

An Bord Pleanála



BUILDING CONTROL ACTS, 1990 TO 2014

Galway City

Building Control Authority Register Reference Number: FS 43/16

An Bord Pleanála Reference Number: 61.FS.0544

APPEAL by Peadar Monaghan care of Mulcaire Heffernan Limited of Barna, Galway in relation to the decision made on the 22nd day of July, 2016 by Galway 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 construction of a three-storey apartment development as follows: (a) one number ground floor two bedroom apartment and (b) one number four bedroom apartment at first and second floor levels with roof terrace. Rear garden and storage to both apartments at number 51 Saint Brendan's Avenue, Woodquay, Galway in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to conditions numbers 3, 4 and 5 attached to the decision of the Council:

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 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 remove the said conditions numbers 3 and 5 and the reasons therefor and to amend the said conditions numbers 2 and 4 so that they shall be as follows for the reasons set out:

2. The rear ground floor bedroom window shall be an escape window in accordance with Section 1.5.6 of Technical Guidance Document B 2006.

Reason: In order to comply with Part B1 (Means of Escape in Case of Fire) of the Second Schedule of the Building Regulations 1997 to 2014.

4. Doors on escape routes shall either not be fitted with lock, latch or bolt fastenings, or they shall only be fitted with simple fastenings that can be readily operated from the escape side without the use of a key.

Reason: In order to comply with Part B1 (Means of Escape in Case of Fire) of the Second Schedule of the Buildings Regulations 1997 to 2014.

REASONS AND CONSIDERATIONS

Having regard to the design and layout of the proposed building, to the guidance given in Technical Guidance Document B: Fire Safety (2006), to the supporting guidance given in BS 5588: Part 1 (1990), to the submissions made in connection with the Fire Safety Certificate application and the appeal and to the report and recommendation of the appointed inspector, it is considered that, notwithstanding the removal of conditions numbers 3 and 5 and having regard to the amendment of conditions numbers 2 and 4 as set out above, and subject to the imposition of conditions numbers 1 and 6 of the Building Control Authority, the proposed works would achieve an adequate level of fire safety which would ensure compliance with Part B1 (Means of Escape in Case of Fire) of the Second Schedule of the Building Regulations 1997 to 2014.

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 2016.