

An
Bord
Pleanála

Board Order
ABP-311440-21

Building Control Acts 1990 to 2014

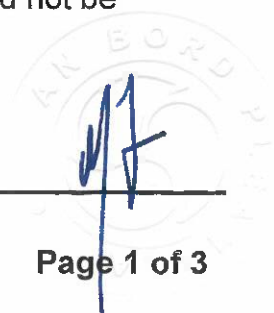
Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: DAC2104107DC

Appeal by Karen McGinley care of Goldsmith Engineering of Mount Pleasant Centre, Ranelagh, Dublin in relation to the decision made on the 26th day of August, 2021 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 material alterations and a change of use to Hilton Hotel to use as a community/hub for creatives to have a place to work and exhibit. The building will consist of a ground floor Yoga Studio, Exhibition spaces, offices and offices at first floor level at Hilton House, 3 Ardee Road, Rathmines, Dublin in accordance with plans and particulars lodged with the said Building Control Authority:

WHEREAS the said appeal relates to condition number 5 attached to the decision of the said Building Control Authority:

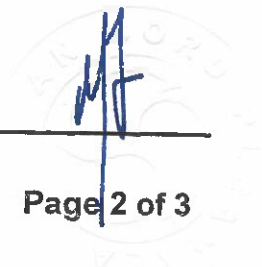
AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the said condition, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted:



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 attach the said condition number 5 and the reasons therefor:

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, the floor area and facilities available at each level, the submission made in connection with the Disability Access Certificate application, the appeal, and the report and recommendation of the reporting Inspector, it is considered that the proposed material alterations and change of use warrant the provision of a passenger lift to access the facilities proposed at the first floor level that are not available at the ground floor level. The proposed development would, subject to compliance with the conditions as set out in the Disability Access Certificate, comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997 to 2019.



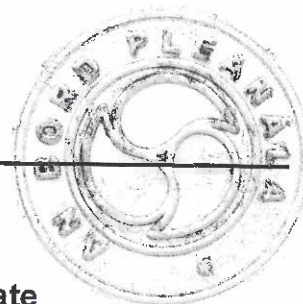
Matters Considered

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.



Michelle Fagan

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



Dated this 9th day of March 2022.