

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: DAC2405698DC

Appeal by Roger Browne care of Maurice Johnson and Partners of The Anchorage, Charlotte Quay, Dublin in relation to the decision made on the 8th day of October, 2024 by Dublin City Council to grant subject to conditions a fire safety certificate under section 6 (2)(a)(ii) of the Building Control Act, 1990, as amended by section 5(a) of the Building Control Act 2007 in respect of proposed construction of a three storey residential block (to be known as Block Type BZ09) at Oscar Traynor Road Residential Development, Oscar Traynor Road, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to condition number 4 attached to the decision of the Building Control Authority:

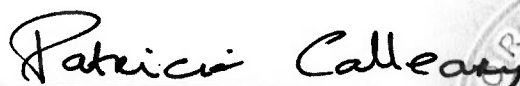
AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the said conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act 1990 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 authority to remove the said condition number 4 and the reasons therefor:

P.C.

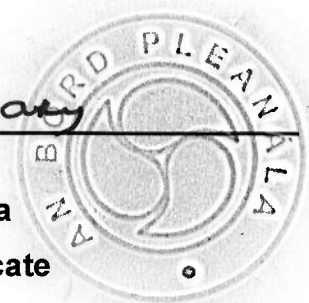
Reasons and Considerations

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 in the Disability Access Certificate application and appeal that the provision of a 1200 millimetres by 1200 millimetres clear level area in front of each dwelling entrance door, is not required to be outside of the clear level landing area provided to the stairs at second floor level in order to meet the requirements of Part M of the Second Schedule to the Building Regulations 1997, as amended. Therefore, condition number 4 as originally attached by the Building Control Authority to the Disability Access Certificate is not necessary to meet the guidance set out in Technical Guidance Document Part M 2010 or accordingly to demonstrate compliance with Part M of the Second Schedule to the 1997 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 and subject to the remaining conditions attached to the Disability Access Certificate, would comply with the requirements of Part M of the Second Schedule to the 1997 Building Regulations, as amended.



Patricia Calleary

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



Dated this 28 day of February 2025.