



Building Control Acts 1990 to 2014

Building Control Authority: Dún Laoghaire-Rathdown County Council

Building Control Authority Register Reference Number: 18/8180

Appeal by Oliver and Bridgette McGettigan care of ACCA Engineering Consultants of 3 Park Drive, Carrick on Shannon, County Leitrim in relation to the decision made on the 12th day of November, 2018 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 new building: development of three number three bedroom duplex apartments, one number two bedroom duplex apartment with study and all associated site development works at number 2 Stillorgan Park Avenue, Blackrock, County Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to condition number 2 attached to the decision of the 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 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 remove condition number 2 and the reason therefor:

Reasons and Considerations

Having regard to the proposed form and layout of the building, and the nature of the proposed works, 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 2, as set out in the schedule of conditions attached to the fire safety certificate granted by the Building Control Authority is unnecessary as it has been demonstrated that the recommendations contained in Section 9.5.2: BS 9991:2015 are achievable through the provision of a protected stairway enclosure and an LD1 fire detection and fire alarm system in accordance with IS:3218:2013 in relation to maisonettes numbers 8 and 9 and that these proposals provide adequate internal planning for means of escape which in turn demonstrates compliance with Part B of the Second Schedule to the Building Regulations 1997-2017.

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 2019.