



An
Bord
Pleanála

Board Order 29B.FS.0573

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: FA/17/1364

Appeal by Austin Smithers care of Clonliffe Architects of Botanic Court, 30-32 Botanic Road, Glasnevin, 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 for material alterations to include fire safety upgrade works to 14 Ossory Road, North Strand, Dublin:

Decision

Pursuant to the powers conferred on it by section 7 of the Building Control Act, 1990, An Bord Pleanála hereby refuses the appeal based on the reasons and considerations set out below.

Reasons and Considerations

In the circumstances of this application, it is considered that the approach followed by the Building Control Authority in limiting the occupation of bedrooms by condition is both reasonable and appropriate and is justifiable in relation to satisfying the requirements of Part B1 of the Second Schedule of the Building Regulations, 1997 – 2017. In this regard the Board noted that Table 1.1 of Technical Guidance Document B - Fire Safety (2006) envisages either a bedroom occupancy load factor of 8.0, or alternatively the 'number of bed spaces provided'. The Board considered it appropriate for the Building Control Authority to scrutinise the number of bed spaces applied for and to limit this where necessary in the interest of fire safety. Recourse to the content of the Housing Act, 1966 as amended, and to the relevant housing guidance from other jurisdictions was considered a reasonable approach to guiding the assessment of what is an acceptable number of bed spaces, in the absence of specific limits set out in Technical Guidance Document B – Fire Safety (2006).

In deciding not to accept the Inspector's recommendation to allow the appeal, the Board agreed with the Building Control Authority that the room configuration and room occupancy levels applied for in this case would not provide an acceptable situation in terms of compliance with Part B1 of the Second Schedule of the Building Regulations, 1997 – 2017.

