

# An Bord Pleanála



BUILDING CONTROL ACTS, 1990 TO 2014

**Dublin City**

**Building Control Authority Register Reference Number: FA/16/1069**

An Bord Pleanála Reference Number: 29B.FS.0541

**APPEAL** by Colm Holdings Limited care of Jeremy Gardner Associates of 9 Upper Baggot Street, Dublin in relation to the decision made on the 24<sup>th</sup> day of June, 2016 by Dublin City Council to grant subject to conditions 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 in respect of material alteration to remove a pressurization system and lobbies to the stair supported by carrying out computer smoke modelling on the stair at 81 Merrion Square South, Dublin in accordance with plans and particulars lodged with the said authority:

**WHEREAS** the said appeal relates only to condition number 4 attached to the decision of the 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 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 authority to attach the said condition number 4 and the reason therefor:

### **REASONS AND CONSIDERATIONS**

Having regard to the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and to the report of the reporting Inspector and notwithstanding that this is an existing building and a protected structure, it is considered that it had not been shown that the solution to the issue of ensuring satisfactory level of fire detection proposed by the applicant was satisfactory in terms of approximation to a code compliant new building. The Board is, therefore, not satisfied that the proposal, without attachment of condition number 4, would achieve an adequate level of fire safety that would ensure compliance with Part B1 (Means of Escape in case of fire) as set out in the Second Schedule to the Building Regulations 1997 to 2014.

In deciding not to accept the Inspector's recommendation to amend condition number 4, it is considered that the condition as it stood was satisfactory to achieve an adequate level of fire safety.

### **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.**