



An
Bord
Pleanála

Board Order 06D.FS.0569

Building Control Acts 1990 to 2014

Building Control Authority: Dún Laoghaire-Rathdown County Council

Building Control Authority Register Reference Number: 17/8019/7DAY

Appeal by Stephen Rooney care of Magahy Broderick Associates of 123 Lower Baggot Street, Dublin in relation to the decision made on the 19th day of July 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 the construction of a new building comprising a three-storey work/live unit comprising office with overhead two-storey maisonette, at part of Block A at the site of the former Monkstown Inn, Monkstown Farm, 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 8 attached to the decision of the said authority:

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 conditions numbers 1 and 8 and the reasons therefor, and to attach new conditions numbers 1 and 8 so that they shall be as follows for the reasons set out:

1. The live/work building shall be occupied by a single household. The ground floor office shall not be subject of a separate tenancy, ownership or occupation to the residential levels overhead.

Reason: To comply with the provisions of Part B1 of the Second Schedule to the Building Regulations, 1997 to 2017.

8. The building shall be fitted throughout with a Type LD1 (Grade A) automatic fire detection and alarm system designed, installed and maintained in accordance with BS 5839:Part 6:2013.

Reason: To comply with the provisions of Part B1 of the Second Schedule to the Building Regulations, 1997 to 2017.

Reasons and Considerations

Having regard to the proposed form and layout of the building and the nature of the proposed works, 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, subject to the removal of condition numbers 1 and 8 and attachment of the replacement condition numbers 1 and 8 as set out above, the proposed 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 Building Regulations 1997 to 2017.

