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**Building Control Acts 1990 to 2014**

**Building Control Authority: Dublin City Council**

**Building Control Authority Register Reference Number: FA/19/1098.**

**Appeal** by Orwell House Limited care of John A. McCarthy of Bank House, 6 Terenure Road East, Rathgar, Dublin in relation to the decision made on the 16<sup>th</sup> day of October, 2019 by Dublin City 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 material alteration/extension to a building : demolition of existing three-storey structure and staircase to rear of existing building, construction of new basement incorporating new staircase and lift, material alterations to existing ground, first and second floor, construction of extension to rear ground, first and second floor, and construction of new third floor level including additional staircase, at Queen of Peace Centre, Garville Place, Rathgar, Dublin in accordance with plans and particulars lodged with the said authority:

**WHEREAS** the said appeal relates only to condition number 3 attached to the decision of the Council:

**AND WHEREAS** An Bord Pleanála is satisfied, having regard to the nature of the said condition(s), 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 condition number 3 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 recommendation of the reporting Inspector, it is considered that, subject to the removal of condition number 3, the proposed works would achieve an adequate level of fire safety and would comply with the requirements of Part B3 of the Second Schedule of 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.

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**Michelle Fagan**

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

**Dated this            day of            2020.**