



An
Bord
Pleanála

Board Order 06D.FS.0571

Building Control Acts 1990 to 2014

Building Control Authority: Dún Laoghaire-Rathdown County Council

Building Control Authority Register Reference Number: FA/17/8057/7D

Appeal by Arlene Maguire, Melcorpo Commercial Properties Limited care of Exova Warringtonfire of 28-32 Pembroke Street, Dublin in relation to the decision made on the 30th day of August, 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 material alteration and change of use of the existing vacant office space at first floor of Stillorgan Plaza. This will be used as a Grind School. All at Stillorgan Plaza, Kilmacud Road Lower, Stillorgan, County Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to condition number 3 attached to the decision of the Council:

AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the said condition, 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 3 and the reason therefor:

Reasons and Considerations

The escape stairs in the subject building have openable windows at each level which satisfies the pertinent guidance for ventilation of escape stairs, namely section 5.4.3.2 of Technical Guidance Document B. It is, therefore, considered that there is no requirement for an additional condition in the granted Fire Safety Certificate in order for the requirements of the Second Schedule to the Building Regulations 1997 to 2017 to be satisfied.

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 2018