

Building Control Acts 1990 to 2014

Building Control Authority: Fingal County Council

Building Control Authority Register Reference Number: FSC3025970

Appeal by Ciaran Larmer care of Factfire Limited of Head Office First Floor, Unit 133 Grange Drive, Baldoye Industrial Estate, Dublin in relation to the decision made on the 24th day of February 2025 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 a development at Newpark Care Centre. The proposed works is a two-storey extension and material alterations to an existing nursery home located in Newpark, in accordance with plans and particulars lodged with the said Council.

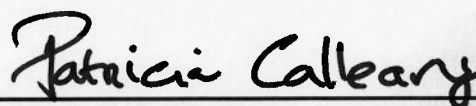
WHEREAS the said appeal relates only to condition number 9 attached to the decision of the Building Control Authority,

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 conditions numbers 9 and the reasons therefor, so that it shall be as follows for the reason set out below.

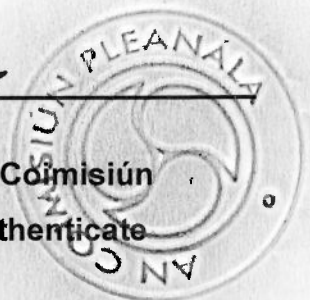
Reasons and Considerations

Having regard to the presented design of the new extension and material alterations to the existing residential care 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 appellant's chosen basis for design, Technical Guidance Document B, the Commission was satisfied that the Building Control Authority be directed to remove Condition number 9 and the reason therefor. The Board was further satisfied that, subject to the removal of Condition number 9, it has been demonstrated that the subject works, if constructed in accordance with the design presented with the application, would comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997, as amended – subject to the retention of the remaining 11 number Conditions attached to Fire Safety Certificate FSC3025970 by the Building Control Authority.



Patricia Calleary

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



Dated this 21 day of August 2025