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**Building Control Acts 1990 to 2014**

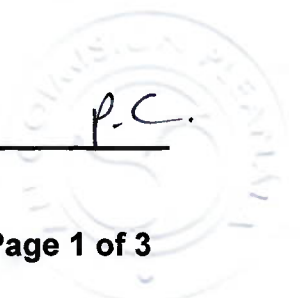
**Building Control Authority: Dun Laoghaire-Rathdown County Council**

**Building Control Authority Register Reference Number: FSC2406803DR/7DN**

**Appeal by Aeval Limited** in relation to the decision made on the 28<sup>th</sup> day of October, 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 a fire safety certificate for an eight-storey apartment building at The Point, Block A, Woodbrook Avenue, Woodbrook, County Dublin in accordance with plans and particulars lodged with the said Council.

**WHEREAS** the said appeal relates only to condition numbers 3 and 12 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 the said condition number 3 and the reason therefor and to remove the said condition number 12 and the reason therefor.

### **Reasons and Considerations**

#### **Condition 3:**

The Commission had regard to the applicant's presented design and Technical Compliance report in support of the Fire Safety Certificate application and appeal, the report received from the Building Control Authority, the report and recommendation of the Inspector, and the requirements of Part B of Technical Guidance Document B - Fire Safety 2006 (reprinted 2020) [TGD: Part B], in particular Section 1.4.9.2 which states 'Lift wells should be either contained within the enclosures of a protected stairway or be enclosed throughout their height with fire-resisting construction if they are sited such as to prejudice the means of escape'. Noting the layout presented concerning the passenger lift in Core 2, which is not located within the protected stairway or enclosed throughout their height with fire-resisting construction and is sited such as to prejudice the means of escape from the apartments, the Commission concluded that the requirement for the passenger lift to be accessed within the enclosure of the protected stair or be provided with a 60-minute rated fire and smoke curtain in front of the lift landing doors at each level, as required by condition number 3 attached by the Building Control Authority, to be proportionate and reasonable to achieve compliance with the guidance and, accordingly, to demonstrate compliance with Part B of the Second Schedule of the Building Regulations 1997, as amended.

**Condition 12:**

Having regard to the presented design of Block A and the compliance report, the submissions made in connection with the Fire Safety Certificate application and the appeal, and the report and recommendation of the Inspector, it is considered that it has been demonstrated by the applicant in the fire safety application and the appeal that the basement car park does not require sprinkler protection to meet the requirements of Part B of Technical Guidance Document B - Fire Safety 2006 (reprinted 2020) [TGD: Part B] and the submitted technical compliance report otherwise details proposals for sprinkler coverage in accordance with BS 9251:2021 proposed to all apartments accessed by a ventilated corridor and to common corridors (but not the basement car park). Therefore, condition number 12, as originally attached by the Building Control Authority to the fire safety certificate, is not necessary to meet the guidance set out in TGD: Part B or, accordingly, to demonstrate compliance with Part B of the Second Schedule of the Building Regulations 1997, as amended.

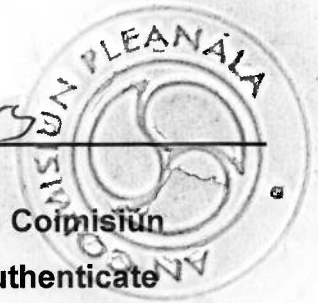


**Patricia Calleary**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate**

**the seal of the Commission.**



Dated this *27* day of *May* 2026.