



Appeal Against Refusal of Fire Safety Certificate (FA/18/1555)

Project	Two Park Place – Penthouse Office
Local Authority	Dublin City Council
Date	2 nd October 2019

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1.0 INTRODUCTION

The project involves the extension of an existing office building to provide an eight-storey office penthouse at Two Park Place, Hatch Street Upper, Dublin 2.

A Fire Safety Certificate application for the works was refused by Dublin City Council on the 4th January 2019. The application was refused for the following reason: -

Reason:

The design of the building or works does not satisfy the requirements of Section 9(1)(a) of the **Building Regulations, 1997 to 2017** in that it does not comply with **Part B** of the Second Schedule thereto.

2.0 INFORMATION REVIEWED

In assessing this appeal, the following information was considered: -

- Fire safety certificate application including report and drawings received.
- Appeal submission from Michael Slattery Associates (MSA) dated 30th January 2019.
- Fire Officers Report on Fire Safety Certificate appeal dated 28th February 2019.

3.0 DISCUSSION

Reason

The design of the building or works does not satisfy the requirements of Section 9(1)(a) of the **Building Regulations, 1997 to 2017** in that it does not comply with **Part B** of the Second Schedule thereto.

BCA's Case

The BCA noted that the previously approved Fire Safety Certificates for the existing building referenced Technical Guidance Document B 2006 and BS 5588-Part 11. For the height of top storey, the distance is measured from the ground level adjacent to the building. Taking this into regard, the height to top storey of the proposed new storey is greater than 30m thus necessitating sprinkler protection.

Appellant's Case

MSA reference BS 9999: 2017 for the height of top storey which is defined by the distance of the surface of the highest point of the floor of the highest storey to the fire and rescue service access level. As a result, the height to top storey of the building is 29.95m, i.e. under the 30m requirement for sprinkler protection.

Discussion

It is understood that the previously approved Fire Safety Certificate for the existing building referenced the Technical Guidance Document B 2006 (TGD-B 2006) and BS 5588-Part 11.

The provision of sprinklers and two hours fire resistance in buildings > 30m high is primarily related to the safety of fire fighters. In assessing the height of a building therefore, it is reasonable to consider this from the fire fighting access level as recommended in BS 9999: 2017.

Although the TGD-B notes that the height to top storey should be measured from the adjacent ground level, BS 5588 Part 11 notes the following

"height (of a building) the distance of the surface of the highest point of the floor of the highest storey (excluding any such storey consisting exclusively of plant rooms) measured at the centre of that face of the building where the measurement is greatest from the level of the footway or paving in front of that face, or if there is no such footway or paving, from the level of the ground."

As detailed in the MSA Compliance Report (Ref: 18384R001), the height of the top storey of the building was measured from the fire service entrance level which would also be the level of the footway or paving as noted in the definition from BS 5588 Part 11 above.

It should also be noted that guidance in the TGD-B 2006 is generally considered outdated. The BS 5588 series has also since been superseded due to the introduction of both BS 9999: 2008, which has been further superseded by BS 9999: 2017.

If a similar office building to Two Park Place was to be addressed by a Fire Safety Certificate application at present, BS 9999: 2017 would be adopted and the methodology for determining the height to top storey would be correct. Furthermore, only one firefighting shaft would be required to serve the eighth storey, as the floor plate is less than 900m². The extension to Two Park Place currently proposed to incorporate one firefighting shaft, a firefighting stair, and all office tenancies within the building are separated by compartment construction.

As per the MSA Compliance Report (Ref: 18384R001), it is proposed to provide an (L1M) automatic standard fire detection and alarm system in the eight-storey office building. This again would be considered an overdesign as BS9999: 2017 would only require an (M) manual standard system. In addition, as part of the MSA appeals letter, MSA have demonstrated that the existing means of escape strategy meets the requirements for an A2 Risk Profile Office Building in accordance to a BS 9999: 2017 strategy approach.

Therefore, in summary, the proposed fire strategy for the additional eighth floor to the existing Office Building at Two Park Place would in my opinion meet current standards as set out in BS 9999: 2017.

4.0 RECOMMENDATIONS

The BCA should be directed to grant the Fire Safety Certificate.

Signed 
Martin Davidson
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Date: 2nd October 2019

