



An
Coimisiún
Pleanála

Commission Order
ACP-324356-26

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: FSC2517446DC

Appeal by Mairtin Lydon in relation to the decision made on the 14th day of May 2026 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 three distinct blocks - Block A, Block B and Block C - constructed above a shared basement level. Blocks B and C each consist of five storeys while Block A comprises four storeys. Collectively, the three blocks accommodate a total of 37 two-bedroom apartments and 23 one-bedroom apartments at 32 Rathfarnham Road, Dublin in accordance with plans and particulars lodged with the said Council.

WHEREAS the said appeal relates only to condition number one 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 **REMOVE** the said condition number one and the reason therefor:

Reasons and Considerations

Having regard to the submissions made in connection with the Fire Safety Certificate application and the appeal, and to the report and recommendation of the Inspector, it is considered that it has been demonstrated by the applicant 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 – 2024, Section 3.8.2.3 – Car Parks which are not open sited and the extent of natural ventilation proposed that complies with the provision of paragraph 6.8.3.1 of the guidance document. Therefore, the attachment of condition number one to the grant of the Fire Safety Certificate is not warranted.



Patricia Calleary

Planning Commissioner of An Coimisiún

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

Dated this 07 day of October 2026.