

Building Control Acts 1990 to 2014

Building Control Authority: Dún Laoghaire-Rathdown County Council

Building Control Authority Register Reference Number: FSC2201601DR/7DN

Appeal by P. Lonergan and Sons care of Maze Fire Consulting of 12 Liska Avenue, Dublin Road, Newry, County Down in relation to the decision made on the 25th day of November 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 single storey basement and two number blocks overhead (Blocks 3 and 4) in Dún Óir, Glenamuck Road/Enniskerry Road, Kilternan, 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 form and nature of the condition, the submission lodged with the Fire Safety Certificate Application and the Appeal, the reports from the Building Control Authority (BCA) and the Appellant and to the report and recommendations of the reporting inspector and in particular the issues raised by the BCA, the Board considered that the basement design complies with the requirements of Technical Guidance Document B and that the BCA should have considered the application within the provisions of TGD B and given that the BCA have produced no specific non-compliance with the Dun Óir application and have largely confined their submission to the inadequacy of TGD B in addressing basement car parks, the Board is satisfied that it has been fully demonstrated that the condition should be removed.



Stephen Bohan

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

Dated this *19th* day of *February* 2024

