



Building Control Acts 1990 to 2014

Building Control Authority: South Dublin County Council

Building Control Authority Register Reference Number: 18/6126F/7D.

Appeal by GN Lexington Property Limited care of Greaney Fire Safety of 29 Flower Grove, Killiney, County Dublin in relation to the decision made on the 27th day of March, 2019 by South Dublin 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 the construction of three-storey, over basement, residential care centre at Lexington House, Monastery Park, Monastery Road, Clondalkin, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to conditions numbers 1, 2, 3, 12 and 16 attached to the decision of the planning authority:

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 delete the said conditions numbers 1 and 16 and the reasons therefor, to attach condition number 3 and to amend the said conditions numbers 2 and 12 so that they shall be as follows for the reasons set out:

2. Self-closing devices for bedroom fire door sets which may include a swing free device which releases on smoke detector activation shall be provided.

Reason: To comply with the Second Schedule to the Building Regulations, 1997-2019.

12. The escape stairs serving the upper storeys shall be designed and constructed so that any landing has a width not less than 2800 millimetres and a depth clear of obstructions not less than 1950 millimetres in accordance with Section 1.3.4 of Technical Guidance Document B 2006, as amended. Alternatively, the developer may propose landing dimensions to cater for the intended mode of evacuation. Any such proposal shall be submitted to, and agreed in writing with, the planning authority in advance of the works being completed and in advance of the occupation of the building.

Reason: To comply with the Second Schedule to the Building Regulations, 1997-2019.

Reasons and Considerations

Having regard 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, subject to the removal of conditions numbers 1 and 16, and the revision of conditions numbers 2 and 12 as set out above and the attachment of all other conditions imposed by the planning authority, the proposed works would achieve an adequate level of fire safety that would comply with the requirements of Part B1 (Means of Escape) 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.

John Connolly

Member of An Bord Pleanála

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

Dated this day of 2020.