



An  
Bord  
Pleanála

**Board Order**  
**ABP-318646-23**

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**Building Control Acts 1990 to 2014**

**Building Control Authority: Dublin City Council.**

**Building Control Authority Register Reference Number: DRV2305948DC.**

**Appeal** by Clapton (Ireland) Limited care of David Moran Architects of 28-32 Pembroke Street Upper, Dublin in relation to the decision made on the 14<sup>th</sup> day of November, 2023 by Dublin City Council to refuse a revised 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 modifications to development previously permitted under planning register reference number 2158/17 on site (circa 0.493 hectares) of the former numbers 8, 9, 10, 11, 12, 13 and 14 Old Naas Road Cottages, Old Naas Road, Bluebell, Dublin. The works will comprise the addition of two number floors of residential development to Block A and Block B to provide an additional 16 units in Block A (12 number two bed units and four number one bed units) and an additional 10 units in Block B (four number three bed units, four number two bed units, two number one bed units) resulting in an overall scheme extending to eight storeys over permitted basement level and comprising 103 residential units, each with associated balcony/terraced areas. Modification at basement level include a reduction in car parking spaces from 90 to 83 and an increase in cycle parking spaces from 85 to 90 at Bluebell Mills, Old Naas Road, Dublin. All other aspects of development remain as permitted under planning register reference number 2158/17

P.C.

## **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 refuses the appeal based on the Reasons and Considerations set out below.**

## **Reasons and Considerations**

The Board is not satisfied that adequate information has been submitted on the drawings and as part of the technical report and further submissions received such as is required to adequately demonstrate that the works or building to which the application relates, if constructed in accordance with the plans, calculations, specifications and particulars submitted, would comply with the requirements of Part M (Access and Use) of the Second Schedule to the Building Regulations 1997, as amended.

Notwithstanding the above reasons for not allowing the appeal, the Board shared the view of the inspector that, taking account of the technical guidance set out in Technical Guidance Document: Part M 2010, being the applicable Technical Guidance Document for the assessment of the application and appeal before the Board, level access to the balcony areas within the private apartments, while desirable, are not a requirement under Part M of the current applicable building regulations. Accordingly, the Board shared the view of the inspector that Reason numbers 1 and 2 as attached by the Building Control Authority in its refusal reasons should not form part of the Board's reason for refusal and accordingly the Board did not attach these reasons to its decision.

*Patricia Calleary*

**Patricia Calleary**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *7* day of *August* 2024.