

# An Bord Pleanála



BUILDING CONTROL ACTS, 1990 TO 2014

**Dublin City**

**Building Control Authority Register Reference Number: FA/16/1186**

An Bord Pleanála Reference Number: 29B.FS.0530

**APPEAL** by Sisters of Nazareth care of Maurice Johnson and Partners of 60 Merrion Square, Dublin in relation to the decision made on the 21<sup>st</sup> day of April, 2016 by Dublin City Council to refuse 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 for material alterations consisting of removal/omission of sprinkler protection to the building as required in condition number 1 of the granted Fire Safety Certificate, Building Control Authority Register Reference Number FSC 1098/16, all at Nazareth House, Malahide Road, Dublin in accordance with the plans and particulars lodged with the said authority:

**DECISION:** Pursuant to the powers conferred on it by section 7 of the Building Control Act, 1990, An Bord Pleanála hereby allows the appeal, based on the Reasons and Considerations set out below, and directs the Building Control Authority to grant a fire safety certificate in accordance with the said plans and particulars.

## **REASONS AND CONSIDERATIONS**

Having regard to the submissions made in connection with the Fire Safety Certificate application and the appeal, the type of use of the building (as a nursing home), the obligations on the Building Control Authority under Article 15 of the Building Control Regulations, 1997 (consideration of application) and the imposition of requirements in excess of the recommendations in Technical Guidance Document B (relied on by the applicant as prima facie evidence of compliance with Part B (Fire) of the Second Schedule of the Building Regulations 1997 to 2014), it is considered that the Building Control Authority should issue a grant of a Fire Safety Certificate without conditions.

## **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.

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

**Dated this            day of            2016.**