

An
Bord
Pleanála

Board Order
ABP-313249-22

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: FSC2107369DC/7DN

Appeal by John Maxwell care of BB7 (Goldsmith Engineering DUB Limited) of Unit D, Mount Pleasant Business Centre, Ranelagh, Dublin in relation to the decision made on the 9th day of March, 2022 by Dublin City 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 Merrion Showroom, a seven-storey residential building comprising of ground plus five and a single storey of basement. The basement will contain car parking for the scheme while the floor levels from ground to fifth floor level shall contain apartments, at 129 R118, Dublin in accordance with plans and particulars lodged with the said Building Control Authority:

WHEREAS the said appeal relates only to condition number 3 attached to the decision of the Building Control 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, 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 amend condition number 3 so that it shall be as follows for the reason set out:

3. Stairways and lifts serving residential levels shall terminate at ground floor level and shall be separated from the stairs serving the basement level by a protected lobby or protected corridor in accordance with Section 1.3.7.1 of the Technical Guidance Document B.

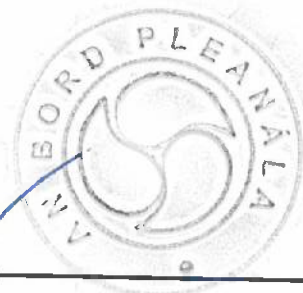
Reason: To comply with Part B of the Second Schedule to the Building Regulations, 1997 to 2019.



Reasons and Considerations

Having regard to the form, use, scale and layout of the building, the submissions lodged with the Fire Certificate Application and the appeal, to the provisions of Technical Guidance Document B used as the basis for design and to achieve compliance with the functional requirements of Part B of the Building Regulations, and to the recommendations of the reporting Inspector, it is considered that subject to the attachment of condition number 3 as set out above the proposed works would achieve an adequate level of fire safety that would comply with the requirements of Part B of the Second Schedule to the Building Regulations.

In not agreeing with the Inspector regarding a recommendation to impose a requirement to provide sprinklers to the basement car park, the Board considered that, in this instance, the relevant regulations are set out in Technical Guidance Document B.




Michelle Fagan

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

Dated this 20th day of January 2023.