



An
Bord
Pleanála

Board Direction
BD-011622-23
ABP-313487-22

The submissions on this file and the Inspectors report were considered at a Board meeting held on 05/01/2023.

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

Remove Condition number 1

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 1 as set out in the schedule of conditions attached to the Fire Certificate granted by the Building Control Authority, is unwarranted by reason of, the duplex/apartment above the ground floor apartment is a separate compartment and has a protected means of escape, and the height of the ground floor apartment is less than the depth of the smallest garden shown as shown on Dwg No.s DI/4541/6/3 and DI/4541/6/8, and is in compliance with Diagram 5 of TGD-B Volume 2:2017 which states that an escape route into an enclosed garden is acceptable if the length of the garden is at least the height of the building, and that subject to compliance with the other conditions set out in the Fire Certificate, would provide an adequate level of fire safety and would comply with Part B of the Second Schedule of the Building Regulations 1997 to 2017.

In not agreeing with the Inspector to amend the condition, it was considered that the conclusion of the Inspector that the rear garden is a place of safety provided that the