



Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: DAC2102139DC

Appeal by Daniel McAuliffe care of Goldsmith Engineering Limited of Mount Pleasant Business Centre, Ranelagh, Dublin in relation to the decision made on the 30th day of April, 2021 by Dublin City Council to refuse 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 material alterations and a material change of use of first, second and third floor from office to residential suites and a portion of the ground floor from retail to office use, while the remaining ground floor and basement will remain in use as retail at 1 Capel Street, (Protected Structure), Dublin in accordance with the plans and particulars lodged with the said Building Control Authority:

Decision

Pursuant to 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, An Bord Pleanála hereby allows the appeal and directs the Building Control Authority to issue a disability access certificate, 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

Having regard to the provisions of the Building Regulations 1997 to 2019, Second Schedule, Part M, to the nature and layout of the proposed works, to the submissions made in connection with the Disability Access Certificate application and appeal, and to the report and recommendation of the reporting Inspector, it is considered that the works (material alterations and material change of use) to which the application relates, if constructed in accordance with the plans, calculations, specifications and particulars submitted, and subject to compliance with the conditions set out below, will comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997 to 2019.

Conditions

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, as amended by the further information received by the Building Control Authority on the 9th day of April 2021.

Reason: In the interest of clarity.

2. The door to the ambulant disabled WC in the basement shall be repositioned to provide clear access to the activity space and to avoid the wash hand basin.

Reason: To provide appropriate access for ambulant disabled persons.

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.



Paul Hyde

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 2nd day of NOVEMBER 2021.