

## Board Order 06D.FS.0561

## Building Control Acts 1990 to 2014 Building Control Authority: Dún Laoghaire-Rathdown County Council Building Control Authority Register Reference Number: 17/8021/7Day

**Appeal** by Mark O'Brien (Lensfield Limited) care of Jeremy Gardner Associates of 9 Upper Baggot Street, Dublin in relation to the decision made on the 22<sup>nd</sup> day of March, 2017 by Dún Laoghaire-Rathdown County 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 residential building comprising a single storey apartment (unit number 21) located on the first and second floor accessed directly from the outside, Block D, Abbey Road, Monkstown, County 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 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, as amended, and based on the reasons and considerations set out below, hereby directs the said authority to delete the said conditions numbers 1 and 2 and the reasons therefor.

## **Reasons and Considerations**

Having regard to the form, use and layout of the building, to the fire safety design measures proposed in accordance with BS 9991:2015 which are considered reasonable in the circumstances to demonstrate compliance with Part B1 of the Building Regulations, 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 removal of conditions numbers 1 and 2, the 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) and Part B2 (Internal Fire Spread – Linings) 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.

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

Dated this day of

2017