

An
Bord
Pleanála

Board Order
ABP-313346-22

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: FSC2102732DC

Appeal by Irish Life care of MSA Dublin of 19 Windsor Place, Lower Pembroke Street, Dublin in relation to the decision made on the 16th 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 an eight-storey office building over basement car park at 128 Pembroke Road, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the appeal relates only to conditions numbers 11, 17, 18 and 27 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:

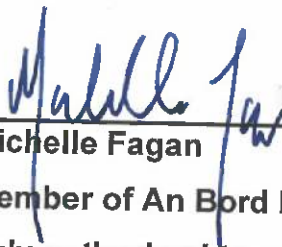
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act 1990 and by Article 40 (2) of the Building Control Regulations, 1997, and based on the reasons and considerations set out below, hereby directs the said authority to delete conditions numbers 11, 17, 18 and 27 and the reasons therefor.

Reasons and Considerations

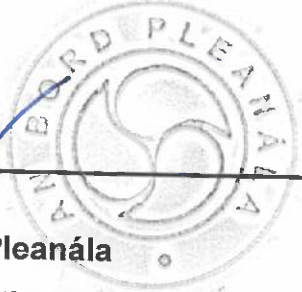
Having regard to the nature and layout of the building, to the submissions lodged with the Fire Certificate Application and the appeal, to the reports of the Building Control Authority and the Appellant, and to the recommendations of the reporting Inspector, the Board considered that;

- (a) the ventilation conditions required for the application of Table 24 of BS9999: 2017 to determine the proposed fire resistance for the elements of structure within the building if two additional floors are added are satisfied,
- (b) Stair 01 is proposed to be an accommodation stair and is not a proposed means of escape,
- (c) the building use is office accommodation, is designed for simultaneous evacuation which does not require lobby protection to lifts, and
- (d) the proposed location of the entrance to the Fire Fighting Stair (Stair 04) is in an open-air location, less than two metres from Shelbourne Lane,

and concluded that condition numbers 11, 17, 18 and 27 as set out in the schedule attached to the Fire Certificate granted by the Building Control Authority are unnecessary, as it has been demonstrated that the proposed works would achieve an adequate level of Fire Safety and would comply with Part B of the Building Regulations, 1997 to 2006 as amended.



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



Dated this 20th day of January 2023.