

An
Coimisiún
Pleanála

Commission Order
ACP-324022-26

Building Control Acts 1990 to 2014

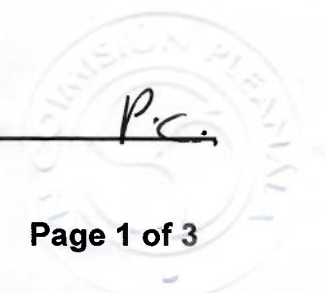
Building Control Authority: Fingal County Council

Building Control Authority Register Reference Number: FSC2407022FL/7DN

Appeal by Edwin O'Dwyer in relation to the decision made on the 16th day of December, 2025 by Fingal 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 a construction of four-storey apartment building consisting of 46 number apartment units and a single storey basement at Apartment Block E, Regles Lusk, Lusk, County Dublin in accordance with plans and particulars lodged with the said Council.

WHEREAS the said appeal relates only to condition number 7 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 remove number 7 and to attach a further condition so that it shall be as follows for the reason set out.

7. Fixed fire hose reels conforming to I.S. EN 671-1:2012 shall be provided throughout the basement car park. Clearly visible signage shall be provided to indicate the locations of these fixed fire hose reels.

Reason: To comply with the requirements of Regulation B1 of Part B of the Second Schedule of the Building Regulations 1997, as amended.

Reasons and Considerations

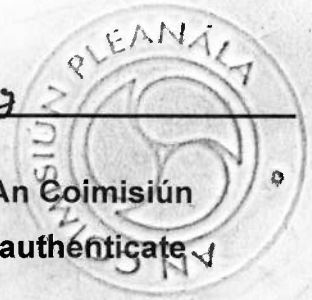
Having regard to the statutory and support documents submitted with the Fire Safety Certificate Application, the documents submitted by the appellant as part of the appeal regarding the construction of a four-storey apartment block consisting of 46 apartments over basement car park, the relevant guidance provided in Section 3.5.2 (Special provisions for Car Parks) of Technical Guidance Documents-B 2006 (2020 reprint) [TGD-B 2006 (2020 reprint)], and the report and recommendation of the 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 meet the requirements of Part B of Building Regulations, as per the prima facie guidance set out in Technical Guidance Document B - 2006 (2020 reprint). Therefore, the attachment of condition number 7 to the Grant of Fire Safety Certificate was considered by the Commission to not be warranted.

Having regard to the size of the car park, with a floor area greater than 500 square metres, and the appellant's assigned purpose group 7(b) in respect of the car park, as set out in their technical compliance report, and noting the provisions of Section 1.4.16 of TGD-B 2006 (2020 reprint), the Commission considered it appropriate to attach a new condition requiring the provision of fixed hose reels in the basement car park to demonstrate compliance with the stated provision of Section 1.4.16 (First-Aid Fire-Fighting Equipment) of TGD-B 2006 (2020 reprint), and the requirements of Part B of the second schedule of the Building Regulations 1997, as amended.

Patricia Calleary

Patricia Calleary

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



Dated this 25th day of May 2026.