



**An  
Bord  
Pleanála**

**Board Direction  
BD-008240-21  
ABP-307319-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/05/2021.

The Board decided to allow the appeal, subject to compliance with the conditions set out below, for the reasons and considerations set out below.

### **Reasons and Considerations**

Having regard to the nature of the existing building as a protected structure, the proposed material change of use, the submissions lodged in connection with the Fire Safety Certificate Application and the appeal, and to the report of the Inspector, the Board is satisfied that the design of the building or works would comply with Section 5.4.2 (d) of the Guide to Fire Safety in Flats, Bedsitters and Apartments 'Department of the Housing, Local Government and Heritage 1994' and would achieve an adequate level of fire safety that would comply with Section B1 of the Second Schedule – Means of Escape in Case of Fire and Section B3 – Internal Fire Spread (Structure) by means of the provision of dual means of escape, the provision of a protected lobby between the protected stairway and the non-residential ground and lower ground floor, the location of the internal stairway between ground and basement, and the provision of 60 minutes fire resisting construction between non-residential and residential parts of the building.

In not agreeing with the Inspector's recommendation to refuse the appeal, the Board had regard to Section 0.1.4 and Section 0.1.5 of the Technical Guidance Document B, and to the amendments proposed by the applicant as part of the appeal submission, and considered that the applicant had demonstrated compliance with



the requirements set out under Section 5.4.2 (d) of the Guide to Fire Safety in Flats, Bedsitters and Apartments 'Department of the Housing, Local Government and Heritage 1994', and that the solutions proposed by the applicant in the context of the existing building which is a protected structure would provide for an adequate level of fire safety.

### **Conditions**

1. The fire safety design shall be carried out and completed in accordance with the plans and particulars lodged with the fire certificate application as amended by the further plans and particulars submitted on the 24th day of October 2019 and 13<sup>th</sup> day of January 2020, and by the further plans and particulars received by An Bord Pleanála on the 8<sup>th</sup> day of June 2020, and the 11th day of August, 2020, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In order to comply with the provisions of Part B of the second schedule to the Building Regulations.

2. The door at ground floor level shall be fitted with a powered access control system which will automatically open the door inward in the event of a fire and shall be interconnected with the overall building fire detection and alarm system.

- A FAAC 950 or equal system with independent power supply shall be fully installed by a specialist subcontractor in compliance with EN16005 European Standard.
- The door shall comply with TGD-B1.4.3.2 in compliance with Fire Safety in Places of Assembly (Ease of Escape), Regulations 1985.
- The automatic door opening system shall be activated only during the hours of business of the proposed restaurant.

**Reason:** In order to comply with Section B1 of the Second Schedule – Means of Escape in Case of Fire

**Board Member:**

  
Michelle Fagan

**Date:** 14/06/2021