

**APPEAL UNDER S. 7 OF THE BUILDING CONTROL ACTS 1990 (AS AMENDED)**

**REPORT**

**5 DECEMBER 2018**

Board DAC appeal ref no.:-	302618-18
Building Control Authority (“BCA”):-	Dublin City Council
BCA reference:-	Disability Access Certificate application DAC/2018/0363
Appellant:-	St. Michael’s College
Agent:-	Goldsmith Engineering
Proposed works:-	Material alterations / refurbishment works in a number of rooms within the building. These works will include the conversion of the “common room” into two general purpose rooms, a revised layout of the assembly / study area, upgrades to the stage area in the assembly hall and other minor alterations to the existing store rooms on both the ground and second floor.
Location:-	St. Michael’s College, Ailesbury Road, Dublin 4
Appeal against:-	Conditions 3 and 4 on the Disability Access Certificate granted by the BCA

Report prepared by:- Board Consultant:- E. O Cofaigh Arkitekt MSA HFAIA

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## **1 INTRODUCTION, AND INFORMATION CONSIDERED IN THIS REPORT**

This is an appeal against two of the conditions imposed by the Building Control Authority (BCA) on a Disability Access Certificate (DAC) issued with four conditions. The premises involved is an existing second-level school. The proposal which is the subject of the appeal is set out in the form which accompanied the original application to the BCA:-

*The proposed works covered in this Disability Access Certificate Application are for material alterations / refurbishment works in a number of rooms within the building. These works will include the conversion of the “common room” into two general purpose rooms, a revised layout of the assembly / study area, upgrades to the stage area in the assembly hall and other minor alterations to the existing store rooms on both the ground and second floor.*

In considering this appeal I have reviewed the documentation on file, in particular:-

- (a) Appeal received by An Bórd on 19 September 2018 and enclosures thereto;**
- (b) Documentation received by An Bórd from the BCA on 1 October 2018 and further documentation from the appellant on 12 November 2018;**
- (c) Supplementary material from the BCA dated 18 October 2018.**

## **2 THE PROPOSALS THE SUBJECT OF THE DAC APPLICATION**

### **2.1 The application form**

The proposals are described as a material alteration to an existing building. The floor area of the material alteration is given as 459.29 square metres.

### **2.2 The drawings**

3.2.1 Six drawings accompany the application. Each number has the suffix DAC-17D644:-

- 098 Site location map
- 099 Site plan
- 100 Ground floor plan
- 101 Proposed first floor plan
- 200 Sections
- 300 Elevations

Of these, the substantive drawings are nos. 100, the ground floor plan; and 101, the proposed first floor plan. A small detail on no. 200, the sections, shows that there is a level change between the stage level and the level of the adjoining floor but is otherwise devoid of substantive content.

The plans and sections are in large measure greyed in, with the legend “*No works in these areas*”.

#### **2.2.2 Drawing 100, Ground floor plan**

No survey drawing of the existing (i.e., before any changes) layouts is provided. It is therefore not possible to determine from the drawings the exact extent of the proposed changes (for example, in the areas under consideration, which walls are new, and which existing walls are being retained).

However, on the basis that no works whatever are proposed in the greyed areas, and assuming that in consequence the works on the areas in white background are to be considered as fully compliant with the requirements of Part M:-

Reading the drawing in conjunction with the report (3.3 below) and appeal one arrives at a scope of works as follows.

- A new fixed stairs to a stage in the assembly hall where the existing stage is unchanged, and which stage is served at present by a moveable flight of steps;
- New stores and preparation areas to serve existing science laboratories;
- Partitions to create two general purpose rooms out of one larger room;
- Redecoration, new floor finishes, and the provision of artificial lighting to a number of areas.

No new fixed seating is proposed, and the drawing notes that moveable seating may be altered to “*make room for wheelchair users*”.

### **2.2.3 Drawing 101, First floor plan**

The extent of proposed works is small, consisting of one new cross-corridor double doorset, and two small stores and access lobby opening off a landing to a stairway.

### **2.2.4 Drawing 200, Sections**

The only detail of note is the dimension of the change in level between the existing Assembly hall floor and what is advised as being the existing stage:- 995 mm.

## **2.3 The report**

The original application was accompanied by a 13-page report. The applicant makes the assertion on p.2 that “*the proposed works will cause no new or greater contravention to Building Regulations in the existing areas of the building and no other parts of the building will be altered by the works.*”

Other salient points from the report follow:-

(1.2) Access routes to the building are existing and will remain unchanged.

(2.2) Entrances to the building are existing and will remain unchanged.

(3.2.1) New internal doorsets are described in detail as having a clear opening width of 800 or 825 mm depending on their location, with a 300 mm unobstructed space beside the leading edge of inward opening single leaf doors, with doors on circulation routes having appropriate vision panels, colour contrasting ironmongery, and with ironmongery and any door closers suitable for people with disabilities. *Inspector*

*comment*:- this description follows closely the guidance on new internal doorsets in TGD-M 2010.

(3.2.2) Corridors and passageways in the building are existing and will remain unchanged.

(4.2) Sanitary provisions in the building are existing and will remain unchanged.

(5.2) The proposed provision of “other facilities” is set out in detail. The text specifies the design of all ironmongery, light switches, power points and other terminals to wired services, floor surfaces and floor coverings. *Inspector comment*:- the detail description of each aspect of these facilities follows closely the guidance on “Other facilities in buildings other than dwellings” in TGD-M 2010.

(6.2) The basis of compliance is again set out in detail. The text specifies the design of light reflectance values on door opening furniture; acoustic design measures to deliver appropriate absorbency; design of surfaces to reduce glare; and design of patterns and floor surfaces and door leaf leading edges to help people with impaired vision. *Inspector comment*:- the detail description of each aspect of these facilities follows closely the guidance on “Other facilities in buildings other than dwellings” in TGD-M 2010.

(6.3, 6.4, 6.5) The basis of compliance with TGD-M guidance as regards the design of signage where provided, of visual contrast and of artificial lighting is set out. *Inspector comment*:- again, the detail description of each aspect of these facilities follows closely the guidance on “Other facilities in buildings other than dwellings” in TGD-M 2010.

**(6.6) Audible aids.** In the light of condition 4 on the Disability Access Certificate as issued, the report is significant where this subject is raised:- “*Audible aids:- All audible aids are existing and will remain unchanged. It is not proposed to install any new audible aids as part of he (sic) proposed works.*” *Inspector comment*:- this key paragraph is considered below.

### **3 BCA INTERNAL REPORT ON THE APPLICATION**

The six-page internal BCA report is undated but has the footer “DAC0363/2018”. The BCA’s description of the proposals follows the applicant’s:-

- Conversion of the (ground floor) common room into two general purpose rooms;
- Revised layout of the (ground floor) assembly / study area;
- Upgrades to the stage area in the (ground floor) assembly hall;
- New internal double doors to the corridor at first floor level;
- Minor alterations to the storeroom at first and second floor levels.

*Inspector comments*:- “*Upgrades to the stage area in the assembly hall*”:- the detail of what is actually proposed as set out in the applicants’ / appellants’ report is rather less

than this. The applicant talks about upgrading the access to the stage from the existing moveable steps to a new fixed flight of steps, with no change to the stage itself. This is significant, as the appeal is in respect of a condition requiring universal access to the stage.

The reference to “storeroom at first and second floor levels” should, no doubt, be to “ground and first floor levels”.

At s. 7 of her report, the BCA officer recommends granting a DAC with five conditions. *Inspector comment*:- In the event, the BCA issued a DAC incorporating four of those conditions. The fifth, requiring that at least one of the laboratory stores and a preparation area to a laboratory, be made accessible to wheelchair users, was deleted.

#### **4 BUILDING CONTROL AUTHORITY DECISION ON THE APPLICATION**

On 21 August 2018, the BCA granted a Disability Access Certificate for proposals, with four conditions. I would “headline” the conditions as follows.

<b>Condition</b>	<b>Headline</b>
1	Build per the plans, specifications and other relevant information submitted with the application
2	All new floor finishes shall accord with BS8300-2:2018 Annex C
3	<b>Provide a ramp or lift platform to a raised stage in the assembly hall</b>
4	<b>Make a hearing enhancement system complying with TGD-M 2010 s.1.5.4 available in the assembly hall</b>

#### **5 APPEAL RECEIVED BY AN BORD ON 19 SEPTEMBER 2018**

##### **5.1 In a three-page letter of appeal dated 19 September 2018 the appellant says**

The proposal which is the subject matter of this appeal is “*minor material alterations / refurbishment works in a number of rooms within the building. These works included the conversion of the “common room” into two general purpose rooms, a revised layout of the assembly / study area, upgrades to the stage area in the assembly hall and other minor alterations to the existing store rooms on both the ground and second floor*”.

##### **5.2 The appellant appeals Condition 3 on the following basis:-**

The works carried out to the stage area were minor upgrade works; decoration; improvement of the appearance of the stage. The works also included addressing the existing access to the stage, which was previously in the form of a removable set of steps off the adjacent corridor to the rear of the stage. They say:-

*The steps were only used during performances and had to be placed when needed ..... as part of the proposed works, new steps will be provided which are permanent but do not encroach onto the escape route... this is considered an improvement on the existing condition.*

*The condition is considered to be onerous .... a [Part M compliant] ramp would be 24 metres long, while a platform lift could cost of the order of €100,000.*

### **5.3 The appellant appeals Condition 4 on the following basis:-**

*The works within the Assembly Hall were lightweight refurbishment... and “did not include any alterations of the audio visual technology within the space. The Condition looks for the retrospective installation of an audio enhancement system in an existing building where no alteration of such facilities is taking place as part of the proposed works.”*

### **5.4 Conclusion**

*“The onus for compliance with Building Regulations when carrying out material alterations in an existing building is ... no new or greater contravention over the existing situation. This has clearly been met.... it is not a requirement of Building Regulations to upgrade an existing building to meet current guidance unless any new works create new or greater contravention to the Regulations.*

*“Notwithstanding.... reasonable efforts should always be made to improve the existing situation .... The Conditions in question go far beyond what is considered a reasonable upgrade cost for this project....*

*“.... we believe the above Conditions are inappropriate with respect to the scale and subject matter of the proposed works and should be removed from the granted Disability Access Certificate.”*

## **6 BCA COMMENT ON THE APPEAL**

In a two-page comment on the appeal dated 17 October 2018 the BCA says:-

### **6.1 As regards the disputed Condition 3**

*In the application form the works are described as including “upgrades to the stage area in the assembly hall” ... based on the information submitted, the BCA’s view was that Part M applied to the works, and “it is considered that new access should comply with Section 1.5.4 of TGD Part M 2010. Sufficient information was not provided to adequately illustrate how wheelchair users and people with limited mobility could access and use the stage independently or without being segregated from able-bodied students and staff. The availability of accessible stage and facilities is critical to students and staff with disabilities.”*

### **6.2 As regards the disputed Condition 4**

*“Based on the information submitted to us, the applicant failed to provide adequate hearing enhancement to the Assembly Hall. Part M 2010 regulations states that reasonable aids to communication should be provided for the hearing impaired people in an assembly hall where it is used for a range of functions.”*

### **6.3 In conclusion**

The BCA is of the opinion that the proposed two conditions as outlined are reasonable.

## **7 APPELLANT FURTHER COMMENT**

In a two-page comment on what the BCA said, dated 12 November 2018 and received by An Bord on the same day, the appellant reiterates points already made that (a) *“no new access was provided”* and (b) *“it was not proposed to carry out works to the existing audio visual system”*.

## **8 TREATMENT OF THIS APPEAL**

### **8.1 Appeal with conditions**

This appeal is against the imposition of two conditions (nos. 3 and 4) attaching to a Disability Access Certificate.

Article 40 (1) of the building control regulations 1997 (as amended) provides that save as provided in art. 40(2), where an appeal is brought to An Bórd it shall determine the appeal as if the application to the BCA to which the appeal relates had been made to An Bórd in the first instance; and the decision of An Bórd shall operate to annul the decision of the BCA from the date of such decision.

Article 40 (2) provides that where—

*(a) an appeal relates only to a condition or conditions attached to a decision of a building control authority, and*

*(b) the Board is satisfied, having regard to the nature of the condition or 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, the Board may, in its absolute discretion, give to the relevant building control authority such directions as it considers appropriate relating to the attachment, amendment or removal by that authority either of the condition or conditions to which the appeal relates or of other conditions.*

I have considered whether in my view, having regard to the nature of the conditions being appealed, the determination by An Bórd of the relevant application as if it had been made to it in the first instance would be warranted.

Condition 3, being appealed against, reads as follows:-

*A ramp or a lift platform shall be provided to a raised stage within the assembly hall.*

**Reason:-** *To ensure that all facilities within a building are accessible and useable and that they are designed and constructed to facilitate active participation where appropriate.*

Condition 4, being appealed against, reads as follows:-

*A hearing enhancement system within the assembly hall shall be available for students and staff with hearing impairment and it shall be in compliance with Section 1.5.4 of TGD Part M 2010. Reason:- To ensure that all facilities within a building are accessible and useable and that they are designed and constructed to facilitate active participation where appropriate.*

It seems to me that these conditions relate to features in the building which are (a) clearly identifiable, (b) clearly separate from other elements of the building; and (c) that the conditions do not go to the root of the proposals applied for. In my view, it is reasonable to consider these features in isolation.

## **8.2 Inspector recommendation**

In my view, having regard to the nature of the two conditions being appealed, it would be appropriate that An Bórd would *not* determine the appeal as if the application to the BCA to which the appeal relates had been made to An Bord in the first instance; and that it *would* be appropriate that An Bórd apply the provisions of Article 40(2) to this appeal.

The rest of this report is restricted to considering the appropriateness or otherwise of imposing these two conditions, and does not examine the proposals de novo.

## **9 APPLICATION OF BUILDING REGULATIONS TO THE PROPOSALS**

### **9.1 The requirements of Part M of the building regulations**

	<b>Building regulation requirement</b>	<b>Applicability to proposals the subject of this appeal</b>
M1	<b>Adequate provision shall be made for people to access and use a building, its facilities and its environs.</b>	<b>Applies in full</b>
M2	Adequate provision shall be made for people to approach and access an extension to a building	Not applicable. No extension of a building is involved.
M3	If sanitary facilities are provided in a building that is to be extended, adequate sanitary facilities shall be provided for people within the extension.	Not applicable. No extension of a building is involved.
M4	Part M does not apply to works in connection with extensions to and material alterations of existing dwellings, provided that such works do not create a new dwelling.	Not applicable. No dwelling is involved.

### **9.2 The applicable requirements of the building regulations**

How the building regulations apply to these proposals is set out at arts. 9 and 11 of the building regulations, S.I. 497 of 1997:-

*9. (1) Every works or building to which these Regulations apply shall be designed and constructed—*



*(a ) in accordance with the appropriate requirements set out in the Second Schedule, and*

*(b ) in such a manner as to avoid the breaching of any other requirement of that Schedule.*

*(2) No works shall be carried out to a building which would cause a new or greater contravention in the building of any provision of these Regulations.*

**11. (1) Subject to articles 3 and 8, these Regulations apply—**

***(a ) to all works in connection with the material alteration or extension of a building, and***

***(b ) to every part of a building affected by works referred to in paragraph (a ) but only to the extent of prohibiting any works which would cause a new or greater contravention, in such building, of any provision of these Regulations.***

### **9.3 The standing of the Technical Guidance Documents**

In considering the appropriateness or otherwise of these two conditions, the requirements they embody fall to be reviewed under requirement M1 of the building regulations and under the guidance in the 2010 edition of the technical guidance document to Part M of the building regulations (“TGD-M 2010”).

The applicant assesses the proposed works against TGD-M 2010. This document was published by the Minister for the Environment under art. 7 of the building regulations, 1997 (S.I. 496 of 1997). Its purpose is to:-

*“provide guidance with respect to compliance with the requirements of the regulations. Where works or a building to which these Regulations apply is or are designed and constructed in accordance with any guidance contained in a technical guidance document, this shall, prima facie, indicate compliance with the relevant requirements of these Regulations. The provisions of any guidance shall not be construed as prohibiting compliance with a requirement of these Regulations by the use of any other suitable material, method of construction or specification.”*

### **9.4 TGD-M Guidance on existing buildings**

TGD-M 2010 makes general remarks on applying the guidance therein to proposals involving changes to existing buildings. Those remarks are as follows.

*In the case of material alterations or change of use of existing buildings, the adoption without modification of the guidance in this document may not, in all circumstances, be appropriate. In particular, the adherence to guidance, including codes, standards or technical specifications, intended for application to new work may be unduly restrictive or impracticable ....*

*Works to existing buildings, such as extensions, material alterations and certain material changes of use, can present many design challenges because of the individual character, appearance and environs of existing buildings. The adoption without modification of the guidance in this document may not in all circumstances be appropriate. While each existing building and site will*

*present its own unique access opportunities and constraints, which may result in different ways of addressing accessibility, the fundamental priorities of accessibility should be as set out in M1, i.e. accessing and using a building, its facilities and environs.*

In formulating this report I have had regard to the 2010 edition of the technical guidance document to Part M of the building regulations. I have had regard to the often helpful remarks set out above but in this particular case do not see them as having any particular application.

## **10 MY CONSIDERATION OF THE APPEAL**

### **10.1 Introduction**

The appellant's case as regards condition 3 is that no work is being done to the stage, and as regards condition 4 that no upgrades are being done to the assembly hall; and that on this basis, (a) article 9 of the building regulations requires no works to these areas and (b) the works actually proposed trigger no new or greater contravention of the requirements of the regulations in the existing building.

The BCA's case is that based on the information submitted, Part M applies to the works and that (a) the new stage access should comply with TGD-M s.1.5.4; (b) the applicant failed to provide adequate hearing enhancement to the Assembly Hall.

### **10.2 Condition 3**

*A ramp or a lift platform shall be provided to a raised stage within the assembly hall.*

**Reason:-** *To ensure that all facilities within a building are accessible and useable and that they are designed and constructed to facilitate active participation where appropriate.*

The existing stage is 995 mm over the general floor level. [This dimension is disputed and varies up to 1200 mm but in my view the exact dimension does not influence the assessment of the appeal.] No work is proposed to the stage. The application includes a new flight of steps to the stage and the discontinuance of use of a portable flight of steps.

No particular detail is given as regards the design of the steps.

The BCA seek to impose the provision of a ramp or a lifting platform to ensure that the stage is accessible and useable and facilitates active participation.

In his appeal, the appellant says that the steps were only used during performances and had to be placed when needed ..... as part of the proposed works, new steps will be provided which are permanent but do not encroach onto the escape route... this is considered an improvement on the existing condition. The appellant considers the condition to be onerous, and says that a [Part M compliant] ramp would be 24 metres long, while a platform lift could cost of the order of €100,000.

#### **\* Inspector comment**

The estimate of a ramp having to be 24 m long – a huge length to insert – is broadly correct and would indeed be grossly intrusive to construct, but it is difficult to see how a platform lift would cost of the order of €100,000. In similar projects, such a lift, with

builders work and professional fees, would normally cost less than half that sum.

The applicable principles of the requirements of the building regulations are at art. 11(1) (b), see above:-

*These Regulations apply to every part of a building affected by works referred to in paragraph (a) but only to the extent of prohibiting any works which would cause a new or greater contravention, in such building, of any provision of these Regulations.*

Notwithstanding the BCA's case officer's reference to *Upgrades to the stage area in the assembly hall*, it is clear from the applicant's report and appeal that no upgrades are proposed for the actual stage. The only upgrade is to provide a fixed flight of steps, to remove the need for moveable steps. This measure would, of itself, certainly increase convenience for stage users generally, but will not result in any improved accessibility for people with impaired mobility.

The stage is at present not accessible to a person in a wheelchair. In my view, (a) there is no work to be done to the stage, (b) the new steps cause no new contravention, and no greater contravention, of the accessibility requirements of the regulations.

In my view, the guidance at TGD-M 2010 s.1.5.4 upon which the BCA base their submissions is not appropriate in this case. TGD-M 2010 s.1.5.4 is guidance in respect of *new* buildings. The appropriate guidance is that in Section 2 of TGD-M 2010. The Section 2 guidance is nuanced and sensible.

While provision of a ramp or an access platform would in my opinion be desirable, in my opinion there are no grounds in the regulations for imposing such a requirement on the applicant.

In my further opinion however, it is appropriate that the guidance in TGD-M 2010 as regards making new internal stairs in existing buildings suitable for ambulant disabled people should apply to this new stairs.

The very detailed TGD guidance at s.1.3.4.3 on making an internal stair suitable for ambulant disabled people", as modified by the guidance at s.2.3.4.3 for stairs in an existing building, should be applied to this new stairs.

To impose this requirement will have the benefit of making the stage more accessible to many people, and will ensure compliance of this new set of steps with the requirements of the building regulations.

**\* Inspector recommendation**

Having regard to the above, I recommend that An Bord direct the BCA to reword Condition 3 to read as follows.

The new stairs being provided to access the existing raised stage shall comply with the guidance at s.2.3.4.3, "Internal stairs suitable for ambulant disabled people" of the 2010 edition of the Technical Guidance Document to Part M of the building regulations.

As regards the reason for imposing this condition:- in my view, there is no basis for the BCA's imposing such a condition on the grounds of ensuring *"that all facilities within a building are accessible and useable and that they are designed and constructed*

to facilitate active participation where appropriate”. These are not applicable statutory requirements in the case.

In my view, the reason for imposing the proposed reworded condition is to ensure that the proposals comply with article 11(1) of the building regulations (as amended).

### **10.3 Condition 4**

*A hearing enhancement system within the assembly hall shall be available for students and staff with hearing impairment and it shall be in compliance with Section 1.5.4 of TGD Part M 2010. Reason:- To ensure that all facilities within a building are accessible and useable and that they are designed and constructed to facilitate active participation where appropriate.*

There are no aids to audibility in the present assembly hall. In his application, the applicant says:- *“All audible aids are existing and will remain unchanged. It is not proposed to install any new audible aids as part of he (sic) proposed works.”*

The BCA seek to impose the provision of a hearing enhancement system to facilitate active participation by people with impaired hearing in events in the assembly hall.

In his appeal, the appellant says that the Condition looks for the retrospective installation of an audio enhancement system in an existing building where no alteration of such facilities is taking place as part of the proposed works.

The BCA’s 17 October submission avers that *“Part M 2010 regulations states that reasonable aids to communication should be provided for the hearing impaired people in an assembly hall where it is used for a range of functions.”*

#### **\* Inspector comment**

The regulations require that (a) all new work should comply in full with the requirements of the regulations and (b) such works should not trigger any new or greater contravention of the requirements of the regulations, within the otherwise unaltered existing building.

There is no proposal to alter the existing assembly hall.

While provision of an induction loop audio enhancement system would in my opinion be desirable, in my opinion there is no basis in the regulations for imposing such a requirement, in a situation where no work is proposed to the assembly hall.

TGD-M s.1.5.4 provides that in audience and spectator facilities without fixed seating in new buildings, a hearing enhancement system in accordance be provided for people with hearing impairment; while as regards audience and spectator facilities without fixed seating in existing buildings, TGD-M s.2.5.4 advises that guidance in 1.5.4 should be followed, where practicable.

I see nothing in this section as imposing a retrofit requirement in respect of existing audience and spectator facilities without fixed seating in existing buildings where no upgrade works are otherwise proposed.

#### **\* Inspector recommendation**

Having regard to the above, I recommend that An Bord direct the BCA to remove

Condition 4.

#### **10.4 Imposition of other conditions or provision of guidance notes for the applicant**

I have considered whether in my opinion An Bórd might direct the BCA to impose other condition/s in tandem with the actions recommended in this report as regards Conditions 3 and 4.

In my view, the imposition of no other condition or conditions is warranted.

In my further view, the attachment of recommendations to the DAC to the applicant or appellant is not warranted. The purpose of requiring a Disability Access Certificate is to verify that the building or works will, if executed in accordance with the design proposals contained in the application, comply with the requirements of Part M of the building regulations. This is a statutory duty. Advice on best practice is already to be found in the TGD.

### **11 RELEVANT HISTORY/CASES**

Neither the BCA nor the appellant have adduced any specific building control history relevant to this case.

### **12 DISPENSATIONS AND RELAXATIONS FROM REQUIREMENTS**

Neither the BCA nor the appellant have referred to any dispensations from, or relaxations of, the requirements of the building regulations which have been granted in respect of or which might be relevant to the proposals. Accordingly, the provisions of art. 39(b) of the Building Control Regulations (as amended) do not come into consideration.

### **13 ASSESSMENT AND RECOMMENDATIONS**

#### **13.1 Summary of assessment**

In accordance with art. 39(a) of the Building Control Regulations (as amended), I have restricted my assessment of this appeal to considering the extent to which the design complies with the requirements of Part M of the Second Schedule to the Building Regulations.

In reviewing this application and the conditions appealed I have considered (i) the requirements of Part M of the building regulations (ii) the content of the 2010 edition of TGD-M.

On considering the application and appeal, I have formed the view that if the original proposals as modified by the conditions in the BCA's Disability Access Certificate are permitted, on the basis of the altered conditions as recommended below, they would, if constructed in accordance with the plans, calculations, specifications and particulars submitted, comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997 to 2017.

## **13.2 Recommendations**

I recommend as follows.

- \* That An Bórd may be satisfied that, having regard to the nature of the conditions being appealed, An Bórd's determination of the relevant application as if it had been made to it in the first instance would not be warranted.
- \* That An Bórd give to the building control authority directions as follow regarding the conditions to which the appeal relates.
- \* That An Bórd direct the building control authority to amend Condition 3 to read as follows:-

The new stairs being provided to access the existing raised stage shall comply with the guidance at s.2.3.4.3, "Internal stairs suitable for ambulant disabled people" of the 2010 edition of the Technical Guidance Document to Part M of the building regulations.

Reason:- to ensure that the proposals comply with article 11(1) of the building regulations (as amended).

- \* That An Bórd direct the building control authority to remove Condition 4.

E. O Cofaigh Arkitekt MSA HFAIA  
5 December 2018