

An
Bord
Pleanála

Board Direction
BD-014468-23
ABP-315367-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/11/2023.

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

WHEREAS the said appeal relates only to condition number 7 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 amend condition number 7 and the reason therefor as follows:

Amended Condition Number 7

All open plan flats shall be provided with a domestic sprinkler in accordance with the provisions of Section 1.8 (Domestic Sprinkler Systems) of Technical Guidance Document B 2006 (as reprinted in 2020).

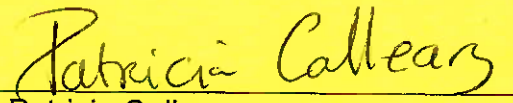
Reason: To comply with the requirements of Part B of the Second Schedule of the Building Regulations 1997, as amended.

Reasons and Considerations

Having regard to the presented design of the mixed-use development, 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 the Condition number seven as originally attached by the Building Control Authority to the fire safety certificate is not 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) and it has been demonstrated by the first party appellant in the fire safety application and appeal that neither the common areas nor the basement car park require sprinkler protection to meet the requirements of Part B of the guidance document. As set out on page three of Technical Guidance Document B 2006 (as reprinted in 2020), where works are carried out in accordance with the guidance in the document, this will, prima facie, indicate compliance with Part B of the Second Schedule to the Building Regulations.

In the interest of clarity, the Board decided to attach an amended Condition 7 to reflect the requirement contained in Section 1.8 (Domestic Sprinkler Systems) of Technical Guidance Document B 2006 (as reprinted in 2020) and was satisfied that, subject to the attachment of the remaining conditions and condition number 7, as amended by the Board, it has been demonstrated that the building, if constructed in accordance with the design presented with the application and appeal, would comply with the requirements of Part B of the second schedule to the Building Regulations 1997, as amended.

Board Member


Patricia Calleary.

Date: 06/11/2023