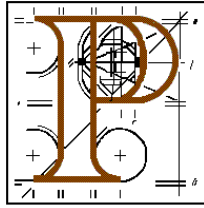


An Bord Pleanála



BUILDING CONTROL ACTS, 1990 TO 2014

Dún Laoghaire-Rathdown County Council

Building Control Authority Register Reference Number:17/8130

An Bord Pleanála Reference Number:ABP-300257-17

APPEAL by BD Penel Limited care of Jeremy Gardner Associates of 9 Upper Baggot Street, Dublin in relation to the decision made on the 19th day of October, 2017 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a fire safety certificate under section 6 (2)(a)(ii) of the Building Control Act, 1990, as amended by section 5(a) of the Building Control Act 2007 in respect of proposed extension to building to provide an AHU plant room on the roof of the existing development above the production facility, located on the north-eastern part of the roof at BD Penel Limited, Pottery Road, Dún Laoghaire-Rathdown, County Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to conditions numbers 1 and 2 attached to the decision of the Council:

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 the said conditions numbers 1 and 2 and the reasons therefor:

REASONS AND CONSIDERATIONS

Having regard to the submissions made in connection with the Fire Safety Certificate application and the appeal, the type of use, layout and limited access and occupancy of the proposed roof-level plant room extension, the limited scope of the proposed alterations/extension vis-à-vis the existing roof level plant and vertical escape routes, and the levels of existing and proposed fire protection measures as set out in the application, it is considered that the functional requirements of Part B1 (Means of Escape in case of Fire) of the Second Schedule of the Building Regulations 1997-2017 are being satisfied with respect to this application and that condition number 1 and condition number 2 on the Fire Safety Certificate should be removed.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Building Control Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.