

An
Coimisiún
Pleanála

Commission Order
ABP-322590-25

Building Control Acts 1990 to 2014

Building Control Authority: Dun Laoghaire-Rathdown County Council.

Building Control Authority Register Reference Number: FSC2304802DR/7DN.

Appeal by Kingscroft Developments Limited care of ORS of Block A, Marlinstown Business Park, Mullingar, County Westmeath in relation to the decision made on the 1st day of May, 2025 by Dun 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 the proposed construction of a four-storey apartment block over basement car parking at Funchal, Stillorgan Road, Foxrock, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to condition number 2 attached to the decision of the Building Control Authority:

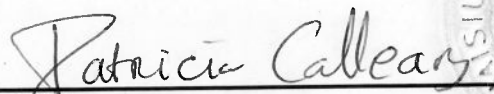
AND WHEREAS An Coimisiún Pleanála is satisfied, having regard to the nature of the said conditions, that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted:

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:

Reasons and Considerations

Having regard to the design and layout of the proposed development, to the statutory and supporting documents submitted in connection with the Fire Safety Certificate application, to 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 2 to the grant of the Fire Safety Certificate is not warranted.

The Commission is satisfied that it has been demonstrated that the works, if constructed in accordance with the design submitted with 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 2.



Patricia Calleary

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 11th day of November 2025.