

An  
Bord  
Pleanála

**Board Direction**  
**BD-017784-24**  
**ABP-318627-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/10/2024.

The Board decided to direct the Building Control Authority to refuse the appeal and attach condition number one that was attached to the regularisation fire safety certificate granted by the Building Control Authority, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

**Reasons and Considerations**


Having regard to the presented compliance report, drawings and supporting details, and to the submissions made in connection with the Regularisation Fire Safety Certificate application and the appeal, it is considered that, notwithstanding the information submitted by the appellant in relation to the time period during which certain works were carried out and evidence that the premises was used for guest accommodation in instances prior to 2006, the Board considers that the information submitted has not adequately demonstrated that the material change of use from **dwelling** to **dwelling and apartments** and associated material alterations, in the form now before the Board, took place prior to the coming into force of Part B of Technical Guidance Document B - Fire Safety 2006 (reprinted 2020). It is, therefore, considered appropriate that the current relevant technical guidance set out in Part B of Technical Guidance Document B - Fire Safety 2006 (reprinted 2020), requiring the construction of a compartment floor between the ground floor and first floor in accordance with Section 3.2.5, be applied in the assessment. The Board was not satisfied that it has been demonstrated that the building to which the material change of use and material alterations have occurred, adequately comply with Part B of the Second Schedule of the current Building Regulations, specifically Section B3:

Internal Fire Spread (Structure). The Board decided to attach condition number 1, generally as attached by the Building Control Authority and as recommended by the reporting inspector and as set out below.

1. The floor separating ground floor dwelling unit from first floor apartment shall be designed and constructed as a compartment floor, complying with Section 3.2.5 of Technical Guidance Document B 2006 (reprint 2020), achieving minimum 30 minute fire resistance when tested to the relevant test standard and method of exposure set out in Table A1 of Technical Guidance Document B 2006 (reprint 2020).

**Reason:** To demonstrate compliance with Part B of the Second Schedule of the Building Regulations 1997-2024, Section B3: Internal Fire Spread (Structure).

Board Member

  
Patricia Calleary

Date: 07/10/2024