



An
Bord
Pleanála

Board Order 29D.DS.0063

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: DAC/2017/0431.

Appeal by Joe Cully care of Architectural Construction Technology of An Tigh, Ballyogan Avenue, Carrickmines, Dublin in relation to the decision made on the 5th 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 the material change of use of an existing artist studio to a pilates/yoga studio at rear of 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 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 as set out below, would comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997 to 2017.

Conditions

1. A level landing at least 1500 millimetres by 1500 millimetres clear of any door or gate swing shall be provided immediately in front of the main entrance door. The threshold to this door to have a maximum height of 15 millimetres with exposed edges chamfered or pencil rounded.

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

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2. The main entrance door shall have a minimum effective clear width of 900 millimetres.

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

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3. The layout shall be modified so that the WC can be accessed without the need to go through the Tea area.

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

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4. The layout of the WC shall be modified to provide a wheelchair accessible unisex WC with a minimum turning space of 1500 millimetres by 1500 millimetres (refer to TGD-M Diagram 15b).

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

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5. The layout of the tea station shall be modified per TGD-M Diagram 28 to provide a minimum turning space of 1500 millimetres by 1500 millimetres in front of the counter outside of any circulation route.

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

