

An
Coimisiún
Pleanála

Commission Order
ACP-323346-25

Building Control Acts 1990 to 2014

Building Control Authority: Dún Laoghaire-Rathdown County Council

Building Control Authority Register Reference Number: FSC2408795DR/7DN

Appeal by Deane Property in relation to the decision made on the 11th day of July 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 development at The Leys, Glenamuck Road, Carrickmines, Dublin in accordance with plans and particulars lodged with the said authority:

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 amend the said condition number 13 so that it shall be as follows for the reasons set out:

Condition 13:

13. The protected stairs linking the basement car park to the ground floor level shall be separated from the basement car park by double (that is, two consecutive) protected lobbies of minimum 30 minute fire resisting construction and FD30S rated self-closing fire doorsets at basement level. The protected lobby immediately opening off the basement car park shall be provided with a permanent vent of 0.4 square metres, or a mechanical equivalent.

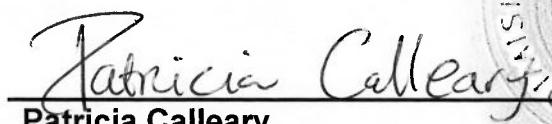
Reason: In order to comply with Regulation B1 of Part B (Fire) of the Second Schedule to the Building Regulations 1997 (as amended).

Reasons and Considerations

Having regard to the statutory and support documents submitted with the Fire Safety Certificate Application, the documents submitted by the Applicant as part of this appeal regarding the construction of 30 number apartments in one five storey block over basement car park at Block 3, The Leys, Glenamuck Road, Carrickmines, Dublin 18, to the guidance provided in Section 3.5.2 (Car Parks) and Section 5.4.3.1 (Basements) of Technical Guidance Documents-B 2006 (2020 reprint), and to the report and recommendation of the reporting inspector, it is considered that it has been demonstrated by the first party Appellant that the basement car park does not require sprinkler protection to

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meet the requirements of Part B of Building Regulations (as per the *prima facia* guidance set out in Technical Guidance Document B - 2006 (2020 reprint)). Therefore, the attachment of Condition 13 to the Grant of Fire Safety Certificate was considered by the Commission to not be warranted. The Commission was satisfied that, subject to the attachment of an amended Condition 13 in relation to a Regulation B1 issue identified by the reporting inspector during the course of the assessment, 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.


Patricia Calleary

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

Dated this 28 day of January 2026.