



Building Control Acts 1990 to 2014

Building Control Authority: Kildare County Council

Building Control Authority Register Reference Number: 18/175

Appeal by Homeless Care CLG care of Clarke and Company of Highland View Terrace, Fairgreen, Naas, County Kildare in relation to the decision made on the 25th day of July, 2019 by Kildare 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 a residential facility and administration building at Jigginstown House, Naas, County Kildare in accordance with plans and particulars lodged with the building control authority:

WHEREAS the said appeal relates only to conditions numbers 3 and 4 attached to the decision of the building control authority:

AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the 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 building control authority to amend condition number 3 so that it shall be as follows for the reason set out, and to attach condition number 4 so that it shall be as follows for the reason set out:

3. All studio apartments are required to fully comply with the requirements of Figure 10(a) of BS 9991:2015. In particular, the entrance door to Unit 9 shall be revised to ensure full compliance with Figure 10(a) of BS 991:2015.

Reason: To demonstrate compliance with Part B1 (Means of Escape) of the Second Schedule to the Building Regulations 1997-2019.

4. The occupants of the open plan residential units shall be capable of independent evacuation in the event of an emergency evacuation.

Reason: Section 9.7 “Open-plan flat design” of BS 9991:2015 states that “open-plan flats should not be provided for accommodation where the occupants are not capable of independent evacuation.”

Reasons and Considerations

In arriving at its decision, the Board had regard to the Fire Safety Certificate application and details that formed part of the application, the subsequent submissions made in connection with the appeal and the reporting inspector’s report and recommendation.

It is considered that the amendment of condition number 3 whereby the entrance door to unit number 9 shall be revised to ensure the travel distance complies with Figure 10(a) of BS 9991:2015 is warranted to demonstrate compliance with Part B1 (Means of Escape) of the Second Schedule to the Building Regulations 1997-2019.

It is considered that condition number 4 should be upheld requiring occupants of the open plan residential units to be capable of independent evacuation in the event of an emergency evacuation where no sprinkler system is provided which would in turn demonstrate compliance with Part B1 (Means of Escape) of the Second Schedule to the Building Regulations 1997-2019.

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 2020.