



Building Control Acts 1990 to 2014

Building Control Authority: Wexford County Council

Building Control Authority Register Reference Number: DAC2203328WX

Appeal by Kevin and Catherine Dundon care of Elliot Designs of Sea Breeze Studio, Duncannon, County Wexford in relation to the decision made on the 18th day of October, 2022 by Wexford County 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 the construction of a single storey, split level structure to accommodate a swimming pool and gym area, including some limited modification works to the adjacent Spa and Cookery School buildings, all at Dunbrody House Hotel, Arthurstown, New Ross, County Wexford 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.

P.C.

Reasons and Considerations

Having regard to the provisions of the Building Regulations 1997, as amended, including Part M of the Second Schedule attached to the Regulations, 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 guidance set out in the Technical Guidance Document Part M - Access and Use (2010), it is considered that the works to which the application and appeal relates would, if constructed in accordance with the plans, calculations, specifications and particulars submitted, and subject to compliance with the conditions set out below, comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997, as amended. In arriving at its decision, the Board also took into account the guidance set out in Sections 0.7 (Determination of Practicability) and 0.8 (Existing Buildings) of the Technical Guidance Document Part M - Access and Use (2010) in respect of material alterations of an existing building as relevant considerations including the physical and site constraints that apply and that the site is within the curtilage of a Protected Structure.

Conditions

1. The proposed works and material alterations shall be carried out in accordance with the plans, specifications and details submitted with the application to the Building Control Authority, as amended by the further information received by the Building Control Authority on the 8th day of October, 2022, as further amended by the information received by An Bord Pleanála on the 16th day of November, 2022, and as amended by the conditions set out below.

Reason: In the interest of clarity.

2. A platform lift in accordance with BS 6400: 1999 in conjunction with EN 81-40, and in accordance with the details received by An Bord Pleanála on the 16th day of November, 2022, shall be provided.

Reason: To provide adequate vertical circulation and means of access to the full range of services and facilities to all users and to comply with Section 2.3 of the Technical Guidance Document Part M (2010).

3. One approach route to the accessible entrance shall be in accordance with the guidance set out in Sections 1.1.2 and 1.1.3 of the Technical Guidance Document Part M (2010).

Reason: To provide and independently accessible means of approach to the accessible entrance.

4. The stepped access routes north of the gym to the outdoor space shall comply with Section 1.1.3.5 of the Technical Guidance Document Part M (2010).

Reason: To provide suitable access for ambulant disabled users to access the outdoor sunken lawn area.

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5. Accessible shower/changing facilities shall be in accordance with the details submitted with the application.

Reason: To comply with the requirements, as set out in Section 1.4.3.5 (a) of the Technical Guidance Document Part M (2010) with respect to provisions for changing and/or showering facilities.




Patricia Calleary

Member of An Bord Pleanála

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

Dated this 12 day of March 2024.