

An
Bord
Pleanála

Board Order
ABP-311535-21

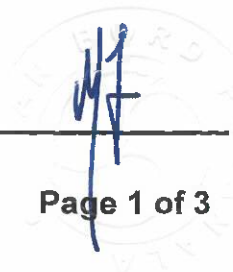
Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: DAC2104435DC

Appeal by JSMT Distribution Limited care of Rogers Brassil Associates of 72 Albert Road Lower, Sandycove, Dún Laoghaire, County Dublin in relation to the decision made on the 10th day of September, 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 (a) change of use of the first floor from retail to restaurant (595 square metres including basement and ground floor), and (b) change only of lettering on signage for existing approved “Carrolls” to proposed “Mary’s Market” at 61/62 Mary Street, 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 Building Control Authority:

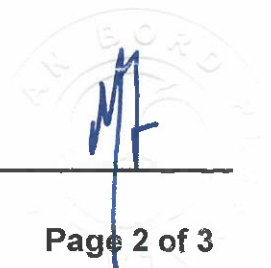


AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the condition, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted:

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 Building Control Authority to attach condition number 3 and the reasons therefor.

Reasons and Considerations

Having regard to the provisions of the Building Regulations 1997 to 2019, Second Schedule, Part M, the form and layout of the existing building and the nature of proposed works, the submissions 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 or platform 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.



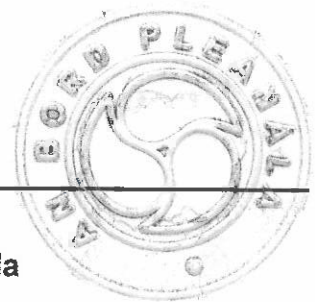
Matters Considered

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 8th day of April 2022.

