



An
Bord
Pleanála

Board Order
ABP-315143-22

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

**Building Control Authority Register Reference Number: SN3005221/
FSC2200026DC**

Appeal by Aidan O'Brien care of Eamon O'Boyle and Associates of 15 Cullenswood Road, The Triangle, Rathgar, Dublin in relation to the decision made on the 27th 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 construction of a new six storey over lower ground floor 47 unit aparthotel, at Charlemont Place, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to conditions numbers 7 and 11 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 amend the said conditions numbers 7 and 11 so that they shall be as follows for the reasons set out.

7. Any cooking hobs provided within the bedrooms shall be of the induction hob type and these cooking hobs shall be sited such that occupants would not have to approach within 1.8 metres of them as part of the means of escape route (generally in accordance with Diagram 9A of TGD: B 2006, reprint 2020).

Reason: To comply with the requirements of Part B1 of Part B of the Second Schedule of the Building Regulations 1997, as amended.

11. Fire Brigade vehicle access shall be provided in accordance with the submissions made in the Fire Safety application and supporting documentation furnished to the Building Control Authority and to An Bord Pleanála (in support of the appeal) including the additional fire safety measures outlined.

Reason: To comply with the requirements of Part B5 of Part B of the Second Schedule of the Building Regulations 1997, as amended.

P.C.

Reasons and Considerations

Condition number 7

Having regard to the presented design for the construction of 47 aparthotel units, 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 condition number 7, as originally attached by the Building Control Authority to the Fire Safety Certificate, is reasonably necessary to satisfy the requirements of Part B, specifically B1 (Means of escape in case of fire) of Technical Guidance Document B - Fire Safety (2006, reprinted 2020). The Board concluded with respect to this condition that it has not been demonstrated by the first party appellant in the fire safety application and appeal that the location of the cooking facilities, notwithstanding the proposal to utilise induction hobs and taking into account the limited travel distances involved, would be compliant with Section 1.6.3 and Diagram 9(a) of TGD: Part B 2006 (reprint 2020) such as to ensure adequate means of escape in the case of fire from the building. The Board was therefore satisfied that it would be appropriate to attach Condition number 7 with minor amendments as set out above.

P.C.

Condition number 11

In respect of Condition number 11, the Board took into account the documentation on file, the Inspector's assessment, the site's location and physical constraints, the provision of Section 0.2.1 of TGD: Part B (2006, reprinted 2020) that allows for fire safety engineering to be used where a particular provision of the guidance cannot practically be achieved, confirmation with evidence that the fire service including a high reach and pump appliance can each access and exit the site and the additional fire safety engineering measures committed to as set out within the documentation before the Board. Overall, the Board was satisfied that the proposed design demonstrates adequate compliance with the requirement of Part B5 (Access and facilities for the fire service) of Part B of the Building Regulations, specifically that there is adequate provision for access for fire appliances as may be reasonably required to assist the fire service in the protection of life and property. The Board was therefore satisfied that it would be appropriate to amend condition number 11.



Patricia Calleary

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

Dated this 01 day of December 2023.