

An Bord Pleanála



BUILDING CONTROL ACTS, 1990 TO 2014

Dublin City

Building Control Authority Register Reference Number: FA/16/1410/REG

An Bord Pleanála Reference Number: 29B.FG.0022

APPEAL by Irish Whiskey Museum care of Eamon O'Boyle and Associates of 51 Cullenswood Road, The Triangle, Ranelagh, Dublin in relation to the decision made on the 6th day of December, 2016 by Dublin City 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 minor material alterations within the building at various levels at Irish Whiskey Museum, 37 College Green/119 Grafton Street, Dublin in accordance with plans and particulars lodged with the said Building Control Authority:

WHEREAS the said appeal relates to condition number 3 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:

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 remove the said condition number 3 and the reason therefor.

REASONS AND CONSIDERATIONS

Having regard to the nature of use, form and layout of the building, to the submissions made in connection with the Regularisation Certificate application and appeal and to the report and recommendation of the reporting Inspector, it is considered that, having regard to the definition of place of assembly as set out in the Building Regulations 1997 to 2017 and with compliance with code guidance BS 9999:2008 and Technical Guidance Document B Fire Safety, the public bar would not constitute a material change of use and that the building and its use would achieve an adequate level of fire safety that would satisfy the functional requirements of Part B (Fire Safety) of the Second Schedule of the Building Regulations 1997 to 2017. The removal of condition number 3 is, therefore, considered appropriate.

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 2017.