

An
Coimisiún
Pleanála

Commission Order
ABP-322750-25

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: FRV2509768DC

Appeal by Ballsbridge Garden Management Limited care of R.G Greene & Associates of Caher House, Loughrea, County Galway in relation to the decision made on the 16th day of May 2025 by Dublin City Council to refuse 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 for a development at Block 1, Ballsbridge Gardens, Crampton Avenue, Shelbourne Road, Ballsbridge, Dublin:

Decision

Pursuant to the powers conferred on it by section 7 of the Building Control Act, 1990, An Coimisiún Pleanála hereby refuses the appeal based on the reasons and considerations set out below.

Reasons and Considerations

The Commission noted the proposal put forward by the appellant as part of the revised fire safety application and appeal, involves infilling the existing wall cavity located between the external leaf and the polystyrene insulation fixed to the inner leaf, using a foam-injected cavity wall insulation product, 'FIRELITE', with the intended purpose to serve to address non-compliance with works proposed to fulfil the requirements of B3.3 (concealed spaces) of B3 (internal fire spread) of Part B of the Building Regulations 1991, being the regulations applicable at the time of the grant of the previous relevant fire certificate reference: 217/96 for the apartment block. In its deliberations on the appeal, the Commission also noted that the appellant's technical compliance document in support of the approved fire certificate (reference: 217/96) relied on compliance with Diagram B.3.7 Technical Guidance Document B, 1991, that was relevant at that time, in respect of closing of cavities at all openings and at the top of the wall. In respect of addressing the non-compliance occurrence through the current revised fire certificate application and appeal, the appellant is availing of the provisions of Diagram 17 of TGD: Part B (2006: Reprinted Edition 2020), which replaced Diagram B.3.7 of the earlier TGD: Part B (1991).


No technical evidence has been included as part of the revised fire certificate application or appeal demonstrating that the proposed FIRETITE cavity insulation product has been tested as part of a complete wall configuration that is comparable to the actual configuration of the existing apartment building (100 millimetres brick/block external leaf, 100 millimetres cavity containing 50 millimetres polystyrene insulation against the inner leaf and 100 millimetres concrete block inner leaf with window and door openings) or to demonstrate that it is suitable for the specific wall configuration and the intended purpose to achieve compliance with B3 of the Building Regulations 1997, as amended.

In the absence of relevant technical evidence, the Commission was not satisfied that it has been adequately demonstrated in the application or appeal, through performance testing of the product in a comparable external wall arrangement that the proposed approach would adequately prevent unforeseen fire spread occurring.

The Commission was not satisfied that the proposed use of the 'FIRELITE' cavity insulation product as an acceptable alternative proposal for achieving compliance to that previously approved by reference to fire certificate 217/96 and, in respect of the current appeal would meet the requirements of Part B3 (Internal fire spread – structure) of the second schedule to the Building Regulations 1997 in the apartment block.

In deciding not to accept the Inspector's recommendation to grant the revised fire safety certificate, the Commission did not share the Inspector's findings that the FIRETITE insulation product would achieve complete and proper filling of the cavity wall with a Class A2-s1, d0 (reaction to fire classification) material, as the Commission noted the presence of polystyrene within the cavity and further noted that there is no documentary evidence provided that the product can infill the entire cavity and concealed spaces in this external wall configuration. As set out by the Building Control Authority (BCA) in its decision, and which the Commission agreed with, the proposal to inject the product in a foam format into the existing cavity void between the existing 50 millimetres polystyrene insulation and the external leaf, does not meet the application requirements set out in the European Technical Assessment ETA-21/0540 report or in the FIRETITE Clay Foam Insulation brochure submitted as part of the revised fire safety certificate application, where instead both require the product to be installed as full-fill insulation between masonry inner and outer leaves which is different to the wall configuration of the apartment block.

The Commission also concluded that even if such a filling could be achieved, it has not been adequately demonstrated in the application and appeal, through results of performance testing of the product in the applicable external wall arrangement that the proposed approach would adequately prevent unforeseen fire spread occurring. In the absence of such evidence, the Commission concluded that compliance with Part B3 of the second schedule to the Building Regulations 1997, as amended has not been demonstrated in respect of the current proposal for the use of FIRETITE cavity wall insulation in the apartment block.


Patricia Calleary



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

Dated this 27th day of November 2025