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**Building Control Acts 1990 to 2014**

**Building Control Authority: Dublin City Council**

**Building Control Authority Register Reference Number: FSC2304470DC/7DN**

**Appeal by** Ciaran Kavanagh care of GSP Fire Limited of Deise House, Link Road, Railway Square, Waterford in relation to the decision made on the 13<sup>th</sup> day of March, 2024 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 a six-storey residential building over basement carpark at Brookfield Heights, Saint James's, Kilmainham, Dublin in accordance with plans and particulars lodged with the said authority:

**WHEREAS** the said appeal relates only to condition number 4 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 4 and the reason therefor.

## **Reasons and Considerations**

Having regard to the design of the development, the compliance report, the submissions made 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 first party appellant in the fire safety application and appeal that the basement level 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 4 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.

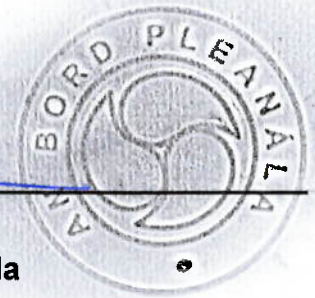
The Board was satisfied that, subject to the attachment of the remaining conditions (excluding condition number 4 as directed by the Board to be removed), it has been demonstrated that the proposed development, if constructed in accordance with the design presented with the application and appeal, would comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997, as amended.



**Paul Caprani**

**Member of An Bord Pleanála**

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



Dated this 19<sup>th</sup> day of December 2024.