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**Building Control Acts 1990 to 2014**

**Building Control Authority: Dublin City Council**

**Building Control Authority Register Reference Number: FRV2106771DC**

**Appeal** by David Kennan care of Justas Dvylaitis of Mount Pleasant Business Centre, Ranelagh, Dublin in relation to the decision made on the 24<sup>th</sup> day of February, 2022 by Dublin City Council to grant, subject to condition, a revised fire safety certificate under section 6 (2)(a)(vi) of the Building Control Act, 1990, as amended by section 5 of the Building Control Act 2007, in respect of the construction of a nine storey over basement building at 44-45 Cuffe Street, Dublin. The proposed development will consist of office accommodation at all upper levels and basement level, with a public café at ground floor level in accordance with plans and particulars lodged with the said Building Control Authority:

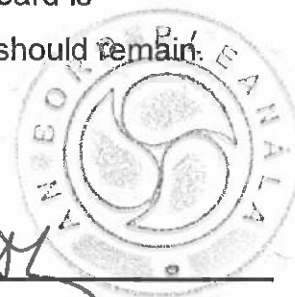
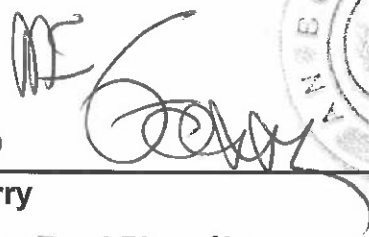
**WHEREAS** the said appeal relates to conditions numbers 5 and 7 attached to the decision of the said Building Control Authority:

**AND WHEREAS** An Bord Pleanála is satisfied, having regard to the nature of the said 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 attach the said conditions numbers 5 and 7 and the reasons therefor.

### **Reasons and Considerations**

Having regard to the form and nature of the conditions, the submission lodged with the Revised Fire Safety Certificate Application and the Appeal, the reports from the Building Control Authority and the Appellant and to the report and recommendations of the Inspector/Board Consultant, the Board is satisfied that it has been fully demonstrated that the conditions should remain.



**Chris McGarry**

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

**Dated this** *24<sup>th</sup>* **day of** *August* **2023.**