



An
Bord
Pleanála

Board Order 29D.DS.0056

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: DAC/2016/0650

Appeal by Richie McDermott care of Harmon McCarthy Projects Limited of 5 Baldara Court, Ashbourne, County Meath in relation to the decision made on the 27th day of January, 2017 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 from offices to a bedroom annex for the nearby Portobello Hotel, at Grand Canal House, 1-17 Rathmines Road Lower, Rathmines, Dublin in accordance with the plans and particulars lodged with the said Building Control Authority.

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 Bord 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 condition set out below.

Reasons and Considerations

Having regard to the type, use and layout of the building, to the nature and extent of the proposed works, to the proposal to provide services/facilities in the main Hotel premises, to the guidance given in Building Regulations 2010 - Technical Guidance Document M, Access and Use, and to the submissions made in connection with the Disability Access Certificate application and appeal, it is considered that, subject to compliance with the condition set out below, compliance with the requirements of Part M of the Second Schedule to the Building Regulations 1997 to 2017 would be achieved to ensure that adequate provision would be made for people to access and use the building, its facilities and environs.

Condition

The accommodation shall only be used as hotel bedrooms as an annexe to the nearby Portobello Hotel, and shall not be used as any other form of accommodation.

Reason: In the interest of clarity.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Building Control Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

Dated this day of 2017