M (2010), to the submissions lodged in connection with the Disability Access Certificate application and the appeal, and to the report and recommendation of the reporting Inspector, it is considered that, subject to compliance with the remaining conditions (numbers 1 and 2), the proposed works would comply with the requirements of Part M (Access for People with Disabilities) of the Second Schedule 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.

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**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**