

An
Bord
Pleanála

Board Order
ABP-313751-22

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number:

Appeal by Saint Vincent's Healthcare Group Limited care of O'Connell Mahon Architects of 9 Fitzwilliam Place, Dublin in relation to the decision made on the 4th day of May, 2022 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 temporary medical records facility, ancillary to the principal hospital use, within the site of the carpark of Saint Rita's, in the form of a new two-storey structure at Saint Vincent's University Hospital, Elm Park, Dublin in accordance with plans and particulars lodged with the said Building Control Authority:

WHEREAS the appeal relates to conditions numbers 4 and 6 attached to the decision of the said Building Control Authority:

AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the conditions, 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 conditions numbers 4 and 6 and the reasons therefor.

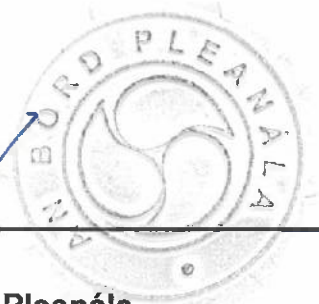
Reasons and Considerations

Having regard to the provisions of the Building Regulations 1997 to 2019, Second Schedule, Part M, to the form and layout of the proposed building, the nature of the activities to be facilitated, and 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 requirement to provide 1200 millimetre wide passageways between filing furniture would be unwarranted as the specific nature of the activity could not be reasonably undertaken by a person with limited mobility or by a wheelchair user.

Furthermore, in light of clarification regarding the intention not to provide changing facilities, it is considered that the omission of a condition to provide for the changing facilities to be accessible is reasonable.

The proposed development would otherwise, subject to compliance with the conditions 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.


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



Dated this 22nd day of December 2022.