



An  
Bord  
Pleanála

**Board Order  
06S.DS.0061**

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**Building Control Acts 1990 to 2014**

**Building Control Authority: South Dublin County Council**

**Building Control Authority Register Reference Number: DAC134/17**

**Appeal** by Building and Land Limited care of Jeremy Gardner Associates of 9 Upper Baggot Street, Dublin in relation to the decision made on the 4<sup>th</sup> day of September, 2017 by South Dublin County 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 material alterations across all levels of the existing building at Victory Centre, Firhouse Road, Tallaght, Dublin in accordance with plans and particulars lodged with the said Building Control Authority:

**WHEREAS** the said appeal relates to conditions numbers 3, 4 and 7 attached to the decision of the said Building Control Authority:

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

**NOW THEREFORE** An Bord 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 conditions numbers 3, 4 and 7 so that they shall be as follows for the reasons set out:

3. Doors shall not open outwards towards a corridor in a major access route or escape route. Acceptable alternatives would be: (a) install recessed doors so that when fully open, they do not project into the corridor space as per the guidance in Section 2.3.3.3 of Technical Guidance Document M (Access and Use) 2010; (b) install inward opening doors using pivot hinges, in conjunction with an emergency release door stop and bathroom lock openable from the outside. Any door to sanitary accommodation shall be capable of being opened in an emergency if a person inside has fallen against it and is unable to move, or (c) install sliding doors. No matter what solution is selected, the floor areas of the accessible unisex WC/changing/showering facilities shall not be less than those recommended in Technical Guidance Document M 2010.

**Reason:** To facilitate safe and independent use of the building.

4. The proposed wheelchair accessible unisex WCs shall have a minimum turning space of 1,800 millimetres by 1,800 millimetres as per the guidance in Section 1.4.3.1 and Diagram 15a of Technical Guidance Document M 2010.

If inward opening doors are to be used with pivot hinges, in conjunction with an emergency release door stop and bathroom lock openable from the outside, then the floor area inside the accessible unisex WCs shall be increased to ensure that 1,800 millimetres by 1,800 millimetres turning spaces will be provided, clear of the door swing.

**Reason:** To facilitate safe and independent use of the building.

7. Accessible toilet, changing and showering facilities, in accordance with the guidance in Sections 2.0 and 2.4 of Technical Guidance Document M 2010, shall be provided in the proposed gym area on Level 1 on the same basis as such facilities provided for use by able bodied people. Changing/showering/WC facilities shall be available for persons with disabilities without the need to leave the gym area to use these facilities. If impracticable to include them in both the male and female changing areas, an individual accessible changing/showering/WC facility shall be provided within the gym area.

**Reason:** To facilitate safe and independent use of the building.

## **Reasons and Considerations**

Having regard to the provisions of the Building Regulations 1997 to 2017, Second Schedule, Part M, to the form, size and layout of the existing building, the scope and nature of the proposed works, and to the submissions made in connection with the Disability Access Certificate application and the 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 compliance with the amended conditions as set out above, would comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997 to 2017.

## **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.

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

Dated this      day of      2018