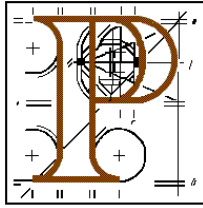


An Bord Pleanála



BUILDING CONTROL ACTS, 1990 TO 2014

Dublin City

Building Control Authority Register Reference Number: FA/16/1311

An Bord Pleanála Reference Number: 29B.FS.0545

APPEAL by Daniel McAuliffe care of Fire Cert Limited of Archway House, Northbrook Road, Ranelagh, Dublin in relation to the decision made on the 11th day of August, 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 alterations and material change of use (restoration) of the existing structure to provide café accommodation at basement and ground floor level with apartments provided at first, second and third floor level at 133 James Street, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to conditions numbers 2 and 10 attached to the decision of the said 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 delete the said condition number 10 and the reason therefor, to attach a new condition so that it shall be as follows for the reason set out, and to amend the said condition number 2 so that it shall be as follows for the reason set out:

New Condition

The proposed development shall be used as a café only as set out and described in the documentation lodged with the fire safety certificate application and appeal and shall not be used as a restaurant.

Reason: In the interest of clarity.

2. The basement level lobby that separates the protected stair serving the apartments from the ancillary plant and storage rooms shall be ventilated by means of permanent openings to the open air having an area not less than 0.4 square metres. A second protected lobby shall be included at ground floor level between the head of the basement stair and the foot of the ground floor stair.

Reason: To comply with Part B1 of the Second Schedule to the Building Regulations, 1997 to 2014.

REASONS AND CONSIDERATIONS

Having regard to the form and layout of the building, to the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and to the report and recommendation of the reporting inspector it is considered that, notwithstanding the deletion of condition number 10 and subject to the imposition of the amended condition number 2 and the additional condition as set out above, the proposed use and works would achieve an adequate level of fire safety that would comply with the requirements of Part B1 (Means of Escape in case of Fire) of the Second Schedule of the Buildings Regulations 1977 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.