

An  
Coimisiún  
Pleanála

Commission Order  
ABP-319994-24

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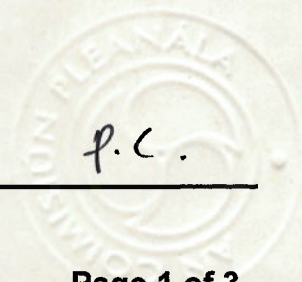
**Building Control Acts 1990 to 2014**

**Building Control Authority: Fingal County Council.**

**Building Control Authority Register Reference Number: FSC 3008752.**

**Appeal by** Mike Diana care of Eamon O'Boyle and Associates of 51 Cullenswood Road, The Triangle, Ranelagh, Dublin in relation to the decision made on the 27<sup>th</sup> day of May, 2024 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 construction of three number blocks comprising residential accommodation, creche, gym and ancillary office accommodation at Turvey Avenue, Donabate, Dublin in accordance with plans and particulars lodged with the said authority:

**WHEREAS** the said appeal relates only to conditions numbers 2 and 3 attached to the decision of the Building Control Authority:

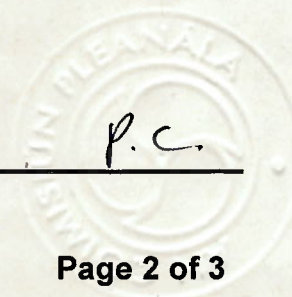


**AND WHEREAS** An Coimisiún Pleanála is satisfied, having regard to the nature of the said conditions, that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted:

**NOW THEREFORE** An Commission 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 2 and the reason therefor, and to attach the said condition number 3 and the reason therefor:


### **Reasons and Considerations**

Having regard to the presented design, to the submissions lodged 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 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 Part B 2006 (as reprinted in 2020), specifically by reference to Section 5.4.3.1 of the guidance, 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 2 as originally attached by the Building Control Authority to the Fire Safety Certificate is not necessary to demonstrate compliance with the requirements of Part B of the Second Schedule to the Building Regulations 1997, as amended.





In respect of condition number 3, which the Commission directed to be attached, the Commission noted the provisions of Section 1.4.16 of Technical Guidance Document: Part B 2006 (as reprinted in 2020) that sets out the guidance for a fire hose reel for building(s) that contain purpose group 7(b) (car park(s)). In this regard, the Commission also noted that the fire safety application, supported by drawings and the applicant's technical appendix, set out that the car park proposed at basement level falls within this purpose group category with an area greater than 500 square metres. Accordingly, hose-reels are required in the basement car park area to demonstrate compliance with the relevant guidance set out in Section 1.4.16 of Technical Guidance Document: Part B 2006 (as reprinted in 2020) and consequently to, prima facie, demonstrate compliance with Part B of the Second Schedule to the Building Regulations 1997, as amended.



*Patricia Calleary*

**Patricia Calleary**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this *29* day of *July* 2025.