



An
Bord
Pleanála

Board Order ABP-312775-22

Building Control Acts 1990 to 2014

Building Control Authority: Cork City Council

Building Control Authority Register Reference Number: FSC2103500CY

Appeal by O'Brien and O'Flynn care of O'Shea Leader Consulting Engineers of 38 Eastgate Drive, Little Island, County Cork in relation to the decision made on the 24th day of January, 2022 by Cork City Council to refuse 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 for construction of four number units consisting of two number ground floor apartments with two number maisonettes overhead at Units numbers 42 to 45 Sarsfield Road, Doughcloyne, Wilton, Cork in accordance with the plans and particulars lodged with the said authority.

Decision

Pursuant to the powers conferred on it by section 7 of the Building Control Act, 1990, An Bord Pleanála hereby allows the appeal, based on the Reasons and Considerations set out below, and directs the Building Control Authority to grant a fire safety certificate in accordance with the said plans and particulars and subject to the conditions set out under.

Reasons and Considerations

Having regard to the nature of the building and the submissions lodged in connection with the Fire Safety Certification application and appeal, and to the reports and recommendation of the Inspector, it is considered that the applicable guidance set out in Technical Guidance Document B 2006 relating to compartment floors and compartment walls in this building are contained in Sections 3.2.5.2 and 3.2.5.4 where the requirement construction in non-combustible/limited combustible materials only arises:

- Where the height of the top storey is 10 metres or more, and
- The required fire resistance is 60 min or more.

In this case, the height of the top storey is below 10 metres and accordingly the requirement for non-combustible/limited combustibility construction does not arise.

The Board was therefore satisfied that, subject to the attachment of the conditions set out below, it has been demonstrated that the building, if constructed in accordance with the design presented with the application and appeal, would comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997, as amended.

Conditions

1. The timber frame building elements in the building including the compartment walls at first and second floor levels shall be in accordance with IS 440 Timber Framed Dwellings where the design, materials and workmanship used in the manufacture and construction of the wall are to be in accordance with the provisions of Technical Guidance Document D (Materials and Workmanship).

Reason: To comply with the requirements of Part B of the Building Regulations.

2. Fire detection and alarm coverage shall be provided in accordance with Section 1.4.14.4 and 1.5.5 of Technical Document B 2006 (as amended 2020) where a Grade D LD2 fire detection and alarm system shall be provided in each apartment and maisonette.

Reason: To comply with the requirements of Part B of the Building Regulations.




Mary Henchy

Member of An Bord Pleanála

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

Dated this 27th day of July 2024