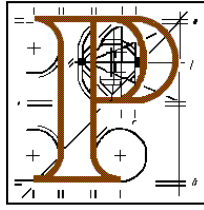


# An Bord Pleanála



BUILDING CONTROL ACTS, 1990 TO 2014

**Dublin City**

**Building Control Authority Register Reference Number: FA/16/1234/REV**

An Bord Pleanála Reference Number: 29B.FV.0013

**APPEAL** by Irish Life Assurance PLC care of Jeremy Gardner Associates of 9 Upper Baggot Street, Dublin in relation to the decision made on the 9<sup>th</sup> day of September, 2016 by Dublin City Council to grant subject to conditions a revised fire safety certificate under section 6 (2)(a)(vi) of the Building Control Act, 1990, as amended by section 5 of the Building Control Act 2007, in respect of revisions to the design of the building with the provision of additional office floor area at ground floor due to the introduction of two car lifts in place of the car ramp serving basement levels at Hainault House, Saint Stephen's Green South, Dublin in accordance with plans and particulars lodged with the said Building Control Authority:

**WHEREAS** the said appeal relates to condition number 1 attached to the decision of the said Building Control 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, as amended by section 6 of the Building Control Act 2007, 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 Building Control Authority to attach the said condition number 1 and the reason therefor.

### **REASONS AND CONSIDERATIONS**

The Board considered that it had not been demonstrated in the appeal that it was appropriate to rely on BS 5588 in respect of provision of ventilation to the gym at upper basement level and that the proposed variations from the recommendations of Technical Guidance Document B had not been justified in the appeal and that the proposed arrangement was insufficient to ensure compliance with Part B5 (Access and Facilities for the Fire Service) of the Second Schedule of the Building Regulations 1997 to 2017.

In deciding not to accept the Inspector's recommendation, the Board considered that, given the area of the proposed gym exceeds the 200 square metres limit as set out in Section 5.4.3.1 of Technical Guidance Document B for unventilated basements, a separate ventilation system is required.

### **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.

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

**Dated this            day of            2017.**