

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: FA/20/1102

Appeal by Declan Byrne care of FISCA of Killerry, Ballintogher, County Sligo in relation to the decision made on the 21st day of April, 2021 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 a new three-storey apartment building at the rear of 2-10 Jamestown Road, Tyrconnell Road, Inchicore, Dublin in accordance with plans and particulars lodged with the said authority:

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

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 condition number 3 and the reason therefor and to attach the said condition number 4 and the reason therefor.

Reasons and Considerations

Having regard to the open nature of the stairs enclosure, the proximity of the disabled refuge space to the ground floor entrance and the improbability of occupants needing fire service or management assistance to escape given the absence of a lift serving the upper floors, it is considered that condition number 3 is unwarranted.

Having regard to the protected entrance hallways which form part of the protection of the common escape route from other apartments, it is considered that condition number 4 is justified in this instance and should be attached to the Fire Safety Certificate.



Matters Considered

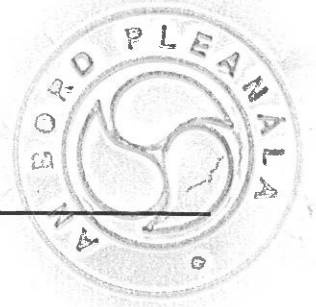
In making its decision, the Board had regard to those matters to which, by virtue of the Building Control Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



Michelle Fagan

Member of An Bord Pleanála

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



Dated this 31st day of May 2021.