

Board Order 29B.FG.0170

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: FA/15/1588/REG

Appeal by Hines GREIT 11 Ireland Fund ICAV care of Maurice Johnson and Partners of The Anchorage, Charlotte Quay, Dublin in relation to the decision made on the 10th day of May, 2017 by Dublin City Council to refuse 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 alteration: fire performance/specification of the glazed enclosures of two number atria at Bishop's Square (formerly Bishop's Court), Kevin Street Lower, Dublin in accordance with the plans and particulars lodged with the said Building Control Authority:

Decision

Pursuant to 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, An Bord Pleanála hereby refuses the appeal based on the Reasons and Considerations set out below.

Reasons and Considerations

Having regard to the nature of use, form and layout of the building, the design and layout of the two number atria subject of consideration in the Regularisation Certificate, the submissions made in connection with the Regularisation Certificate application and the appeal and to the report and recommendation of the reporting Inspector, it is considered that it has not been satisfactorily demonstrated that the retention of the existing 60 minute fire resisting (integrity) glazing to form the upper levels enclosure of the two number existing atria would demonstrate compliance with the functional requirements of Part B3 (Internal Fire Spread (Structure)) of the Second Schedule to the Building Regulations 1997 to 2017.

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