

An  
Bord  
Pleanála

Board Order  
ABP-317351-23

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**Building Control Acts 1990 to 2014**

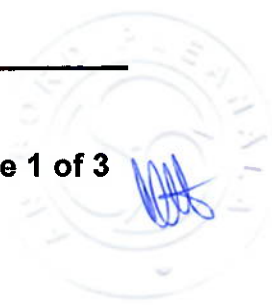
**Building Control Authority: Fingal County Council**

**Building Control Authority Register Reference Number: FSC/134/23**

**Appeal by M.B. McNamara Construction Limited care of Maze Fire**

Consulting of 12 Liska Avenue, Dublin Road, Newry, County Down in relation to the decision made on the 18<sup>th</sup> day of May, 2023 by Fingal 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 Phase 2 of 2 Phase Master plan consisting of site and one number residential block. The residential development will consist of two to six storeys to include 99 apartments, two number communal roof gardens on the fifth floor, with a retail/café unit on the ground floor. Also located on the ground floor are, meeting rooms, waste management rooms, ESB sub-station, other ancillary accommodation and parking at Northwood Avenue, Dublin in accordance with plans and particulars lodged with the said authority:

**WHEREAS** the said appeal relates only to condition number 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 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 the said condition number 3 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 open plan apartments and common corridors (but not the basement car park). Therefore, condition number 3 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.

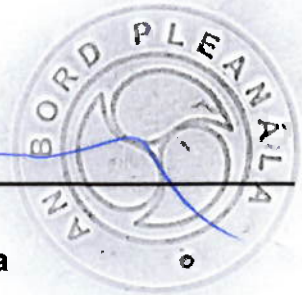
The Board was satisfied that, subject to the attachment of the remaining conditions (excluding condition 3 as directed by the Board to be removed), it has been demonstrated that the proposed development, if constructed in accordance with the design presented with the application and appeal, would comply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



**Martina Hennessy**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board**



Dated this 24<sup>th</sup> day of July 2024