



An
Bord
Pleanála

Board Order
ABP-307983-20

Building Control Acts 1990 to 2014

Building Control Authority: Dun Laoghaire-Rathdown County Council.

Building Control Authority Register Reference Number: 19/8085.

Appeal by Granville Hall Partnership care of Jeremy Gardner Associates of 9 Upper Baggot Street, Dublin in relation to the decision made on the 23rd day of July, 2020 by Dun 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 residential building consisting of two blocks over shared basement, each of which will be served by two escape stairs, all at Roselawn, Stillorgan Road, Foxrock, 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 planning authority:

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 delete the said condition number 2 and the reason therefor, to renumber the remaining conditions and to attach new conditions numbers 6, 7, 8 and 9 so that they shall be as follows for the reasons set out:

6. Block A residential stairways shall be subdivided at ground floor in accordance with Figure 32 of BS 9991:2015.

Reason: To comply with Part B1 of the Second Schedule of the Building Regulations, 1997 to 2017.

7. The enclosed car park at basement level shall be separated from the stairs serving as the escape route from the apartments above by fire resisting lobbies with one square metre automatic opening ventilation in accordance with Section 32(c) and Table 13 of BS 9991:2015.

Reason: To comply with Part B1 of the Second Schedule of the Building Regulations, 1997 to 2017.

8. The enclosed car park at basement level shall comply with Clause 48.1(d)(3) of BS 9991:2015.

Reason: To comply with Part B1 of the Second Schedule of the Building Regulations, 1997 to 2017.

9. All materials installed within the external walls shall comply with Clause 18.2 of BS 9991:2015.

Reason: To comply with Part B1 of the Second Schedule of the Building Regulations, 1997 to 2017.

Reasons and Considerations

Having regard to the form, use and layout of the building, the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and to the report of the Inspector, it is considered that condition number 2, as set out in the schedule of conditions attached to the Fire Safety Certificate granted by the Building Control Authority, is unnecessary given that the open plan apartments are designed in accordance with BS 9991:2015 and BS 9251:2014 where store rooms are not required to be enclosed in fire resisting construction.

In differing from the Inspector's recommendation to determine the appeal under section 40(1) of the Building Control Regulations 1997 to 2021, and to annul the decision of the Building Control Authority to grant a Fire Safety Certificate, the Board considered that compliance with the conditions imposed by the Building Control Authority in the Fire Safety Certificate granted and requiring the submitted design to be altered in order to comply with the conditions imposed, would ensure an adequate level of fire safety that would comply with Part B1 (Means of Escape in the case of fire) of the Second Schedule of the Building Regulations 1997 to 2017.

Furthermore, it is considered appropriate to attach new conditions to address the issues raised in the Inspector's report with regard to the arrangements within the residential stairways at the ground floor of Block A, the quantum of ventilation proposed between the stair cores and the car park, and the adequacy of the materials used in the elevations of the building.

The Board determined the appeal under Section 40(2) of the Building Control Regulations 1997 to 2021 and upheld the appeal regarding condition number 2 for the reason set out above, and considered that compliance with the conditions set out above and the schedule of conditions attached to the Fire Safety Certificate would ensure an adequate level of fire safety that would

comply with Part B1 (Means of Escape in the case of fire) 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.



Stephen Bohan

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

Dated this 5th day of November 2021.