



Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: FA/18/1644/REG

Appeal by Eoin Finnegan care of Eamon O'Boyle and Associates of 51 Cullenswood Road, The Triangle, Ranelagh, Dublin in relation to the decision made on the 1st day of March, 2019 by Dublin City Council to refuse 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 to the existing residential building which contains three storeys above ground floor and one basement at 4 Upper Gardiner Street, Dublin in accordance with the plans and particulars lodged with the said Building Control Authority:

Decision

Pursuant to 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, An Bord Pleanála hereby allows the appeal and directs the Building Control Authority to issue a regularisation certificate, in accordance with the said plans and particulars, based on the reasons and considerations under and subject to the condition set out below.

Reasons and Considerations

Having regard to the Regularisation Certificate application for the material alterations to the existing building which contains three storeys above ground floor and one basement, including the design and details initially submitted and the subsequent submissions made in connection with the application and appeal, and to the consultant inspector's report and recommendation, it is considered that, subject to compliance with the condition set out below, the proposed works would achieve an adequate means of escape that would comply with the requirements of Part B1 (Means of Escape in Case of Fire) of the Second Schedule to the Building Regulations, 1997 to 2019.

Condition

In all flats with galleries, the main kitchen cooking appliances should be located at least three metres away from the escape route from the gallery level. A main kitchen cooking appliance is a cooking appliance with a fixed connection to the flat's gas or electric energy infrastructure, for example, an oven and/or hob.

Reason: To comply with Part B1 of the Second Schedule to the Building Regulations, 1997 to 2019.

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.

Stephen Bohan

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

Dated this day of 2019.