



An
Bord
Pleanála

Board Order 29B.FS.0572

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: FA/17/1476/7D

Appeal by Harvey Healthcare care of Eamon O'Boyle and Associates of 51 Cullenswood Road, The Triangle, Ranelagh, Dublin in relation to the decision made on the 12th day of September, 2017 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 a 58 bedroom nursing home at numbers 132 to 134 Navan Road, Cabra, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to condition number 1 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 1 and the reason therefor:

Reasons and Considerations

Having regard to the design of the nursing home and 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 deletion of condition number 1, it has been demonstrated that the inclusion of sprinklers is not necessary to comply with Technical Guidance Document B - Fire Safety (2006). Accordingly, the works proposed would, if otherwise carried out in accordance with the design, achieve an adequate level of fire safety that would comply with the requirements of Part B 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 2018