

---

**Building Control Acts 1990 to 2014**

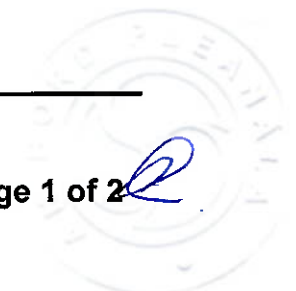
**Building Control Authority: Dún Laoghaire-Rathdown County Council**

**Building Control Authority Register Reference Number: FSC2200918DR**

**Appeal** by Thomas Bather care of Jensen Hughes of 16 Clanwilliam Terrace, Dublin in relation to the decision made on the 13<sup>th</sup> day of May, 2022 by Dún Laoghaire-Rathdown 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 the construction of a three-storey building containing 17 maisonette apartments at Block B, Cherrywood T8, Cherrywood, Dublin in accordance with plans and particulars lodged with the said authority:

**WHEREAS** the said appeal relates only to condition number 2 attached to the decision of the 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:



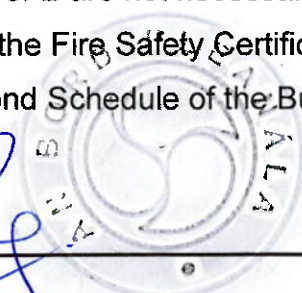
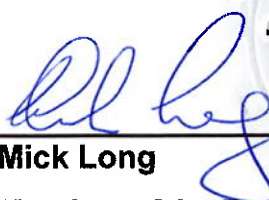
**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act 1990 and by Article 40 (2) of the Building Control Regulations, 1997, and based on the reasons and considerations set out below, hereby directs the said authority to delete the said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

## **Reasons and Considerations**

Having regard to the report and recommendation of the reporting Inspector, the basis of design for the proposed duplex building is an acceptable alternative approach for the design of the maisonettes as per Section 1.1.2 of TGD-B 2006 (Reprint 2020), Department of Housing Planning and Local Government, Circular Letter BC02-2020 and Section 9.5.2 of BS 9991: 2015.

Therefore, as the appellant has demonstrated that the proposed means of escape from the duplexes are in compliance with Clause (c) of Section 9.5.2 of BS 9991: 2015 it is considered that condition number 2 should be removed from the granted Fire Safety Certificate.

Accordingly, the requirements of condition number 2 are not necessary in the case of the building that is the subject matter of the Fire Safety Certificate to demonstrate compliance with Part B of the Second Schedule of the Building Regulations 1997, as amended.



---

**Mick Long**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *20* day of *December* 2023.