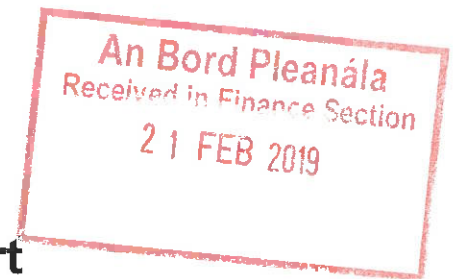


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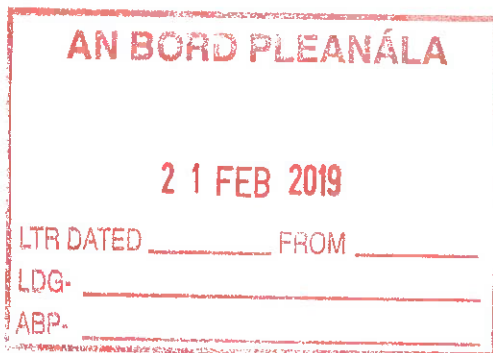
FSC Report ABP 302338-18

Appeal v Refusal

Refusal of Fire Safety Certificate accompanied by a Seven Day Notice

Development Description

7 Day Notice: Creative Industries Office, Block B, Haymarket, Queen's Street, Dublin 7: Material Alteration : To provide a Live Wall of timber panelling to the external façade of the unit along the South and East Elevations



An Bord Pleanála appeal ref number:	302338-18
Building Control Authority Fire Safety Certificate application number:	FA/18/1369/7D
Appellant & Agent:	Mairead Barden - Jeremy Gardner and Associates
Building Control Authority:	Dublin City Council.
Date of Site Inspection	Not applicable
Inspector/ Board Consultant:	Eamon O Boyle, Eamon O Boyle and Associates (EOBA)
Appendices	Not Applicable

An Bord Pleanála
Received in Finance Section
21 FEB 2019

1.0 Contents

1.0 Contents.....2

2.0 Introduction.....3

3.0 Information Considered.....3

4.0 Relevant History/Cases.....4

5.0 Appellant’s Case.....4

6.0 Building Control Authority Case.....5

7.0 Assessment.....6

8.0 Conclusion / Recommendation.....8

9.0 Reasons and Considerations.....8

2.0 Introduction

- 2.1. A Fire Safety Certificate accompanied by a Seven Day Notice was received by the Building Control Authority (Dublin City Council) on the 4th July 2018. The application sought to demonstrate compliance with Part B of the Second Schedule to the Building Regulations (SI 497: 1997). The application concerned the provision of timber panels and a "live wall" to the façade of Creative Industries Offices, Block B, Haymarket, Queen's Street, Dublin 7.
- 2.2. The Fire Safety Certificate proposed a Material Alteration to the South and East Elevations of the Creative Industries Offices at Block B, Haymarket, Queen's Street, Dublin 7.
- 2.3. The Appeal to ABP is in reference to a refusal by the Building Control Authority to grant a Fire Safety Certificate for a Material Alteration to the South and East Elevations of the Creative Industries Offices at Block B, Haymarket, Queen's Street, Dublin 7. The Reasons for the refusal were "*The works do not comply with the requirements of Part B of the second schedule to the Building Regulations, 1997 to 2017*"

3.0 Information Considered

- 3.1. In considering the application I have made reference to the following information.
 - Letter of Appeal from Jeremy Gardner and Associates (JGA) dated 15th August 2018 and enclosures.
 - Fire Safety Certificate Application (7-Day Notice) prepared by JGA and submitted to the Building Control Authority on the 4th July 2018
 - Notice of Refusal (FSR2963/18) from the Building Control Authority dated 20th July 2018
 - Letter of comments of appeal submitted by the Building Control Authority dated 11th September 2018
 - Letter of comments by JGA on the submission by the Building Control Authority
 - The following Drawings were also furnished
 - Site Location Map, 1:1000, no. 1:1000, BI/3854/1/1
 - Site Plan, 1:500, no. BI/3854/1/2

- Ground Floor, 1:200, no. BI/3854/1/3
- First Floor Plan, 1:200, no. BI/3854/1/4
- South and West Elevation, 1:200, no. BI/3854/6
- North and East Elevation 1:200, no. BI/3854/1/7
- Sections, 1:200, no. BI/3854/1/5
- Eastern Elevation, 1:125/1:250, no. 1713-03-100-5
- South Elevations, Existing and Proposed, 1:100/1:200, no. 1713-03-102-B

4.0 Relevant History/Cases

- 4.1. We are not aware of any previous appeals that that have been submitted in respect of a “live wall” or of similar Fire Safety Certificate Applications.

5.0 Appellant’s Case

- 5.1. The appellant’s grounds for appeal stated that the Unit (Block B, Haymarket, Smithfield, Dublin 7) was used for office space and had a Fire Safety Certificate (FSC) Granted (Ref. No: FSC1057/18/7D) for a change of use to Office Space. Since the granting of the FSC it was proposed to place timber panels and a live wall feature along the façade of the office unit. The steel facia live wall and timber panels were a decorative and aesthetic feature and they were to be fitted to the outside of the external wall and were not to alter the external wall construction. The appellant makes the case that in view of the fact that the building is greater than 18m the external surface of the building is required to achieve Class B –s3, d2 (European) or Class O (National) surface spread of flame. They further stated that as per note 2 of Table 4.1 of Technical Guidance Document B (TGD B) and the fact that the building is more than 1m from the nearest relevant boundary, surfaces between and 18m above ground level may comprise of any material of Class C – s3, d2 (European or have an index of performance (I) not more than 20 (National). It is further stated that the relevant part of the building is less than 18m above ground level therefore surfaces need achieve Class C – s3, d2 (European) or have an index of performance (I) not more than 20 (National).

The appellant states that the proposed panels and live wall have been confirmed to achieve a Class O surface spread in accordance with BS 496 (we assume this is a typographical error and should read BS 476) and as a result comply with the

requirements of TGD B. The appellant further states that the steel facia is noted to achieve Class 1 surface spread (specification of the steel facia, live wall and timber panels have been appended to the appellant's letter of appeal). Additionally, the appellant addresses the potential "chimney effect" between the steel facia, living wall and timber panels will be addressed by the installation of fire stopping around openings (details of the products to be used are appended to the appeal).

The appellant also states that the application which is the subject of this appeal refers to a building that is defined as purpose group 3 (office) (Table 0.1 of TGD B) and in light of the fact that the works are classified as a material alteration it was not necessary to submit a FSC application by reference to Article 11 of the Building Control Regulations S.I. No. 496/1997 as there was no increase in floor area nor was the building being subdivided into separate occupancies (the appellant uses tenancies however the regulations states occupancy). They further argue that works can be carried out without the requirement to make an application for a FSC and comply with the Building Control Regulations.

In response to the comments provided by the Building Control Authority the Appellant made the following observations;

- While a full scale test has not been completed in accordance with BS8414 a single burning test has been carried out on the live wall in place which confirmed that the proposed material achieves B – s2,d0 European Class
- The subject area of the building is within one compartment and the remainder of the building is adequately compartmented
- There is adequate Fire Brigade access provided and as the "live wall" is at a height that firefighting can be undertaken easily from outside the building
- The "chimney effect " is offset by the provision of adequate fire stopping

6.0 Building Control Authority Case

6.1. The Building Control Authority responded on the 11th September 2018. In their response they made the following points. Taking into consideration,

- The nature and use of the Building and given the construction, design and materials that make up the “live wall and timber panelling” that in the event of fire it would spread rapidly within the building or to other neighbouring premises.
- The tests undertaken and supplied in the Fire Safety Certificate Application are not adequate to demonstrate compliance with Part B of the Second Schedule of the Building Regulations 1997-2017.
- In particular Section 4.2 of Jeremy Gardner Associates compliance report is referenced as stating that “both the timber panels and live wall have been confirmed to achieve class O surface spread tested in accordance with BS 496 and achieve classifications above the requirements of TGD.B (I assume the reference to BS496 is a typographical error and should read BS476)
- The test evidence is not equivalent to the recognised standard BS 8414.
- The performance of a cladding system in a fire depends not only on the materials but also on a wide variety of variables such as appropriate fixings, construction methods and measures to prevent fire spread within voids and cavities.
- No large scale tests have been undertaken for the entire “live wall” and the test evidence is not adequate
- The Building Control Authority further argues that the building is over 32m in height and contains offices and apartments and there is potential for fire spread across which would compromise the compartmentation
- In the event of a fire in the building which is the subject of this appeal or a neighbouring building there is an increased risk of external fire spread
- In the event of a fire there is a risk of spread across the façade which would be difficult to fight

7.0 Assessment

7.1. Details lodged with application

We have examined the Fire Safety Certificate plans and reports submitted and consider that the information submitted is sufficient to enable ABP to make a determination in respect of the appeal.

7.2. Content of Assessment

In making the assessment is it necessary to only examine the degree of compliance with Building Regulation B4 as there is no alteration with any of the other Building Regulations (i.e. Regulations B1, B2, B3 or B5) from what has been previously granted by the Building Control Authority. The basis of our assessment is confined to the recommendations contained in Technical Guidance Document B (TGD B).

7.3. Having reviewed the plans and particulars lodged with the appeal application, as well as the subsequent comments from Building Control Authority and the response from the appellant. We are of the view that the plans and particulars provided are not adequate to enable the board to establish compliance with Part B of the Building Regulations for the following reasons.

- The live wall cladding system (including supports & fixings) has not been tested to a BS8414 test. EN 13823:2012 (Single burning item test) has been carried out, which is a “Room corner test” rather than the BS8414 external cladding test.
- In the absence of a test of the full system no evidence is provided that the individual elements of the system achieve compliance with the Building Regulations or that a similar system has been tested to these standards.
- A “Steel fascia” was mentioned throughout the FSC Application and subsequent submissions, as part of the Live Wall system however an “Aluminium & Fire – Fact Sheet” was provided as an appendix, which references no specific product.
- The appellant’s report states “Timber panels achieve a Class 0 surface spread classification”. This is stated to have been achieved by way of Zeroflame fire retardant paint for which an information sheet is provided. The product description provided specifies it is intended for “internal timber substrates”, and also says “For internal use only”. This does not appear to be a suitable product for outdoor use.
- The live wall system referenced in the FSC and subsequent submissions is a FYTOTEXTILE with a galvanised steel sub structure with rail profiles

FYTVOL, The appellant should specify if the system installed is the complete system that has been tested. No detail drawing was provided showing the cross section of the cladding system used.

An Bord Pleanála
Received in Finance Section
21 FEB 2019

8.0 Conclusion / Recommendation

8.1. Our overall conclusion in the case is that the refusal of the Fire Safety Certificate by the Building Control Authority should be upheld in this case.

9.0 Reasons and Considerations

Having regard to the form and nature of the Material Alteration, the submission lodged with the Fire Safety Certificate Application and the Appeal, the reports from the Building Control Authority and the Appellant and to the report and recommendations of the reporting inspector and in particular in regard to the extent of testing carried out to the live wall cladding system and the lack of clarity of the information provided in regard to the live wall system and its component parts – the Board is not satisfied that it has been fully demonstrated that the proposed Material Alteration would achieve an adequate level of Fire Safety that would comply with Regulation B4 of the Second Schedule of the Building Regulations 1977-2017.



Eamon O Boyle
Chartered Engineer
Inspector / Consultant
20th February 2019