



An  
Bord  
Pleanála

## Board Order 29D.DS.0062

---

### Building Control Acts 1990 to 2014

**Building Control Authority: Dublin City Council**

**Building Control Authority Register Reference Number: DAC/2017/0430.**

**Appeal** by Joe Cully care of Architectural Construction Technology of An Tigh, Ballyogan Avenue, Carrickmines, Dublin in relation to the decision made on the 5<sup>th</sup> day of September, 2017 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 a material alterations, material change of use and extension of dwelling at 64a St. Agnes Road, Crumlin, Dublin to include alterations to the approved permission (planning register reference number 2882/16) to demolish the existing toilet block and single storey rear extension and to extend to the rear on the ground floor the existing retail unit; provision of a new shop front and entrance with a disabled access ramp front and rear and sub-division of the existing unit into two linked retail units with a shared kitchen and toilet/changing facilities, change of use at first floor from office to residential, provision of first floor flat roofed kitchen extension above the extended ground floor and reconfiguration of the first floor to provide a three bedroom apartment, provision of open space at first floor level above the extended ground floor with screen walls to provide privacy and edge protection, the existing artist studio and parking to remain as approved and ancillary site works, 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 provisions of Part M of the Second Schedule to the Building Regulations 1997 to 2017, to the form, size and layout of the existing building, to the scope and nature of the proposed works, and to the submissions made in connection with the application for a disability access certificate 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 conditions set out below, would comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997 to 2017.

## Conditions

1. The clear unobstructed width of the two front and one rear entrance doors to the ground floor retail units shall be 1000 millimetres or greater.

**Reason:** To facilitate universal access to the two retail units in compliance with M1 of Part M of the Second Schedule to the Building Regulations 1997 to 2017.

2. The entrance door to the rear of the units shall be of accessible power-operated type in accordance with the guidance set out in section 1.2.4.3 of the 2010 edition of the Technical Guidance Document to Part M of the Building Regulations. A 1500 millimetre by 1500 millimetres clear level landing shall be provided at the top of the approach ramp clear of any door swing.

**Reason:** To facilitate universal access to the rear entrance of the retail units in compliance with M1 of Part M of the Second Schedule to the Building Regulations 1997 to 2017.

3. The layout of the bathroom in the first floor apartment shall be modified to provide an accessible WC in accordance with the guidance set out in section 3.4.2 of the 2010 edition of the Technical Guidance Document to Part M of the Building Regulations.

**Reason:** To facilitate universal use of the building in compliance with M1 of Part M of the Second Schedule to the Building Regulations 1997 to 2017.

4. The switches and sockets in the first floor apartment shall be installed in accordance with the guidance set out in section 3.5.2 of the 2010 edition of the Technical Guidance Document to Part M of the Building Regulations.

**Reason:** To facilitate universal use of the building in compliance with M1 of Part M of the Second Schedule to the Building Regulations 1997 to 2017.

