



Building Control Acts 1990 to 2014

Building Control Authority: Fingal County Council

Building Control Authority Register Reference Number: 19/4101/7D

Appeal by Tribal Developments care of Jeremy Gardner Associates of 9 Upper Baggot Street, Dublin in relation to the decision made on the 15th day of February, 2021 by Fingal 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 construction of three residential blocks and the carrying out of material alterations to both existing basement levels at Blocks U, T and W, Charlestown Development, Finglas, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the 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 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 2 so that it shall be as follows for the reason set out:

2. The ventilation system for the car park at Levels -1 and -2 shall comply with paragraphs 3.5.2.4 or 3.5.2.5 of Technical Guidance Document B 2006 or Clause 9 of BS7346 - Part 7, 2013 Components for smoke and heat control systems – Part 7: Code of practice on functional recommendations and calculation methods for smoke and heat control systems for covered car parks. Revised details of the ventilation system demonstrating compliance with this requirement shall be submitted to, and agreed in writing with, the Building Control Authority, prior to the making available of Blocks U, T and W for occupation and prior to the continuation of use of the basement car park following commencement of development.

Reason: To comply with Parts B3 and B5 of the Second Schedule to the Building Regulations 1997, as amended.

Reasons and Considerations

Having regard to the provisions of Technical Guidance Document B 2006, it is considered that, subject to the amendment of condition number 2, the three Blocks U, T and W and the basement car park would meet the fire safety requirements of Part B of the Building Regulations 1997, as amended.

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.



John Connolly

Member of An Bord Pleanála

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

Dated this *12th* day of *July* 2021.