

An  
Bord  
Pleanála

Board Order  
ABP-312605-22

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**Building Control Acts 1990 to 2014**

**Building Control Authority: South Dublin County Council**

**Building Control Authority Register Reference Number: FSC/003/21**

**Appeal** by M.B. McNamara Construction Limited care of Warringtonfire Consulting Ireland Limited of Unit D8, North City Business Park, North Road, Finglas, Dublin in relation to the decision made on the 4<sup>th</sup> day of January, 2022 by South Dublin 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 a single storey basement and a six storey residential block above (Block A) at 5 Second Avenue, Cookstown Industrial Estate, Tallaght, Dublin in accordance with plans and particulars lodged with the said Building Control Authority:

**WHEREAS** the said appeal relates to conditions numbers 2 and 6 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:

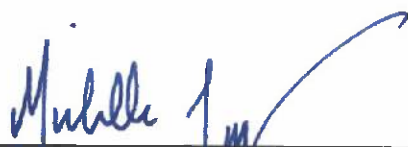
**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act, 1990, as amended by section 6 of

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 said Building Control Authority to remove conditions numbers 2 and 6 and the reasons therefor,

## Reasons and Considerations

Having regard to the nature, layout and height of the building, the submissions lodged with the fire safety certificate application and the appeal, the reports of the Building Control Authority and the appellant, and to the recommendations of the reporting Inspector, it is considered that sprinkler protection in the car park is not a requirement of the Technical Guidance Document in buildings of less than 30 metres height to the top floor, and that therefore, subject to the removal of condition number 2, the proposed works would achieve an adequate level of fire safety that would comply with the requirements of Part B.

Furthermore, having regard to the provisions of BS9251:2021, it is considered that the proposals to locate the zone valves outside the apartment in the common area where they are accessible to management for routine testing and maintenance and to potentially shut off sprinklers in the event of a leak, would, subject to the removal of condition number 6, achieve an adequate level of fire safety that would comply with the requirements of Part B.



**Michelle Fagan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this **13<sup>th</sup>** day of **October** 2022.

