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**Building Control Acts 1990 to 2014**

**Building Control Authority: Dún Laoghaire-Rathdown County Council**

**Building Control Authority Register Reference Number: 17/8037/REG**

**Appeal** by Adam Francis, Astra Office Nominee Limited care of Jeremy Gardner Associates of 9 Upper Baggot Street, Dublin in relation to the decision made on the 31<sup>st</sup> day of January, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a regularisation certificate under section 6 (2)(a)(vii) of the Building Control Act, 1990, as amended by section 5 of the Building Control Act 2007, in respect of the following works: 1. The top storey height of the building is less than 20 metres and, therefore, firefighting shafts are not required to comply with current standards. However, as part of the original Fire Safety Certificate application for the building, firefighting shafts were proposed to compensate for inadequate vehicle access provisions. The firefighting shafts were constructed with the necessary 120-minute fire resisting enclosure and provided with dry risers and lobby ventilation, however regular passenger lifts were provided in lieu of firefighting lifts. 2. The building is served by two by 1,100 millimetres stairs and four by 1,200 millimetres stairs, and all stairs are provided with protected lobbies. However, the final exits from the 1,200 millimetres stairs have since been measured on site as 1,100 millimetres, that is, not as wide as the stair at The Atrium Building, Bock A, Blackthorn Road, Sandyford, Dublin in accordance with plans and particulars lodged with the said Building Control Authority:

**WHEREAS** the said appeal relates to condition number 1 attached to the decision of the said Building Control Authority:

**AND WHEREAS** An Bord Pleanála is satisfied, having regard to the nature of the said condition, 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, as amended by section 6 of the Building Control Act 2007, 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 Building Control Authority to attach the said condition number 1 and the reason therefor.

## **Reasons and Considerations**

Having regard to the proposed form and height of the building, to the submissions lodged in connection with the Fire Safety Certificate application and the appeal, to the history of approvals for Fire Safety Certificates, 7 Day Notices and Regularisation Certificates which were predicated on the presence of fire-fighting lift shafts and fire-fighting lifts, to the report and recommendation of the reporting Inspector, and to achieve compliance with the technical requirements of Part B of the Building Regulations, it is considered that the attachment of condition number 1 is appropriate in order to comply with the requirements of Part B (Fire Safety) of the Second Schedule to the Building Regulations 1997 to 2017.

## **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.

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**Michelle Fagan**

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

**Dated this            day of            2018.**