



An  
Coimisiún  
Pleanála

# DAC Inspector's Report

**ABP-322778-25**

## **Appeal v Conditions**

Appeal v Conditions attached to a  
Disability Access Certificate

## **Development Description**

Change of use from convent/chapel  
building (a PROTECTED  
STRUCTURE) to hospital  
accommodation facilities, and for  
alterations, extensions, refurbishment  
of the building and thermal  
performance upgrades at Convent of  
Mercy, Beaumont Woods, Dublin 9.

## **Building Control Authority Disability Access Certificate application number:**

DAC2512277DC

## **Appellant**

Luke Brady HSE Estates

## **Agent**

Kevin Jackson Architects

## **Building Control Authority:**

Dublin County Council North

## **Inspector**

David Whelan

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## **1.0 Introduction**

- 1.1. The subject building is a vacant convent/chapel building and a protected structure. The building is located at Convent of Mercy, Beaumont Woods, Dublin 9 and will be for the use of Beaumont Hospital. The Disability Access Certificate (DAC) relates to the change of use from convent/chapel building to hospital accommodation facilities, and for alterations, extensions, refurbishment of the building and thermal performance upgrades.
- 1.2. The Building Control Authority (BCA) granted a DAC, dated 15/05/2025, with 12 No. attached Conditions. The case relates to the appeal of 3 No. Conditions (Condition 2, 6 & 7), which can be summarised as follows; handrails shall be provided to both sides of the external steps, handrails shall be provided to both sides of the new internal steps & the rise and goings to the new internal steps shall be designed to meet or exceed the requirements for use by ambulant disabled persons and include contrasting nosing's.

## **2.0 Information Considered**

- 2.1. The information considered in this appeal comprised the following:
  - DAC Application, DAC2512277DC, submitted on 11/03/2025 with the following documents and drawings:
    - DAC Compliance Report
    - DAC Application Maps/Drawings
  - BCA decision to grant DAC with conditions dated 15/05/2025
  - Appeal and all associated documents received by the An Coimisiún Pleanála (ACP) on behalf of the appellant dated 13/06/2025
  - Correspondence from ACP to the appellant dated 17/06/2025
  - ACP request for information and all associated documents to the BCA dated 17/06/2025 & 02/07/2025
  - Copy of BCA decision and supporting internal report dated 15/05/2025

### 3.0 Relevant History/Cases

- 3.1. The BCA Building Surveyors Report noted that *“There is no previous DAC for these works”*.

### 4.0 Building Control Authority Case

#### 4.1. Condition 2

Handrails shall be provided to both sides of the external steps designed in accordance with section 1.1.3.6 of TGD M 2010.

##### Reason

To facilitate persons with a disability when negotiating with steps.

#### 4.2. Condition 6

Handrails shall be provided to both sides of the new internal steps designed in accordance with section 1.1.3.6 of TGD M 2010.

##### Reason

To facilitate persons with a disability when negotiating with steps.

#### 4.3. Condition 7

The rise and goings to the new internal steps shall be designed to meet or exceed the requirements of section 1.3.4.3 of TGD M 2010 for use by ambulant disabled persons. Each step nosing shall incorporate a durable permanently contrasting continuous material for the full width of the stair on both the tread and the riser. The contrasting material shall extend 50mm to 65mm in width from the front edge of the tread and 30mm to 55mm from the top of the riser, and shall contrast visually with the remainder of the tread and riser.

##### Reason

To help people who are blind or partially sighted appreciate the extent of the stair and identify individual treads and assist those with limited mobility.

## **5.0 Appellant's Case**

5.1. Kevin Jackson Architects lodged an appeal on behalf of the appellant, dated 13/06/2025. The appellant is appealing Conditions No. 2, No. 6 & No. 7 of the granted DAC. The following is a brief outline of the Appellants case;

### **With respect to Condition No. 2.**

- Dublin City Councils Planning Authority's Conservation Officer has informally accepted the justification for including only one handrail, subject to formal compliance submission. Adding another, as required by Condition 2 of the DAC, would constitute visual clutter and diminish the architectural integrity of the protected porch. It would also contradict a Planning Condition, which required justification for one new handrail.
- Accordingly, the applicant requests that Condition 2 be omitted, as the design already provides universal access through the step-free route and a single, sympathetically designed handrail.

### **With respect to Condition No. 6.**

- This requirement is not applicable to this project under TGD M 2010, Section 2, Sub-section 2.3.4.3, which specifies that where lifting devices are provided to all floors in an existing building, internal stairs suitable for ambulant disabled users are not necessary.
- The design includes a passenger lift and two separate platform lifts, providing full independent access to all floors.
- Adding a second handrail would require further alterations to the protected structure, unnecessarily impacting its historic fabric and appearance.

### **With respect to Condition No. 7.**

- As with Condition 6, this requirement is not applicable under TGD M 2010, Section 2, Sub-section 2.3.4.3, because lifting devices are already provided

to all levels. The stairs therefore do not need to be designed as ambulant disabled stairs.

- Introducing contrasting nosings on the treads and risers would visually alter and detract from the building's protected historic interior. The conservation architect has confirmed that this would not be sympathetic to the heritage character of the structure.
- The accommodation stairs adjacent to the lifts have been designed to be as accessible as possible, meeting the standards of Part K and Part B. Accessibility for all users is already achieved through the lifts and platform lifts.

## **6.0 Assessment**

### **6.1. De Novo Appeal**

Having considered the drawings, DAC Application Report, details and submissions on file it is considered that a de novo approach is not warranted.

### **6.2. Content of Assessment**

This appeal is against conditions attached to a granted DAC. I have reviewed the reasons for the conditions and the grounds of the appeal, and I have considered the drawings, details and submissions on the file. I am of the opinion that there is sufficient information provided to assess whether or not the said works comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997 as amended.

The BCA assessed whether adequate provision has been made for people to access and use the building, its facilities and environs and they concluded that the proposals would comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997 with conditions attached.

#### **6.2.1. Condition 2 – External handrail**

The DAC included a condition for a handrail on both sides to the external entrance steps. It is acknowledged that handrails on both sides is important as people might be

weaker on one side and, therefore, a handrail on each side of the flight is beneficial for a person's handing.

However, TGD M Section 2.0 Access and Use of existing buildings other than dwellings states that *"For further guidance on access to historic buildings refer to 'Advice Series: Access – improving the accessibility of historic buildings and places' by the Department of the Environment, Heritage and Local Government."* This guidance document references an example of entrance steps to a historic building which has entry steps both left and right on approach with a single handrail provided. This document states that *"The entrance to this symmetrical building has a flight of steps on both sides, each with an existing single handrail. Hence there is no need to provide a rail on the outer side as the choice is available to the user which side to use"* The same situation applies to this building whereby a user can enter the building from either left or right of the porch and therefore avail of a handrail depending on the users preference of handing. Furthermore, the addition of a second handrail would create unacceptable visual clutter to the protected structure.

#### **6.2.2. Condition 6 – Internal handrail**

The DAC included a condition for a handrail on both sides to the internal steps. TGD M 2010 – Section 2.3.4.3 states; *"Where a lifting device is provided in accordance with 1.3.4 and where necessary 2.3.4 to all floors in an existing building, an internal stair suitable for ambulant disabled people is not necessary."* A passenger lift and 2 No. separate lifting platforms are provided which give independent access to all floors within the building. The inclusion of a second handrail would require further alterations to the protected structure.

#### **6.2.3. Condition 7**

The DAC included a condition that the rise and going of new internal steps shall meet or exceed TGD M 2010, Section 1.3.4.3, and that nosings incorporate a continuous

contrasting strip for visibility. Similar to Condition 6 whereby TGD M 2010 – Section 2.3.4.3 states; *“Where a lifting device is provided in accordance with 1.3.4 and where necessary 2.3.4 to all floors in an existing building, an internal stair suitable for ambulant disabled people is not necessary.”*

The inclusion of contrasting nosings to the stairs would introduce visual detailing inconsistent with the character and materials of the protected structure. BS 8300-2:2018 Clause 13.10 Historic Building states that *“Historic Buildings should be made accessible to disabled people, wherever possible, without compromising conservation and heritage issues”*. It is considered that the nosing in this instance would compromise the conservation and heritage issues associated with this protected structure.

## **7.0 Recommendation**

- 7.1. I recommend that An Coimisiún Pleanála directs the BCA to grant a Disability Access Certificate with the omission of Conditions No. 2, No. 6 & No. 7.

## **8.0 Reasons and Considerations**

- 8.1. Having regard to the provisions of Part M of the Second Schedule to the Building Regulations 1997, as amended, Second Schedule, Part M, to the nature and layout of the proposed works and to the submission made in connection with the application and 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, complies with the requirements of Part M of the Second Schedule to the Building Regulations 1997, as amended.



## 9.0 Sign off

I confirm that this report represents my professional assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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David Whelan

6<sup>th</sup> November 2025