



An
Bord
Pleanála

Board Order 11.DS.0057

Building Control Acts 1990 to 2014

Building Control Authority: Laois County Council

Building Control Authority Register Reference Number: DAC 16/28

Appeal by Ballyfin Demesne Limited care of Kenny Lyons Associates of Block 6, Central Business Park, Clonminch, Tullamore, County Offaly in relation to the decision made on the 19th day of May, 2017 by Laois County 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 the change of use of the existing gardeners cottage to an independent hotel suite at Ballyfin Demesne, Ballyfin, County Laois 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 conditions set out below.

Reasons and Considerations

Having regard to the location and proposed use of the building, which will form just one element of the residential accommodation in the overall facility (which provides satisfactory facilities for access and use by people with disabilities), to the protected structure status of the subject building which restricts the practicability of providing for wheelchair users without an unacceptable level of intervention into the structure, to the guidance given in Technical Guidance Document M: 2010 (Access and Use), and to the submissions made in connection with the disability access certificate application and appeal, it is considered that, subject to adherence with the conditions set out below, compliance with the requirements of Part M of the Second Schedule to the Building Regulations 1997-2017 would be achieved to ensure that adequate provision would be made for people to access and use the building, its facilities and environs.

Conditions

1. The accommodation shall only be used as a hotel bedroom suite as an annexe to the adjacent Ballyfinn Demesne Hotel, and shall not be used as any other form of accommodation.

Reason: To ensure that fully accessible accommodation and facilities are provided elsewhere on the premises for guests of the hotel.

2. Pedestrian access to the Gardener's Cottage Suite from the main Ballyfinn Demesne Hotel shall be suitable for ambulant disabled use and shall present no hazards to ambulant disabled persons or those with sight impairment.

Reason: To ensure that the approach to the building shall be suitable for ambulant disabled people.

3. The facilities within the Gardener's Cottage Suite shall be suitable for ambulant disabled use.

Reason: To ensure that access into and use of the facilities in the Gardener's Cottage Suite shall be suitable for ambulant disabled people.

4. The new stairs in the Gardener's Cottage Suite shall be in accordance with TGD M 2010, 2.3.4.3 for ambulant disabled use, and shall be provided with handrails in accordance with TGD M 2010 1.3.4.5.

Reason: To ensure that the upper floor of the Gardener's Cottage Suite shall be accessible to ambulant disabled people.

5. The Ground Floor WC in the Gardener's Cottage Suite shall comply with the guidance on ambulant disabled use in TGD M 2010 1.4.6.2 and Diagram 19.

Reason: To ensure that ambulant disabled people may safely use the sanitary facilities in the Gardener's Cottage Suite.

6. The guidance in TGD M 2010 Section 1.6 shall be followed as regards signage, visual contrast and lighting in the Gardener's Cottage Suite.

Reason: To ensure that use of the facilities in the Gardener's Cottage Suite shall be suitable for ambulant disabled people.

