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**Building Control Acts 1990 to 2014**

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

**Building Control Authority Register Reference Number: FSC2201524DR**

**Appeal by** Quintain Ireland care of Jensen Hughes of 16 Clanwilliam Terrace, Grand Canal Quay, Dublin in relation to the decision made on the 30th day of September, 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 a four-storey apartment building over a basement carpark at Cherrywood T2 Apartment Block, Castle Street, Dublin in accordance with plans and particulars lodged with the said authority:


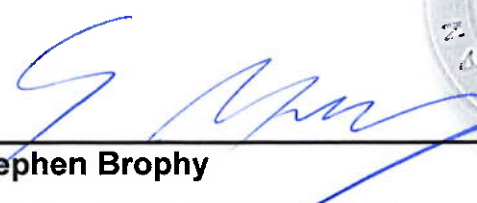
**WHEREAS** the said appeal relates only to conditions numbers 1 and 3 attached to the decision of the Building Control Authority:

**AND WHEREAS** An Bord Pleanála is satisfied, having regard to the nature of the said 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 remove conditions 1 and 3 and the reasons therefor:

## **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, the provisions of the 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, 1997, and to the recommendation of the reporting Inspector, it is considered that 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 Local Authority's 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.



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

Dated this *18<sup>th</sup>* day of *January* 2024.