



Building Control Acts 1990 to 2014

Building Control Authority: Dún Laoghaire-Rathdown County Council

Building Control Authority Register Reference Number: 17/8090/REG

Appeal by David Whelan care of FCC Fire Cert Limited of Unit A4, Nutgrove Office Park, Rathfarnham, Dublin in relation to the decision made on the 28th day of March, 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 material alterations/material change of use of existing office unit to provide a two bedroom apartment to let at number 125 Braemor Road, Newtown Little, Dublin in accordance with plans and particulars lodged with the said Building Control Authority:

WHEREAS the said appeal relates to condition number 3 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 remove the said condition number 3 and the reason therefor.

Reasons and Considerations

Having regard to the Regularisation Certificate application and the appeal and to the recommendation of the reporting Inspector, and given that the stairs serving a single apartment would function as a private stairs, the Board is satisfied that the apartment design meets the applicable provisions of Clause 6 of BS 9991:2015. It is, therefore, considered that, subject to the removal of condition number 3, it has been demonstrated that the design, as presented with the application insofar as the material change of use and material alterations are proposed, would 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.

Michelle Fagan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.