



An
Bord
Pleanála

Board Order
ABP-315985-23

Building Control Acts 1990 to 2014

Building Control Authority: South Dublin County Council

Building Control Authority Register Reference Number: FSC2205032SDN/7/DN

Appeal by Ardstone Homes care of Maze Fire Consulting of First Floor, The Diamond Centre, Donegal Town, Donegal in relation to the decision made on the 14th day of February, 2023 by South Dublin 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 120 apartments ranging in six/seven storeys with communal facilities at ground floor and a basement level containing water storage rooms, car parking and bicycle parking at Airton Road, Tallaght, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to conditions numbers 2 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 delete the said conditions numbers 2 and 3 and the reasons therefor.

Reasons and Considerations

Having regard to the presented design of the residential development comprising 120 apartments ranging 6-7 storeys and basement level (Block EF), 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 2 and 3 as originally attached by the Building Control Authority to the fire safety certificate are not 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 in 2020) and it has been demonstrated by the first party appellant in the fire safety application and appeal that neither the basement car park or ancillary areas at basement level require sprinkler protection to meet the requirements of Part B of the guidance document. As set out on page three of Technical Guidance Document B 2006 (reprinted in 2020), 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.

The Board was satisfied that, subject to the attachment of the remaining conditions (excluding conditions numbers 2 and 3), as amended by the Board, it has been demonstrated that the building, if constructed in accordance with the design presented with the application and appeal, would comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997, as amended.



Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 22 day of January 2024.