



An  
Bord  
Pleanála

## Board Order 29B.FS.0550

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### Building Control Acts 1990 to 2014

### Building Control Authority: Dublin City Council

### Building Control Authority Register Reference Number: FA/16/1109

**Appeal** by Green REIT (HR) Limited care of Jeremy Gardner Associates of 9 Upper Baggot Street, Dublin in relation to the decision made on the 14<sup>th</sup> day of October, 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 construction of new office building with seven floors including a mezzanine level above ground floor. The building also has a single storey basement and a roof level with an open air plant room at 4-5 Harcourt Road, Dublin in accordance with plans and particulars lodged with the said authority:

**WHEREAS** the said appeal relates only to conditions numbers 1 and 2 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, decided to refuse the appeal, and based on the reasons and considerations set out below, hereby directs the said authority to attach the said conditions numbers 1 and 2 and the reasons therefor:

### **Reasons and Considerations**

Having regard to the form, layout and use of the building, to the submissions lodged in connection with the Fire Safety Certificate application and the appeal including responses received to the Board's further information request dated the 27<sup>th</sup> day of March, 2017 and to the reports and recommendations of the reporting Inspector, it is considered that it has not been sufficiently demonstrated that without the attachment of conditions numbers 1 and 2 that the works would achieve an adequate level of fire safety that would comply with the requirements of Part B5 (Access and Facilities for the Fire Service) of the Second Schedule of the Building Regulations 1997 to 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.

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

**Dated this          day of                                  2017**