

An
Bord
Pleanála

Board Direction
BD-014566-23
ABP-315143-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/11/2023.

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

WHEREAS the said appeal relates only to conditions number 7 and 11 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

Attach condition number 7 as amended below and the reason therefor as follows:

Condition Number 7

Any cooking hobs provided within the bedrooms shall be of the induction hob type and these cooking hobs shall be sited such that occupants would not have to approach within 1.8m of them as part of the means of escape route (generally in accordance with Diagram 9A of TGD: B 2006, reprint 2020).

Reason: To comply with the requirements of Part B1 of Part B of the Second Schedule of the Building Regulations 1997, as amended.

The Board also decided to amend Condition Number 11 and the reason therefor as follows:

Condition Number 11

Fire Brigade vehicle access shall be provided in accordance with the submissions made in the Fire Safety application and supporting documentation furnished to the Building Control Authority and to An Bord Pleanála (in support of its appeal) including the additional fire safety measures outlined.

Reason: To comply with the requirements of Part B5 of Part B of the Second Schedule of the Building Regulations 1997, as amended.

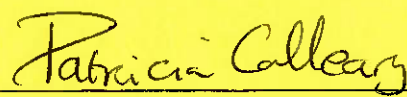
Reasons and Considerations

1. Having regard to the presented design for the construction of 47 aparthotel units, to the submissions made in connection with the Fire Safety Certificate application and the appeal, and to the report and recommendation of the reporting inspector, it is considered that **Condition number seven** as originally attached by the Building Control Authority to the fire safety certificate is reasonably necessary to satisfy the requirements of Part B, specifically B1 (Means of escape in case of fire) of Technical Guidance Document B - Fire Safety (2006, reprinted 2020). The Board concluded with respect to this condition that it has not been demonstrated by the first party appellant in the fire safety application and appeal that the location of the cooking facilities, notwithstanding the proposal to utilise induction hobs and taking into account the limited travel distances involved, would be compliant with Section 1.6.3 and Diagram 9(a) of TGD: Part B 2006 (reprint 2020) such as to ensure adequate means of escape in the case of fire from the building. The Board

was therefore satisfied that it would be appropriate to attach Condition 7 with minor amendments.

2. In respect of **Condition number 11**, the Board took into account the documentation on file, the inspector's assessment, the site's location and physical constraints, the provision of Section 0.2.1 of TGD: Part B (2006, reprinted 2020) that allows for fire safety engineering to be used where a particular provision of the guidance cannot practically be achieved, confirmation with evidence that the fire service including a high reach and pump appliance can each access and exit the site and the additional fire safety engineering measures committed to as set out within the documentation before the Board. Overall, the Board was satisfied that the proposed design demonstrates adequate compliance with the requirement of Part B5 (Access and facilities for the fire service) of Part B of the Building Regulations, specifically that there is adequate provision for access for fire appliances as may be reasonably required to assist the fire service in the protection of life and property. The Board was therefore satisfied that it would be appropriate to amend Condition 11.

Board Member


Patricia Calleary.

Date: 14/11/2023