



An
Bord
Pleanála

**Board Order
05G.FG.0171**

Building Control Acts 1990 to 2014

Building Control Authority: Donegal County Council

Building Control Authority Register Reference Number: FS/16/23R

Appeal by Donegal Kiddies Corner Limited care of Donegal Building Surveying of Cashelcraw, Carndonagh, County Donegal in relation to the decision made on the 31st day of May, 2017 by Donegal 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 alterations to internal layout of old school layout to new playgroup layout at Drumcabit, Malin, Lifford Post Office, County Donegal in accordance with plans and particulars lodged with the said Building Control Authority:

WHEREAS the said appeal relates to conditions numbers 1 and 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 conditions, 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 conditions numbers 1 and 2 and the reasons therefor.

Reasons and Considerations

Having regard to the nature and scale of use 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, notwithstanding the removal of conditions numbers 1 and 2, the works would achieve an adequate level of fire safety that would satisfy the functional requirements of Part B1 (Means of Escape in Case of Fire) of the Second Schedule to the Building Regulations 1997-2017.

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