



Building Control Acts 1990 to 2014

Building Control Authority: Kerry County Council

Building Control Authority Register Reference Number: DAC2301097KY

Appeal by Liam Lyons care of Michael Slattery Associates of 19 Windsor Place, Lower Pembroke Street, Dublin in relation to the decision made on the 2nd day of March, 2023 by Kerry County 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 demolition of existing toilet blocks and stores; retention, as per grant of planning, by judiciously reducing/refurbishing/modifying/altering/upgrading the final position of the elements being reconstructed depending on the results of the geotechnical investigation in association with the ongoing archaeological monitoring findings and reconstructing those elements of both out-buildings, rear entrance and side stone walls at the southern end and western side of the site which cannot be retained for structural reasons and to dovetail into the new single and part two storey, (traditional masonry/timber/modern proprietary products and structural steel), rear extension of the ground floor public bar with ancillary toilets, kitchen, keg store, electrical switch room and external designated covered smoking and non-smoking seated areas on the ground floor with plant/storage room over on the first floor, and access stairways and walkway at first floor level, to serve both the new open roof terrace access route to the existing vacant upper floors over the existing bar and to provide emergency escape from the public areas at 21 Bridge Street, Tralee, County Kerry in accordance with plans and particulars lodged with the said Building Control Authority:

WHEREAS the said appeal relates to conditions numbers 1 and 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 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 refuse the appeal to remove the said conditions numbers 1 and 5 and the reasons therefor.

Reasons and Considerations

Having regard to the provisions of the Building Regulations 1997 to 2022, Second Schedule, Part M, to the form and layout of the existing building and the nature of the proposed works to the areas over the bars on the first and second floors which would constitute a flat and to the proposed entrance to the bar and to the submissions made in connection with the Disability Access Certificate application and appeal, it is considered that the works and building to which the application relates, if constructed in accordance with the plans, calculations, specifications and particulars submitted, and subject to compliance with the other conditions attached to the Disability Access Certificate, will comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997 to 2023.



Mick Long

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

Dated this 27th day of June, 2024.