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**Building Control Acts 1990 to 2014**

**Building Control Authority: Dún Laoghaire-Rathdown County Council**

**Building Control Authority Register Reference Number: 20/8033/REV**

**Appeal** by University College Dublin care of Jeremy Gardiner Associates of 9 Upper Baggot Street, Dublin in relation to the decision made on the 16<sup>th</sup> day of April, 2020 by Dún Laoghaire-Rathdown County Council to grant, subject to conditions, a revised fire safety certificate under section 6 (2)(a)(vi) of the Building Control Act, 1990, as amended by section 5 of the Building Control Act 2007, in respect of design changes to building. It is proposed to remove the existing extension stair serving first floor level and carry out a number of upgrade works at Ardmore House, University College Dublin, Belfield, Dublin in accordance with plans and particulars lodged with the Building Control Authority:

**WHEREAS** the said appeal relates to conditions numbers 2 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, 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 conditions numbers 2 and 4 and the reasons therefor.

## **Reasons and Considerations**

Having regard to the form and layout of the building, the considerations required with regard to the protected structure, the nature of the proposed works, the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and the recommendation of the reporting Inspector, the Board considered that in accordance with the guidance contained in Technical Guidance Document B it is acceptable to serve first floor accommodation by means of a protected stairway with 30 minutes fire-resisting enclosure at both levels and with accommodation opening directly into the stair enclosure via single FD30S doorsets, and that lobbies are not required to protect stair enclosures in the case of two-storey accommodation under Clause 1.3.8.1(a) of Technical Guidance Document B.

Furthermore, the Board had regard to the nature of the building which is a protected structure, that new elements of structure proposed would be 60 minutes fire-resisting including those existing elements of structures that provide a load path for any such new elements, and were satisfied that, subject to the removal of condition numbers 2 and 4, the proposed works would achieve an adequate level of fire safety and would comply with the requirements of Part B of the second schedule of 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.

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**Michelle Fagan**

**Member of An Bord Pleanála**

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

**Dated this            day of            2021.**