

An  
Bord  
Pleanála

**Board Direction**  
**BD-009234-21**  
**ABP-307983-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/10/2021.

The Board decided to allow the appeal, subject to the conditions set out below, for the reasons and considerations set out below and to direct the Building Control Authority as follows:

- Remove Condition number 2
- Renumber remaining conditions,
- Attach new conditions as follows;

6. Block A residential stairways shall be subdivided at ground floor in accordance with Figure 32 of BS9991:2015.

**Reason:** To comply with Part B1 of the Second Schedule of the Building Regulations 1997 to 2017.

7. The enclosed car park at basement level shall be separated from the stairs serving as the escape route from the apartments above by fire resisting lobbies with 1.0m<sup>2</sup> automatic opening ventilation in accordance with Section 32(c) and Table 13 of BS 9991:2015.

**Reason:** To comply with Part B1 of the Second Schedule of the Building Regulations 1997 to 2017.

8. The enclosed carpark at basement level shall comply with Clause 48.1(d)(3) of BS 9991:2015.

**Reason:** To comply with Part B1 of the Second Schedule of the Building Regulations 1997 to 2017.

9. All materials installed within the external walls shall comply with Clause 18.2 of BS 9991:2015.

**Reason:** To comply with Part B1 of the Second Schedule of the Building Regulations 1997 to 2017.

### **Reasons and Considerations**

Having regard to the form, use and layout of the building, the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and to the report of the Inspector, it is considered that Condition number 2 as set out in the schedule of conditions attached to the Fire Certificate granted by the Building Control Authority, is unnecessary given that the open plan apartments are designed in accordance with BS 9991:2015 and BS 9251:2014 where store rooms are not required to be enclosed in fire resisting construction.

In not agreeing with the Inspector's recommendation to determine the appeal under section 40(1) of the Building Control Regulations 1997 – 2017, and to annul the grant of the Fire Safety Certificate granted by the Building Control Authority, the Board considered that compliance with the conditions imposed by the Fire Certificate granted by the Building Control Authority and requiring the submitted design to be altered to comply with the conditions imposed, would ensure that an adequate level of fire safety that would comply with Part B1 (Means of Escape in the case of fire) of the Second Schedule of the Building Regulations 1997 to 2017.

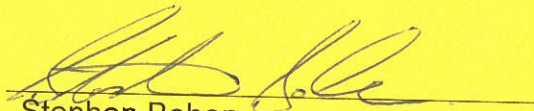
Furthermore, it is considered appropriate to attach new conditions to deal with the issues raised in the Inspectors report, with regard to the arrangements within the residential stairways at the ground floor of Block A, the quantum of ventilation



proposed between the stair cores and the car park, and the adequacy of the materials used in the elevations of the building.

The Board determined the appeal under Section 40(2) of the Building Control Regulations 1997 – 2017 and upheld the appeal regarding Condition number 2 for the reason set out above, and considered that compliance with the conditions set out above and in the schedule of conditions attached to the Fire Certificate, would ensure an adequate level of fire safety that would comply with Part B1 (Means of Escape in the case of fire) of the Second Schedule of the Building Regulations 1997 to 2017.

**Board Member**

  
Stephen Bohan

**Date:** 14/10/2021

