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**Building Control Acts 1990 to 2014**

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

**Building Control Authority Register Reference Number: 19/8161**

**Appeal** by Homeland Silverpines Limited care of Jeremy Gardner Associates of 9 Upper Baggot Street, Dublin in relation to the decision made on the 13<sup>th</sup> day of July, 2020 by Dún Laoghaire-Rathdown 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 new five storey residential development consisting of two residential blocks over a shared basement carpark at Block A and B Berwick Pines, Leopardstown Road, Dublin in accordance with plans and particulars lodged with the said authority:

**WHEREAS** the appeal relates only to condition number 4 attached to the decision of the building control authority:

**AND WHEREAS** An Bord Pleanála is satisfied, having regard to the nature of the 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:

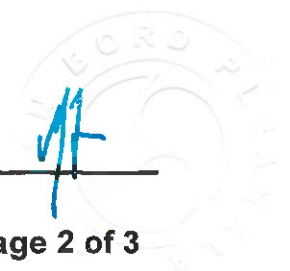
**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act 1990 and by Article 40 (2) of the Building Control Regulations, 1997, and based on the reasons and considerations set out below, hereby directs the building control authority to amend condition number 4 so that it shall be as follows for the reason set out:

4. All apartment storerooms and cupboards that exceed two square metres in area, shall be either provided with sprinkler protection or shall be enclosed in 30 minutes fire rated construction in accordance with BS 9251:2014.

**Reason:** To comply with Part B of the Second Schedule to the Building Regulations 1997 to 2020

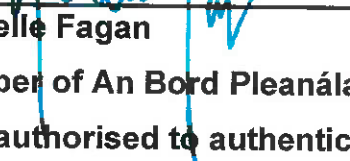
## **Reasons and Considerations**

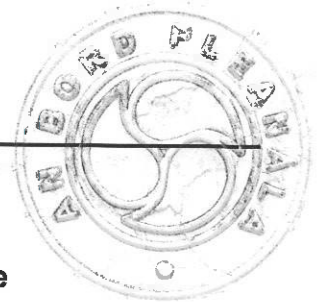
Having regard to the layout of the building, to the nature of the proposed works, to the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and to the recommendation of the reporting Inspector, the Board is satisfied that the proposal to provide sprinkler protection to the open plan apartments in accordance with BS 9251:2014 would achieve an adequate level of fire safety and would comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997 to 2020



## 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 *2nd* day of *June* 2021.