



An
Coimisiún
Pleanála

DAC Report

ACP-324179-26

**Appeal v Refusal or Appeal v
Condition(s)**

Appeal v Refusal

Development Description

Change of use from part of private dwelling to form part of an existing retail unit, and material alterations

**Building Control Authority DAC
number:**

DRV2517488WX

Appellant

Wallaces Kilmore Ventures Ltd.
Wellington Bridge
Co. Wexford

Appellant's Agent

John Cloney
CFSE Limited
Clonmainham Business Park
Portlaoise
Co. Laois

Building Control Authority:

Wexford County Council

Inspector

Michael Mohan, FRIAI

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1.0 Introduction

- 1.1. The appeal submitted relates to a Refusal of a Revised Disability Access Certificate (RDAC) for a change of use from part of private dwelling to form part of an existing retail unit and material alterations. The existing buildings are single storey. Rooms immediately adjoining the party wall of the retail unit comprise the area which is the subject of the proposed change of use. It is relatively small (87 sq.m.) compared to the rest of the building.
- 1.2. The proposed development is located at Crossfarnogue, Kilmore, Co. Wexford.
- 1.3. The original granted Disability Access Certificate (Ref. No. DAC005/15) was for the erection of an extension to the existing retail unit and associated site works to facilitate the development.

2.0 Information Considered

- 2.1. The information considered in this appeal comprised the following:

- RDAC Application Report and drawings submitted with the application on 13/11/2025, including:

Drawing No.	Title	Scale
24-006-DACA-001	Site Layout Plan	1:500
24-006-DACA-002	Floor Plan, Elevations, Section	1/75 & 1/100

- Further information requested by the BCA, dated 26/11/2025. The Applicant responded with further information and drawings which were received by the BCA on 08/12/2025, including:

Drawing No.	Title	Scale
24-006-DACA-001-A	Site Layout Plan	1:500
24-006-DACA-003	Existing Site Layout Plan	1:500

- Further information requested by the BCA, dated 10/12/2025. The Applicant responded with a letter which was received by the BCA on 17/02/2026.
- Further information requested by the BCA, dated 19/02/2026. The Applicant, rather than providing further information, responded with a letter requesting the BCA to process the application to a conclusion. The BCA received this response on 04/03/2026.
- Copy of BCA decision to refuse a Revised Disability Access Certificate. The decision date was 06/03/2026 and the letter informing the applicant was issued via BCMS on 09/03/2026. The reasons for refusal were:

Inconsistent and insufficient information furnished.

The failure to supply and demonstrate clearly the changes from the original application as granted and maintain or demonstrate no less than the minimum requirements of Part M in the proposed building changes.

- This appeal to An Coimisiún Pleanála (ACP) which was received by ACP on 01/04/2026.
- BCA response and observations on the appeal, dated 13/04/2026, were received by ACP on 14/04/2026.
- History file with respect to the original Disability Access Certificate DAC005/15 received from the BCA by ACP on 18/05/2026.
- Appellant's response and observations on the BCA observations received by ACP on 02/06/2026.

3.0 Relevant History/Cases

- 3.1. Original DAC Ref.: DAC005/15 for the erection of an extension to the existing retail unit and associated site works to facilitate the development relates to the subject site.
- 3.2. This Inspector is not aware of any other relevant precedent Commission decisions at other locations that may be of assistance to the Commission in determining the case.

4.0 Appellant's Case

4.1. The appellant is appealing the refusal of a Revised Disability Access Certificate application, Ref. No: DRV2517488WX issued by the BCA, largely on the basis that the BCA did not identify any design element that fails to meet the requirements of Part M. The following points are set out in support of the appeal:

- The Appellant engaged with the BCA throughout the application process.
- Clarification was not provided by the BCA when requested.
- The Revised Disability Access Certificate application relates only to the area which was coloured amber on the submitted drawings.
- A clear explanation of the scope of the works was provided, and revised documentation was submitted where requested.
- During the assessment process the BCA did not identify any specific dimensional or technical non-compliance with the requirements of Part M.
- The refusal appears to rely on a misunderstanding of the scope of a RDAC. It should assess the design of the revised works or changes and their compliance with Part M.
- The refusal decision effectively sought to re-examine the entirety of the original granted DAC.
- The documents demonstrate how the proposed works provide for access and use of the building in accordance with the requirements of Part M.

5.0 Building Control Authority Case

5.1. The following is a summary of the BCA submission on the appeal:

- As a revised DAC application, it is necessary to confirm that works to which the original DAC application refer have been completed as per the drawings and conditions thereof or alternatively any changes to such to be informed in this revised application.

- The scope of works as submitted did not reflect the material alterations to works previously granted. The Appellant failed to supply and demonstrate clearly the changes from the original application, DAC0005/15.
- Further information was requested by the BCA on three different occasions. The Appellant's responses were inconsistent and insufficient.
- Conditions attached to the original DAC were not complied with.
- There were changes made to the original drawings. These were not addressed in the application for the RDAC or in response to requests for further information. The changes included tactile paving; the relocation of the proposed accessible carparking space; changes to the carparking arrangement; removal of an accessible WC; the inclusion of a "porch way" extension; and a wall extension in the car park.
- TGD M 1.4.3 General Provisions states: "Refer to Part G/TGD G for the scale of provisions for sanitary facilities. In the case of places of work, designers should also have regard to the Safety, Health and Welfare at Work (General Application) Regulations, 2007 (S.I. No. 299 of 2007)." An accessible WC was included in the original DAC. It is still a requirement for the RDAC. The accessible WC is omitted in the RDAC application. The application provides no sanitary facilities for staff.
- The scope of work in the report does not reflect the evident changes. It does not provide information on the changes to the original DAC as granted or the porch extension which is obviously a new addition since the original DAC.
- The Applicant failed to demonstrate clearly the changes from the original application and maintain or demonstrate no less than the minimum requirements of Part M in the proposed changes to the building.

6.0 **Assessment**

6.1. ***De Novo* assessment/appeal v conditions**

6.2. This appeal is against a Refusal of a Revised Disability Access Certificate. Having considered the drawings, Revised Disability Access Report, details and submissions on file it is considered that a *de novo* approach is warranted.

6.3. Content of Assessment

- 6.3.1. This RDAC application is for a change of use from part of a private dwelling to form part of an existing retail unit, and material alterations. The Applicant confirmed that the application is confined to the area which is coloured amber on the drawings. This area corresponds with the small area in the dwelling, adjoining the existing shop, which is the subject of the proposed change of use.
- 6.3.2. It was evident that the RDAC application drawings showed material alterations from those in the granted DAC. However, the alterations, located outside of the amber area identified by the Applicant, were not dealt with in the application. Information was lacking on the material alterations to the building and the car park. These should have been submitted as part of this application.
- 6.3.3. An application for a RDAC should include information on proposed changes from the original DAC. This information should be demonstrated on the drawings and supported by explanations in the compliance report and/or other documents.
- 6.3.4. The BCA repeatedly requested further information related to the changes, but the Applicant failed to provide it. In the absence of this information the BCA could not assess if the proposed development would meet the requirements of Part M.
- 6.3.5. The BCA was correct in deciding that inconsistent and insufficient information had been provided.
- 6.3.6. The BCA was also correct in deciding that the Applicant failed to supply and demonstrate clearly the changes from the original application as granted and maintain or demonstrate no less than the minimum requirements of Part M in the proposed changes.

7.0 Recommendation

- 7.1. Having regard to the above, I recommend that the Coimisiún **rejects** the appeal against the BCA's decision for a Refusal of a Revised Disability Access Certificate for the following reasons and considerations.

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 , to the nature and layout of the proposed works and to the submissions made in connection with the RDAC application and appeal and to the report and recommendation of the reporting inspector, it is considered that works or building to which the application relates, if constructed in accordance with the plans, calculations, specifications and particulars submitted, **fails** to comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997, as amended for the following reasons:

Reason 1:

There is insufficient information submitted with the application or appeal to determine if the proposed works comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997, as amended.

Reason 2:

The failure to supply and demonstrate clearly the changes from the original application as granted and maintain or demonstrate no less than the minimum requirements of Part M in the proposed building changes.

Reason 3:

The conditions attached to the original application DAC0005/15 have not been complied with.

9.0 Conditions

- 9.1. There are no conditions other than the reasons, shown above, for the Refusal of the Revised Disability Access Certificate.

10.0 Sign off

- 10.1. 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.

Michael Mohan, FRIAI

01/07/2026