



Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: DAC2618759DC

Appeal by Ian Keegan in relation to the decision made on the 23rd day of March, 2026 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 Reconfiguration of restaurant providing a lounge area and restaurant area units and associated works at 121-123 Ranelagh, Dublin in accordance with plans and particulars lodged with the said Building Control Authority:

WHEREAS the said appeal relates to conditions numbers 5, 7, 8 and 12 attached to the decision of the said Building Control Authority:

AND WHEREAS An Coimisiún Pleanála is satisfied, having regard to the nature of the said conditions, that the determination by the Commission 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, 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 amend the said condition number 12 so that it shall be as follows for the Reasons and Considerations 1 set out below and to remove the said conditions numbers 5, 7 and 8 having regard to the Reasons and Considerations 2 below:

Condition

12. Appropriate provisions for the working surface of a bar or serving counter, comprising a 1200 millimetres (minimum) long section of counter at a level not more than 850 millimetres above the floor together with a minimum clear manoeuvring space of 1800 millimetres by 1800 millimetres shall be made as per section 1.5.5 of Technical Guidance Document Part M 2022.

Reason: To ensure that all facilities are accessible and useable and that they are designed and constructed to facilitate active participation by people with a wide range of abilities.

Reasons and Considerations 1

Having regard to the presented design of the proposed 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, the Commission considered that it has not been demonstrated by the appellant in the Disability Access Certificate application and the appeal that the requirements of condition number 12 is not required in order to meet the requirements of Part M of the Second Schedule to the Building Regulations 1997, as amended. Therefore, a condition is necessary to meet the guidance set out in Technical Guidance Document Part M 2022, Section 1.5.5 (b) or accordingly to demonstrate

compliance with Part M of the Second Schedule to the Building Regulations 1997, as amended.

Reasons and Considerations 2

Having regard to the presented design of the proposed 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, the Commission considered that it has been demonstrated by the appellant in the Disability Access Certificate application and appeal that the requirements of conditions 5, 7 and 8 are not required in order to meet the requirements of Part M of the Second Schedule to the Building Regulations 1997, as amended. Therefore conditions 5, 7 and 8 as originally attached by the Building Control Authority to the Disability Access Certificate are not necessary to meet the guidance set out in TGD Part M 2022.



Mary Henchy

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

Dated this 31st day of August 2026.