

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

**Building Control Authority Register Reference Number:
SN3009353/FSC2205449DC/7DN**

Appeal by Durkan (Brickfield Drive) Limited care of Factfire Limited of Head Office, First Floor, Unit 13, Grange Drive, Baldoyle Industrial Estate, Dublin in relation to the decision made on the 22nd day of February, 2023 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 residential and mixed use scheme of 186 number apartment units in three number blocks (blocks A, B and D/E) over shared basement, blocks ranging in height from six to eight storeys at Brickfield Square, Brickfield Drive, Crumlin, 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 presented design of the residential development and the compliance report, 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 it has been demonstrated by the first party appellant in the fire safety application and appeal that the basement car park does not require sprinkler protection to comply with the requirements of Part B of Technical Guidance Document B - Fire Safety 2006 (reprinted 2020) [TGD: Part B]. Therefore, condition number 2 as originally attached by the Building Control Authority to the fire safety certificate is not necessary to meet the guidance set out in TGD: Part B or accordingly to demonstrate compliance with Part B of the Second Schedule to the Building Regulations 1997, as amended.



Chris McGarry

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

Dated this 20th day of July 2024.