



Building Control Acts 1990 to 2014

Building Control Authority: Galway County Council

Building Control Authority Register Reference Number: FS 54/2019

Appeal by Caitríona Ní Chonchobair care of John O'Shaughnessy of 3 Doctor Mannix Drive, Salthill, Galway in relation to the decision made on the 17th day of July, 2019 by Galway County Council to grant subject to a condition 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 conversion of a retail unit to restaurant/extension thereto at Unit 1B, Ath an Ghlugair, Barna, County Galway 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 Building Control Authority:

AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the 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 Building Control Authority to remove condition number 1 and the reason therefor.

Reasons and Considerations

Having regard to its limited size, and to the protection of the fryers by an automatic fire suppression system, it is considered that the kitchen is not a place of special risk as defined by Technical Guidance Document B – Fire Safety (2006), and it has been demonstrated that the inclusion of condition number 1 is not necessary to comply with the requirements of this guidance document. Accordingly, the works proposed would, if otherwise carried out in accordance with the design, achieve an adequate level of fire safety that would comply with the requirements of Part B 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.