



An
Bord
Pleanála

Board Order
ABP-319849-24

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: FSC2401530DC

Appeal by Jas Rait care of James M Briscoe Architect of 68 Carrickhill Road, Portmarnock, County Dublin in relation to the decision made on the 22nd day of May 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 First, Second and Third Floor extension to the return to the rear and material alteration to ground floor shop at 70 Camden Street Lower, 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 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 amend the said condition number 3 so that it shall be as follows for the reasons set out:

3. The proposed Bin Store at Ground Floor Level shall not be permitted.

Reason: To comply with Part B of the Second Schedule to the Building Regulations 1997, as amended.

Reasons and Considerations

Having regard to the presented design of the extension and material alteration to a previously approved building and the accompanying technical 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, by reference to the guidance provided in Technical Guidance Document Part B (2006 + A1 2020), the Board was satisfied that the Building Control Authority be directed to amend Condition number 3 and the reason therefor. The Board was further satisfied that, subject to the attachment of the amended Condition number 3, it has been demonstrated that the subject works, 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 23 day of April 2025.