



Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: DAC240261DC

Appeal by Maan Alyan care of Ryan and Associates of 31/32 Fitzwilliam Square, Dublin in relation to the decision made on the 20th day of May, 2024 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 proposed four storey apartment block consisting of nine number apartment units together with shared amenity space, bin storage, 18 number bicycle spaces at ground floor level to the rear and all ancillary works necessary to complete the development at 61 Royal Canal Bank, Phibsborough, Dublin in accordance with plans and particulars lodged with the said Building Control Authority:

WHEREAS the said appeal relates to condition number 9 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 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 said Building Control Authority to remove the said condition number 9 and the reason therefor.

Reasons and Considerations

Having regard to the presented design of the proposed residential development and the accompanying compliance report, to the submissions made in connection with the Disability Access Certificate application and the appeal, and to the report and recommendation of the reporting Inspector, it is considered that it has been demonstrated by the appellant that the provision of level access to the external balconies of individual apartments is not required in order to meet the requirements of Part M of the Second Schedule to the Building Regulations (as amended). It is considered that the proposed works if constructed in accordance with the design presented with the application and the appeal, would comply with the requirements of Part M of the second schedule to the Building Regulations (as amended). Therefore, condition number 9 as originally attached by the Building Control Authority to the Disability Access Certificate is not necessary to meet the guidance set out in TGD Part M 2022 or accordingly to demonstrate compliance with Part M of the Second Schedule to the Building Regulations (as amended).


Mick Long

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

Dated this 19th day of November 2024.