

An
Bord
Pleanála

Board Order
ABP-318442-23

Building Control Acts 1990 to 2014

Building Control Authority: South Dublin County Council

Building Control Authority Register Reference Number: FSC/227/23

Appeal by Vincent Cosgrave care of GSP Fire Limited, Chartered Engineers and Fire Safety Consultants of Deise House, Link Road, Railway Square, Waterford in relation to the decision made on the 12th day of October, 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 a proposed development of basement carparking, ground floor retail and 60 apartments across two blocks at Watery Lane, County Dublin in accordance with plans and particulars lodged with the said authority:



WHEREAS the said appeal relates only to condition number 11 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 11 and the reason therefor,

Reasons and Considerations

Having regard to the presented design of the residential development with basement car park 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]. Therefore, condition number 11 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.



Mary Henchy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 18th day of December 2024