

An
Bord
Pleanála

Board Order
ABP-315096-22

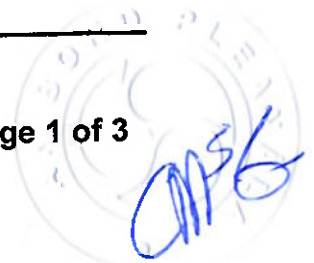
Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: FSC2105711DC

Appeal by Ardstone Homes care of Jensen Hughes of 16 Clanwilliam Terrace, Grand Canal Dock, Dublin in relation to the decision made on the 17th day of October, 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 the construction of a residential development on the site on Sandford Road, Dublin. The development will consist of four residential blocks (A1, A2, B and C) ranging in height from seven to nine stories over a shared basement level (incorporating car parking, storage and plant areas). It is proposed that all blocks will consist of open plan residential apartments along with a handful of duplex units in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to conditions numbers 5 and 10 attached to the decision of the Building Control Authority:



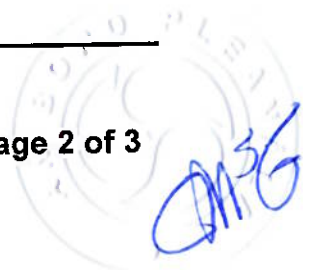
AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the said conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted:

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 conditions numbers 5 and 10 and the reasons therefor.

Reasons and Considerations

Having regard to the presented design of the residential development, to the submissions made in connection with the Fire Safety Certificate application and the appeal, and to the report and recommendation of the reporting Inspector, it is considered that conditions numbers 5 and 10 as originally attached by the Building Control Authority to the fire safety certificate are not necessary.

In relation to condition number 5, it has been demonstrated by the appellant that the basement car park area does not require sprinkler protection to meet the requirements of Part B of Technical Guidance Document B of the Building Regulations 2006 (as reprinted in 2020). As set out on page three of the guidance document, where works are carried out in accordance with the guidance in the document, this will, prima facie, indicate compliance with Part B of the Second Schedule to the Building Regulations.



In relation to condition number 10, following consideration of established precedent and the guidance found in the UK approved document B 2019 (with 2020 amendments) and BS 9991:2015, the Board noted the provision of dry risers and access for a fire appliance to within 18 metres, and within sight, of the dry riser inlet valves, presented with the application and appeal in lieu of the requirement of 50% perimeter access to within 2 metres of the building elevation set out in section 5.2 (Vehicle Access) and Table 5.1 (Vehicle access to buildings) of the Technical Guidance Document B of the Building Regulations, 2006. The Board was satisfied that the alternative approach put forward meets the requirement of Part B5 (Access and facilities for the fire service) of Part B (Fire Safety) of the Second Schedule to the Building Regulations 1997, as amended. In this regard, the Board took into account that the adoption of an approach other than that outlined in the technical guidance is not precluded provided that the relevant requirements of the Regulations are complied with, as set out in Page 3 of the Technical Guidance Document B of the Building Regulations, 2006.

Accordingly, the Board concluded that it is appropriate to delete Condition number 10 from the Fire Safety Certificate.


Chris McGarry

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

Dated this 1st day of February 2024.