

Building Control Acts 1990 to 2014

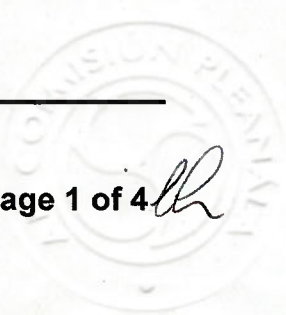
Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: DAC2512277DC

Appeal by Luke Brady HSE Estates care of Kevin Jackson Architects of 45 O'Connell Street, Limerick, Ireland in relation to the decision made on the 15th day of May 2025 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 a fire safety certificate for a development at Convent of Mercy, Beaumont Woods, Dublin in accordance with plans and particulars lodged with the said Council.

WHEREAS the said appeal relates only to condition numbers 2, 6 and 7 attached to the decision of the Building Control Authority,

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



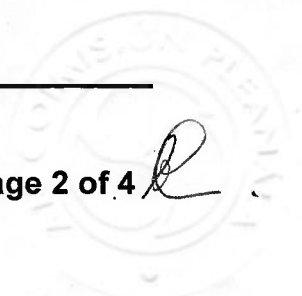
NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act 1990 and by Article 40 (2) of the Building Control Regulations, 1997, and based on the reasons and considerations set out below, hereby directs the said authority to delete the said conditions numbers 2, 6 and 7 and the reasons therefor.

Reasons and Considerations

Condition 2 – External handrail

The Disability Access Certificate (DAC) included a condition for a handrail on both sides to the external entrance steps. It is acknowledged that handrails on both sides are important as people might be weaker on one side and, therefore, a handrail on each side of the flight is beneficial for a person's handing.

However, Technical Guidance Document (TGD) M Section 2.0, Access and Use of existing buildings other than dwellings, states that "For further guidance on access to historic buildings refer to 'Advice Series: Access – improving the accessibility of historic buildings and places' by the Department of the Environment, Heritage and Local Government." This guidance document references an example of entrance steps to a historic building which has entry steps both left and right on approach with a single handrail provided. This document states that "The entrance to this symmetrical building has a flight of steps on both sides, each with an existing single handrail. Hence there is no need to provide a rail on the outer side as the choice is available to the user which side to use" The same situation applies to this building whereby a user can enter the building from either left or right of the porch and therefore avail of a handrail depending on the user's preference of handing.



Condition 6 – Internal handrail

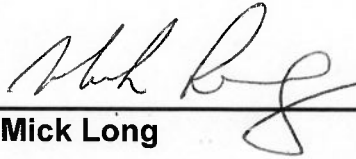
The DAC included a condition for a handrail on both sides to the internal steps. TGD M 2010 – Section 2.3.4.3 states; “Where a lifting device is provided in accordance with Section 1.3.4, and where necessary Section 2.3.4, of the same document, to all floors in an existing building, an internal stair suitable for ambulant disabled people is not necessary.” A passenger lift and two number separate lifting platforms are provided which give independent access to all floors within the building.

Condition 7

The DAC included a condition that the rise and going of new internal steps shall meet or exceed TGD M 2010, Section 1.3.4.3, and that nosings incorporate a continuous contrasting strip for visibility. Similar to Condition 6 whereby TGD M 2010 – Section 2.3.4.3 states; “Where a lifting device is provided in accordance with Section 1.3.4 and where necessary Section 2.3.4 to all floors in an existing building, an internal stair suitable for ambulant disabled people is not necessary.”

The inclusion of contrasting nosings to the stairs would introduce visual detailing inconsistent with the character and materials of the protected structure. BS 8300-2:2018 Clause 13.10 Historic Building states that “Historic Buildings should be made accessible to disabled people, wherever possible, without compromising conservation and heritage issues”.

Having regard to the provisions of Part M of the Second Schedule to the Building Regulations 1997, as amended, to the nature and layout of the proposed works and to the submission made in connection with the application and appeal, it is considered that the works or building to which the application relates, if constructed in accordance with the plans, calculations, specifications and particulars submitted, and subject to the removal of conditions the subject of this appeal, complies with the requirements of Part M of the Second Schedule to the Building Regulations 1997, as amended.



Mick Long

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 3rd day of December 2025