

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: FSC2403881DC

Appeal by Clive Martin care of ORS of Unit W9B, Ladytown Business Park, Naas, County Kildare in relation to the decision made on the 30th day of October, 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 fire safety certificate for the material change of use of all floor levels of Units 91 and 92 to residential use, as well as the material change of use of all floors of Unit 90 and first and third floor levels of Unit 89 to office use, all at Catholic University School, 89 Leeson Street, Dublin in accordance with plans and particulars lodged with the said Council:

WHEREAS the said appeal relates only to condition numbers 1, 3, 5 and 15 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 amend conditions numbers 1 and 15 so that it shall be as follows for the reasons set out below and to remove conditions numbers 3 and 5 and the reasons therefor.

Reasons and Considerations

1. Each lobby between Stairs 01 and 02 and the apartments shall comply with the following:
 - (i) The inner lobby door directly accessing the apartment shall be considered as the apartment entrance door.
 - (ii) The outer lobby door accessing the stairs shall not be fitted with any locking device.
 - (iii) Each lobby shall be considered to be a Landlord area and therefore shall be kept sterile and free from any resident's belongings at all times.

Reason: To ensure compliance with Part B of the second schedule to the Building Regulations 1997 as amended.

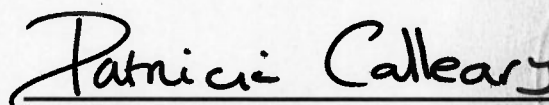
15. (a) Any new stud partition compartment walls shall comply with Section 3.2.5.4 of Technical Guidance Documents - B 2006 + A1: 2020, and
- (b) all stud partition walls shall comply with Section 3.2.5.7 of Technical Guidance Documents -B 2006 + A1: 2020.

Reason: To ensure compliance with Part B of the second schedule to the Building Regulations 1997 as amended.

Reasons and Considerations

Having regard to the submissions made in connection with the Fire Safety Certificate application and the appeal, it is considered that in relation to:

- Condition 1(ii): The Appellant has demonstrated compliance with the current Building Regulations.
- Condition 3: The Appellant has demonstrated compliance with the current Building Regulations for an existing building.
- Condition 5(i): The area is outside the scope of the application.
- Condition 5(ii): The Appellant has shown that there is no new or greater contravention of the Building Regulations by the material change of use of the upper floors of number 89.
- Condition 15: The Appellant has demonstrated compliance with the Building Regulations in relation to the use of materials in a compartment wall for an existing building. The Appellant has not demonstrated compliance with the Building Regulations in relation to the accommodation of services in a compartment wall.



Patricia Calleary

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

Dated this 21 day of August 2025.