



Building Control Acts 1990 to 2014

Building Control Authority: Dún Laoghaire-Rathdown County Council

Building Control Authority Register Reference Number: FA/17/8143

Appeal by John Fleming, John Fleming Architects care of Jeremy Gardner Associates of 9 Upper Baggot Street, Dublin in relation to the decision made on the 5th day of December, 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 construction of a four-storey office building on the site of an existing café at number 4A Richview Office Park, Clonskeagh Road, Clonskeagh, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to conditions numbers 5 and 6 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 attach the said condition number 5 and the reason therefor and to amend the said condition number 6 so that it shall be as follows for the reason set out:

6. The proposed Fire Brigade footpath from Beech Hill Road shall be a minimum 1,100 millimetres in clear width. The access gateway shall not be less than 900 millimetres in clear width.

Reason: To comply with the requirements of Part B5 (Access and Facilities for the Fire Service) of the Second Schedule to the Building Regulations 1997 to 2017.

Reasons and Considerations

Having regard to the design of the proposed development which comprises a new four-storey office building, to the submissions lodged 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 5 as set out in the conditions attached to the Fire Safety Certificate granted by the Building Control Authority, is a reasonable requirement and should remain. It is further considered that, subject to the amendment of condition number 6, as set out above, safe and expedient access for the Fire Service to the building from Beech Hill Road can be achieved.

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.

Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2018.