# An Bord Pleanála



## BUILDING CONTROL ACTS, 1990 TO 2014

## **Monaghan County**

**Building Control Authority Register Reference Number: FSC14/62** 

An Bord Pleanála Reference Number: 18A.FG.0018

APPEAL by The Health Service Executive care of FCC Fire Cert Limited of Archway House, Northbrook Road, Ranelagh, Dublin in relation to the decision made on the 26<sup>th</sup> day of April, 2016 by Monaghan County Council to grant subject to conditions a regularisation certificate under section 6 (2)(a)(vii) of the Building Control Act, 1990, as amended by section 5 of the Building Control Act 2007, in respect of material alterations to provide upgrade works to existing single storey mental healthcare residential unit at Millbrooke House, Milltown, Monaghan, County Monaghan in accordance with plans and particulars lodged with the said Building Control Authority:

**WHEREAS** the said appeal relates to condition number 2 attached to the decision of the said Building Control Authority:

**AND WHEREAS** An Bord Pleanála is satisfied, having regard to the nature of the said condition, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted:

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**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act, 1990, as amended by section 6 of the Building Control Act 2007, 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 Building Control Authority to attach the said condition number 2 and the reason therefor.

### **REASONS AND CONSIDERATIONS**

The Board considered that the increased door widths required by condition number 2 were appropriate in view of the requirement of the residents to have help in evacuation and considered that the increase in width would ensure compliance with Part B1 (Means of Escape in Case of Fire) of the Second Schedule of the Building Regulations 1997 to 2014.

In deciding not to accept the Inspector's recommendation to amend condition number 2, the Board considered that it was not appropriate to attach a condition to a Fire Safety Regularisation Certificate which depended on staffing levels and external help.

### **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Building Control Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this day of 2016.

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