

An  
Bord  
Pleanála

**Board Direction**  
**BD-014632-23**  
**ABP-314643-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/11/2023.

The Board decided, generally in accordance with the reporting inspector's recommendation as follows:

**WHEREAS** the said appeal relates only to condition number 2 attached to the decision of the Building Control Authority:

**AND WHEREAS** An Bord Pleanála is satisfied, having regard to the nature of the said conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act 1990 and by Article 40 (2) of the Building Control Regulations, 1997, and based on the reasons and considerations set out below, hereby directs the said authority to delete condition number 2 and the reason therefor:


### **Reasons and Considerations**

Given that the basis of design for the proposed duplex building is BS 9991: 2015 and that this is an acceptable alternative approach as per Section 0.2 of TGD-B 2006 (AMD 2020) the use of Section 9.5.2 of BS 9991: 2015 for the design of the maisonettes is a reasonable design approach.

Therefore, as the Appellant has demonstrated that the proposed means of escape from the duplexes are in compliance with Clause c) of Section 9.5.2 of BS 9991: 2015 it is considered that Condition 2 should be removed from the granted Fire Safety Certificate.

Accordingly, the requirements of condition number two are not necessary in the case of the building that is the subject matter of the fire safety certificate to demonstrate compliance with Part B of the Second Schedule of the Building Regulations 1997, as amended.

**Board Member**

  
Stephen Bohan

**Date:** 20/11/2023