



An
Bord
Pleanála

Board Order
ABP-315117-22

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number:
SN3006126/FSC2200832DC

Appeal by James Buckley care of BB7 (Goldsmith Engineering Dublin Limited) of Mountpleasant Business Campus, Rathmines, Dublin in relation to the decision made on the 24th 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 four storeys of primary care facilities above a basement carpark. A pharmacy will also be provided at ground floor. The upper levels are served by three fire escape stairs. Basement level is serviced by one number escape stair at Donnybrook Primary Care Centre, Bloomfield Avenue, Donnybrook, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to conditions numbers 7 and 9 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 condition number 9 and the reason therefor, and to attach condition number 7 and the reason therefor.

Reasons and Considerations

Having regard to the form, use and layout of the building, the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and to the report of the Inspector, it is considered that the attachment of condition number 7 is warranted, as the car park accommodates both staff and members of the public and the complexities arising from segregation of the car park and the risk profile of members of the public parking therein, was not appraised sufficiently in the documentation submitted with the application and appeal.



It is further considered that the removal of condition number 9 is warranted as the documentation submitted with the application and appeal sets out sufficient detail of the low risk nature of the installation and of the available robust construction of the overall building structure which affords suitable protection of the adjacent stair/lift.



Chris McGarry

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

Dated this 18th day of January 2024.