



An
Coimisiún
Pleanála

Commission Order
ACP-324185-26

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: DAC2517745DC

Appeal by Govind Anilkumar in relation to the decision made on the 12th day of March, 2026 by Dublin City Council to refuse 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 change of use of ground floor and portion of basement from retail premises to restaurant at 71 Middle Abbey Street, Dublin.

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 Coimisiún Pleanála hereby allows the appeal and directs the Building Control Authority to issue a disability access certificate, in accordance with the said plans and particulars, based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the additional information submitted in response to the Building Control Authority's request for further information, the submissions made in connection with the Disability Access Certificate application and the appeal, the requirements of Part M of the Second Schedule to the Building Regulations 1997, as amended, the guidance contained in Technical Guidance Document (TGD) Part M 2022, it is considered that the proposal should be assessed in the context of works to an existing building and having regard to the provisions of Sections 0.7, 0.8 and Section 2 of TGD Part M 2022.

It is considered that the appellant adequately demonstrated that the application relates solely to the restaurant accommodation at ground floor and basement level and that certain inconsistencies identified within the submitted documentation, including references to earlier editions of TGD Part M, do not in themselves demonstrate non-compliance with the requirements of Part M.

While certain aspects of the submitted design, including the accessible WC layout, provision of an ambulant accessible WC cubicle, stair handrail details and specification of floor finishes require clarification or amendment to fully demonstrate compliance with TGD Part M 2022, these matters are considered to be minor and capable of resolution without substantial redesign of the proposed development.

Having regard to the nature of the proposed works as a material alteration to an existing building, and noting that the proposed works would not result in a new or greater contravention of the Building Regulations, it is considered that the proposal substantially demonstrates compliance with Requirement M1 of Part M of the Second Schedule to the Building Regulations.

It is, therefore, considered that, subject to compliance with the attached conditions addressing the remaining accessibility issues identified in this assessment, the building would comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997, as amended.

Conditions

1. The change of use shall be carried out in accordance with the plans, specifications and other relevant information submitted with the application to the Building Control Authority and further information received by the Building Control Authority on the 12th day of February, 2026, and the information received by An Coimisiún Pleanála in the ground of appeal on the 2nd day of April 2026 except as amended in order to comply with the following conditions.

Reason: In the interest of clarity.

2. A handrail shall be provided to the rear staircase in compliance with Sections 2.3.4.3 and 2.3.4.5 of TGD Part M 2022.

Reason: To facilitate safe and independent vertical circulation within the building by people with disabilities.

3. All internal floor surfaces shall be firm, level and slip resistant when wet and dry.

Reason: To ensure adequate provision shall be made for people to access and use a building, its facilities and its environs.

4. The wheelchair accessible WC at Ground floor level shall be revised to comply with Section 1.4.5 and Diagram 15(b) of TGD Part M 2022, including door arrangement and sanitary fitting layout.

Reason: To ensure the building provides adequate, appropriate and accessible sanitary facilities for all people.

5. At least one WC cubicle within the basement sanitary facilities shall be an ambulant accessible WC cubicle in accordance with Section 1.4.6.2 of TGD Part M 2022.

Reason: To ensure the building provides adequate, appropriate and accessible sanitary facilities for all people.



Tom Rabbette

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

Dated this 7th day of July 2026