



Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: FSC4419/19.

Appeal by KM Kyle Holdings Limited care of ORS of Block A, Marlinstown Office Park, Mullingar, County Westmeath in relation to the decision made on the 19th day of November, 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 construction of new building comprising 52 number new apartments consisting of 12 number one bedroom, 32 number two bedroom and eight number three bedroom, and provision for private underground and courtyard car park at 289/290 Bluebell Avenue, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to condition number 2 attached to the decision of the Council:

AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the said 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 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 amend the said condition number 2 so that it shall be as follows for the reason set out and to attach a new condition number 4 so that it shall be as follows for the reason set out:

2. Common lobbies between stairways and dwelling units throughout the development shall be provided with a smoke control system in accordance with recommendations set out in section 14.1.3 of BS 9991: 2015 and other applicable recommendations in section 14 and Annex A of BS 9991: 2015. The applicant shall submit a technical submission to the Building Control Authority for written agreement in respect of the smoke control system option proposed, demonstrating compliance with the applicable recommendations in section 14 and Annex A of BS 9991:2015.

Reason: To ensure compliance with Part B of the Second Schedule to the Building Regulations 1997 to 2017.

4. The common fire detection and alarm systems shall be in accordance with the recommendations set out in Section 1.4.14 of Technical Guidance Document B – Fire Safety (2006) (2020 reprint), where the system design installation and commissioning shall be in accordance with the requirements of IS 3218: 2013 and in accordance with the particular recommendations set out in Section 1.4.14.4 – Buildings containing flats or maisonettes of Technical Guidance Document B – Fire Safety (2006) (2020 reprint).

Reason: To comply with Part B of the Second Schedule to the Building Regulations 1997 to 2017.

Reasons and Considerations

Having regard to the proposed form, use and layout of the building, and the submissions lodged in connection with the Fire Safety Certificate application and the appeal, the provisions of Technical Guidance Document B (2006) (2020 Reprint) used as the basis for design and to achieve compliance with the functional requirements of Part B of the Building Regulations, and the report and recommendation of the reporting inspector, it is considered that subject to an amended condition number 2 as set out above, and the attachment of a new condition as set out above, the proposed works would achieve an adequate level of fire safety that would comply with the requirements of Part B of the Second Schedule of the Building Regulations 1997 to 2017.

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.

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

Dated this day of 2020.