



Building Control Acts 1990 to 2014

Building Control Authority: Dún Laoghaire-Rathdown County Council

Building Control Authority Register Reference Number: FSC2202962DR

Appeal by Thomas Bather care of Maurice Johnston and Partners of MUP The Anchorage, Charlotte Quay, Dublin in relation to the decision made on the 2nd day of April, 2025 by Dún Laoghaire-Rathdown 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 fire safety certificate for development of four residential blocks over basement car park comprising 146 apartments with associated works at TC5 Cherrywood, Dublin in accordance with plans and particulars lodged with the said Council.

WHEREAS the said appeal relates only to condition number 13 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 13 and the reasons therefor.

Reasons and Considerations

Having regard to the design of this mixed use development, the statutory and supporting documents submitted in connection with the Fire Safety Certificate application, the documents submitted by the applicant and the Building Control Authority as part of the appeal, and to the report and recommendation of the reporting Inspector, it is considered that it has been demonstrated by the first party applicant that the basement car park does not require sprinkler protection to meet the requirements of Part B of Building Regulations (as per the prima facie guidance set out in the Technical Guidance Document B – 2006 (2020 reprint). Therefore, the attachment of condition number 13 to the grant of First Safety Certificate was considered by the Commission to not be warranted. The Commission was satisfied that it has been demonstrated that the works, if constructed in accordance with the design presented within the application and appeal, would comply with the requirements of Part B of the second schedule to the Building Regulations 1997, as amended, and the Commission, therefore, directs the Building Control Authority to remove condition number 13.

Patricia Calleary

Patricia Calleary

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this *28th* day of *October* 2025.

