

An  
Coimisiún  
Pleanála

Commission Order  
ACP-322819-25

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**Building Control Acts 1990 to 2014**

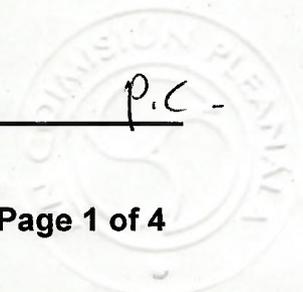
**Building Control Authority: Dublin City Council**

**Building Control Authority Register Reference Number: FSC2510502DC**

**Appeal by** the Lentcrest Limited care of ailtir(eacht) of 30 Mountjoy Square, Dublin in relation to the decision made on the 20<sup>th</sup> day of May, 2025 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 change of use of the entire third floor of the property from residential to office use, along with associated internal partition revisions, servicing and all site works, all at 14 Herbert Street, Dublin in accordance with plans and particulars lodged with the said Council.

**WHEREAS** the said appeal relates only to condition numbers 2 and 6 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 Coimisiún 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 attach condition numbers 2 and 6 with amendments for the reasons set out.

2. The single stairs in this building serves five floor levels (four storeys over basement) and shall be protected from fire by all of the following:
  - (a) The protected stairs enclosure shall be a minimum of 60-minute fire resistance.
  - (b) Protected lobbies of minimum 30-minute fire resisting construction shall be provided to separate the stairs enclosure from all accommodation (excluding sanitary accommodation or washrooms) at basement, ground, first and second floor levels.
  - (c) Any storerooms opening off the stairs shall be enclosed in minimum 30-minute fire resisting construction and be separated from the stairs by a 30-minute fire resisting protected lobby.
  - (d) Doors in the protected lobbies and stairs enclosure shall be self-closing FS30S rated fire doorsets.
  - (e) The protected lobby between the stairs and basement level shall be provided with a permanent vent of 0.05m<sup>2</sup>, or a mechanical equivalent.

**Reason:** In order to comply with Regulation B1 of Part B (Fire) of the Second Schedule of the Building Regulations 1997, as amended.

6. Elements of structure, within the scope of this application, and their supporting structure shall achieve a minimum of 60 minutes fire resistance.

**Reason:** In order to comply with Regulation B3 of Part B (Fire) of the Second Schedule of the Building Regulations 1997, as amended.

## Reasons and Considerations

The Commission had regard to the drawings and documents submitted with the fire safety certificate application and the appeal and the submissions made in respect of the appeal from the first party and the building control authority. The Commission noted that the provision of a basement and four upper storeys opening would be served off a single stairs. Having regard to the concept of 'no new or greater contravention' under Article 11 of the Building Control Regulation 1997, as amended, the guidance provided in Section 1.3.8 (Protected Lobbies and Corridors to Escape Stairways) of Technical Guidance Documents-B 2006 (2020 reprint), and the guidance provided in 7.1.4.1.1. of Technical Guidance Document-B 2024 (regarding a change of use to offices in an existing building), and the report and recommendations of the reporting Inspector, the Commission considered that condition numbers 2 and 6, as attached by the Building Control Authority to the grant of a fire safety certificate, were necessary to satisfy the requirements of Regulation B1 and B3 of Part B (Fire) of the Second Schedule of the Building Regulations 1997, as amended. The Commission concluded that it had not been demonstrated by the appellant in the fire safety certificate application or the appeal documentation that the removal of these conditions

would be warranted. The Commission was, therefore, satisfied to attach condition numbers 2 and 6 with amendments as recommended by the reporting Inspector and for reasons of clarity.

*Patricia Calleary*

**Patricia Calleary**

**Planning Commissioner of An Coimisiún**

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



Dated this 19<sup>th</sup> day of December 2025.