

Building Control Acts 1990 to 2014

Building Control Authority: Dún Laoghaire-Rathdown County Council

Building Control Authority Register Reference Number: FSC 2203665DR

Appeal by Quintain Ireland care of Jensen Hughes of 16 Clanwilliam Terrace, Grand Canal Quay, Dublin in relation to the decision made on the 20th day of February, 2023 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 proposed construction of an apartment building over basement car park at Cherrywood T5 Apartment Blocks, Cherrywood, 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 condition, 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 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 meet the requirements of Part B of Technical Guidance Document B - Fire Safety 2006 (reprinted 2020) [TGD: Part B] and the submitted technical compliance report otherwise details proposals for sprinkler coverage (category 2) in accordance with BS 9251:2021 proposed to all residential areas and common corridors (but not the basement car park). 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.

The Board was satisfied that, subject to the attachment of the remaining conditions (excluding condition 2) as removed by the Board, it has been demonstrated that the buildings (T5 Apartment Blocks), 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 12 day of March 2024.