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**Building Control Acts 1990 to 2014**

**Building Control Authority: Dun Laoghaire-Rathdown County Council**

**Building Control Authority Register Reference Number: FSC/239/2023**

**Appeal** by Belgrove Homes Limited care of Project Fire Protection of Space Studio, Link Road, Glasthule, Dublin in relation to the decision made on the 23<sup>rd</sup> day of November, 2023 by Dun 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, in respect of the construction of a three-storey apartment block comprising of 23 apartments in total (10 apartments on the ground floor, eight apartments on the 1<sup>st</sup> floor and five apartments on the 2<sup>nd</sup> floor) at Barnhill Place, Barnhill Road, Dalkey, County Dublin in accordance with plans and particulars lodged with the said Council.

**WHEREAS** the said appeal relates only to condition number 19 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 remove the said condition number 19 and the reason therefor.

## **Reasons and Considerations**

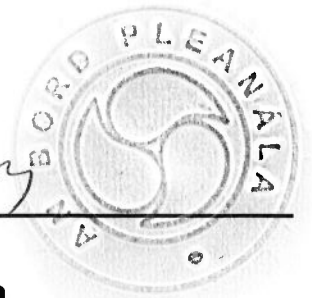
Having regard to the presented design, the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and the report and recommendation of the reporting Inspector, it is considered that it has been demonstrated by the appellant that the provision of a commercial sprinkler protection system at basement level (car park) is not a requirement that is necessary to demonstrate compliance with Technical Guidance Document B - Fire Safety (2006, reprinted 2022) or, accordingly, to demonstrate compliance with the requirements of Part B of the Second Schedule to the Building Regulations 1997, as amended. Therefore, condition number 19, as originally attached by the Building Control Authority to the Fire Safety Certificate, is not necessary.



**Patricia Calleary**

**Member of An Bord Pleanála**

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



**Dated this 31 day of March 2025.**