



**Fire & Risk Solutions Ltd.**  
*Chartered Engineers*  
*Professionals in Fire and Safety*

**Report 3695**

**An Bord Pleanála Appeal regarding the attachment of  
Conditions No.'s 2 & 4 by Dun Laoghaire – Rathdown County Council  
to grant of Revised Fire Safety Certificate  
for removal of existing external escape stair at  
Ardmore House, University College Dublin, Belfield, Dublin 4**

Client: An Bord Pleanála,  
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**BUILDING CONTROL ACT, 1990 to 2014 – APPEAL**

**REVISED FIRE SAFETY CERTIFICATE APPLICATION FOR  
DESIGN CHANGES (REMOVAL OF EXISTING EXTERNAL STAIR SERVING FIRST  
FLOOR LEVEL AND VARIOUS UPGRADING WORKS) AT ARDMORE HOUSE,  
UNIVERSITY COLLEGE DUBLIN, BELFOELD, DUBLIN 4**

**APPEAL AGAINST THE ATTACHMENT OF CONDITION'S NO. 2 and 4  
TO REVISED FIRE SAFETY CERTIFICATE (REG. REF. 20/8033/REV) ON 6<sup>th</sup> APRIL 2020**

**AN BORD PLEANÁLA APPEAL REFERENCE 307393-20**

Local Authority: Dun Laoghaire Rathdown County Council  
Appellant: University College Dublin c/o Jeremy Gardner & Associates

**RECOMMENDATION**

In my opinion, the Board may rely on Article 40(2) of the Building Control Regulations to consider the subject appeal on the basis of Conditions only.

It is recommended that the appeal be upheld and the subject Conditions No.'s 2 and 4 both be removed.

The remaining 2 no. Conditions (Conditions No.'s 1 and 3) attached to the granted Revised Fire Safety Certificate are not subject of this appeal and should remain. The granted Revised Fire Safety Certificate should therefore be subject of 2 no. Conditions.

**Dr. Raymond J Connolly**

**BE, PhD, CEng, MIEI, MIFireE, MSFPE**

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**1. RELEVANT INFORMATION**

- i. Application for a Revised Fire Safety Certificate by Jeremy Gardner Associates on behalf of University College Dublin to Dun Laoghaire Rathdown County Council dated 20<sup>th</sup> February 2020.
- ii. Compliance Report (BI/3753/R3 Issue 1) by Jeremy Gardner Associates and associated drawings dated 17<sup>th</sup> February 2020.
- iii. Revised Fire Safety Certificate (20/8033/REV) granted by Dun Laoghaire Rathdown County Council dated 22<sup>nd</sup> April 2020 (subject of 4 no. Conditions).
- iv. Letter of appeal from Jeremy Gardner Associates on behalf of University College Dublin to An Bord Pleanála dated 18<sup>th</sup> June 2020. (*Note: Relaxation to statutory 1 month limit of appeal presumed acceptable due to Covid 19*).
- v. Fire Prevention Section, Dublin Fire Brigade Fire Officer's Report to Dun Laoghaire Rathdown County Council dated 20<sup>th</sup> July 2020.
- vi. Letter of response to Fire Officer's Report from Jeremy Gardner Associates to An Bord Pleanála dated 1<sup>st</sup> September 2020.
- vii. Case History File FS 18/8058
- viii. Case History File FS 18/8199

## **2. BACKGROUND**

Jeremy Gardner Associates acting as agent for University College Dublin made an application to Dun Laoghaire Rathdown County Council in February 2020 for a Revised Fire Safety Certificate in respect of the extension of Ardmore House as previously approved under Fire Safety Certificate 18/8058. The scope of the subject application was for “*design changes to the building – it is now proposed to remove the existing external stair serving first floor level and carry out a number of upgrade works noted in this application*”.

The Revised Fire Safety Certificate was granted by Dun Laoghaire Rathdown County Council (under Reference 20/8033/REV) on 22<sup>nd</sup> April 2020 subject to 4 no. Conditions including *inter-alia*:-

### Condition No. 2

*At First Floor Level, the dead end protected corridor serving offices F10 and F15 is to be provided with an FD30S doorset where the corridor connects to the main staircase in accordance with Section 1.2.5.4 of Technical Guidance Document B, 2006.*

### Reason:

*To comply with Part B of the Second Schedule of the Building Regulations, 1997 to 2019.*

### Condition No.4

*All elements of the structure (floors and walls) are to be a minimum of 60 minutes fire-resisting construction in accordance with Tables A1 and A2 of Technical Guidance Document B, 2006.*

### Reason:

*To comply with Part B of the Second Schedule of the Building Regulations, 1997 to 2019.*

On 16<sup>th</sup> June 2020, Jeremy Gardner Associates as agent for University College Dublin appealed to An Bord Pleanála against the attachment of these 2 no. Conditions (Conditions No.'s 2 and 4) to the granted Revised Fire Safety Certificate. The residual Conditions (Conditions No.'s 1 and 3) are not subject of the current appeal.

It is noted that the scope of the Revised Fire Safety Certificate subject of this current appeal is similar but not identical to the 2018 application (Ref. 18/8199) which was also for the removal of the same external escape stair. That application was refused by Dun Laoghaire Rathdown County Council on 11<sup>th</sup> June 2019 under reference FSC/DR/311/19. This Refusal was subsequently upheld by An Bord

Pleanála (Case Reference PL06D.304851) on 17<sup>th</sup> January 2020. The difference in scope between this previously refused application and the current application (subject of this appeal) relates to the extra items comprising the proposed undertaking of upgrading works most significantly the enclosure of the existing internal accommodation stairway in 30 minutes fire-resisting construction such that it would comprise a protected stairway.

### **3. REPRISE OF APPEAL (AS PRESENTED)**

The subject works comprise the material alteration of an existing building, i.e. removal of an existing external escape stairway and upgrading of the existing accommodation stairway by its enclosure in 30 minutes fire-resisting construction to comprise a protected stairway (serving first floor level only).

It is recognised that there is a significant quantity of background information and a number of case history files associated with this current appeal. Whilst all such background material has been evaluated, none of it is sufficiently germane to the consideration of the specific technical issues subject of this current appeal to require reprise within this Report or further comment.

#### *Condition No. 2*

*At First Floor Level, the dead end protected corridor serving offices F10 and F15 is to be provided with an FD30S doorset where the corridor connects to the main staircase in accordance with Section 1.2.5.4 of Technical Guidance Document B, 2006.*

The Fire Officer's Report states that the dead-end corridor serving Offices F10 and F15 exceeds 4.5 metres in length and is not separated from the protected stairwell by self-closing fire doors as it should be to accord with Section 1.2.5.4 of TGD B. In response to this Condition, the appellant suggests that occupancy of the subject 2 no. offices is unlikely to exceed 10 persons at any time and such occupants would be awake and familiar with their surroundings. Further, the appellant confirms that the subject extent of corridor will be enclosed in 30 minutes fire-resisting construction and the stairway enclosure will be maintained as a "sterile zone with little fire load".

The appellant explains that the building is a protected structure requiring of additional consideration in the context of invasive works (as permitted under Section 0.1.5 of Technical Guidance Document B). The appellant highlights the potentially reduced effectiveness of the existing external escape stairway as a secondary escape route given that it is not protected from a fire within the building, i.e. there are unprotected glazed openings in the adjacent elevation. The scenario of a single fire within an office at ground level could potentially require simultaneous discounting of both the existing external escape stair and the accommodation stair. The inference is that the two routes are not reliably alternative in the preferred sense of the term.



Condition No.4

*All elements of the structure (floors and walls) are to be a minimum of 60 minutes fire-resisting construction in accordance with Tables A1 and A2 of Technical Guidance Document B, 2006.*

The Fire Officer's Report states that the existing elements of structure in the building have not been dealt with in accordance with Section 3.1 of Technical Guidance Document B (Load-bearing elements of structure). The Compliance Report only states that "any new elements of structure will achieve 60 minutes fire resistance". The appellant suggests that the escape stairway does not pass through a compartment floor and therefore it is permitted to be enclosed in 30 minutes fire-resisting construction (as per Table A1 of Technical Guidance Document B). The appellant points out that due to the age of the existing building, i.e. pre-dating 1992, there is no obligation to upgrade it in a generalised manner to comply with current regulations or design codes. The relevant statutory obligation is to ensure that the existing standard of fire safety is not reduced, whilst still providing a sufficient level of fire safety for all occupants who may be impacted by the proposed works (including removal of the external escape stairway).

A further 2 no. Conditions were also attached to the current application but same are not subject of this appeal and do not require consideration *de novo*.

#### **4. CONSIDERATION**

The appeal is being considered as presented and no new issues arise as demand *de novo* consideration.

The first point to be recorded here is that the Revised Fire Safety Certificate has been granted and this appeal relates to the attachment of Conditions No.'s 2 and 4. This means that all parties are *de facto* satisfied with the fact that the proposed works will result in the occupants of Offices F10 and F15 being afforded single direction escape (as opposed to their previous enjoyment of escape options in two directions). Equally, the occupants of existing Office F08 and the adjacent (unlabelled) office would not only remain subject to the pre-existing single exit scenario but would as a result of the proposed works be faced with a significantly extended single direction travel distance requirement, i.e. before reaching the point of having a choice of routes. In fact, the worst-case single direction travel distance arising from the proposed works occurs from this front office (as opposed to Office F15 as identified by the appellant).

This appeal relates solely and specifically to the attachment of Conditions No.'s 2 and 4 and does not seek to or need to revisit the question as to whether the external stairway can be removed without giving rise to a new or greater contravention with Part B Regulations.

##### *Condition No. 2*

*At First Floor Level, the dead end protected corridor serving offices F10 and F15 is to be provided with an FD30S doorset where the corridor connects to the main staircase in accordance with Section 1.2.5.4 of Technical Guidance Document B, 2006.*

The Fire Officer has considered the 5 metres long passageway adjacent to Offices F10 and F15 as a corridor and requiring of consideration under Clause 1.2.5.4 of Technical Guidance Document B with the requirement that an FD30S doorset (note singular case) be provided where the corridor connects with the staircase. Condition No. 2 contradicts itself and is not consistent with the underlying guidance being cited.

Diagram 5(a) in Technical Guidance Document B relates to a slightly different dead end corridor scenario but more clearly explains that the requirement for provisions of fire-resisting doorsets (plural) relates to the protection of the dead-end corridor from a single fire event within the perpendicular two-directional corridor. At the interface between the dead-end corridor and the perpendicular corridor, two fire-doors are required to prevent the dead-end being cut-off by any fire event impacting on the longer parallel corridor. Simply providing a single door at the junction of the dead-end section with the two-direction corridor does nothing to ameliorate the identified risk.

On a similar basis of logic, Diagram 5(b) which is more relevant to the subject design at Ardmore House also identifies a need for 2 no. fire-resisting doorsets. One door is required to form the enclosure of the protected stairway and a second door is required to extend the dead-end beyond the stairway door. This means that in a manner similar to Diagram 5(a) a single fire source (other than within the dead-end itself) would not be able to discount both exits.

The proposed provision of a single FD30S in the stated location does not accord with Diagram 5(b) nor would it address the concerns underpinning this guidance. The correct interpretation of the design guidance would require the in-filling of the open stair arches with fire-resisting construction and provision of a FD30S fire doorset to form a stairway enclosure with the dead-end corridor effectively sitting between this newly formed stair enclosure and office F06.

However, the logic of such an approach should in theory also apply to the dead-end corridor on the opposite side of the stairway, i.e. serving Office F08 and the unlabelled office adjacent. This would require erection of a 30 minutes fire-resisting partition (in the location which presumably is currently an open balustrade) to protect this equivalent dead-end escape (>4.5 metres) from these previously unmentioned offices. Notwithstanding that these 2 no. offices are pre-existing in a dead-end condition, the proposed removal of the external stairway (as being accepted by all parties) increases the extent of their required dead-end travel significantly beyond 4.5 metres and comprises a material alteration.

The appellant has considered the passageway as a part of the protected stair enclosure. This approach allows for a more consistent treatment between Offices F15/F10 and Office F06, i.e. all first-floor offices are considered to open directly into the newly formed protected stair enclosure. The open balcony to Office F06 and the passageway to F10 are therefore treated similarly as being part of the stairway enclosure. This design approach would mean that the notionally excessive (>4.5 metres) dead-ends on both sides of the stairs would not require any further consideration given that the travel is all taking place within the 30 minutes fire-resisting enclosure of the protected stairs.

It is acceptable and in line with guidance contained in Technical Guidance Document B to serve first floor accommodation by means of a protected stairway with 30 minutes fire-resisting enclosure at both levels and with accommodation opening directly into the stair enclosure via single FD30S doorsets. Lobbies are not required to protect stair enclosures in the case of two-storey accommodation under Clause 1.3.8.1(a) of Technical Guidance Document B. The upgraded stairway includes a final exit from within the protected stair enclosure directly to fresh air.

As per the proposals from the appellant, the protected stairway shall be maintained sterile of fire load, i.e. combustible materials.

Adopting such a design approach is the most logical in the circumstance and does not require any additional fire-resisting doors within the protected stairway. Accordingly Condition No. 2 should be set aside.

*Condition No.4*

*All elements of the structure (floors and walls) are to be a minimum of 60 minutes fire-resisting construction in accordance with Tables A1 and A2 of Technical Guidance Document B, 2006.*

The Fire Officer's Report states that the existing elements of structure in the building have not been dealt with in accordance with Section 3.1 of Technical Guidance Document B (Load-bearing elements of structure). The Compliance Report only states that "any new elements of structure will achieve 60 minutes fire resistance". Given that the building is existing since before 1992, it is reasonable that only new elements of structure would be required to be afforded 60 minutes fire resistance ratings (as per Table A1 of Technical Guidance Document B).

It is noted that the proposed upgrading of the accommodation stairway to enclose it with 30 minutes fire-resisting construction would relate to integrity and insulation only. Any load-bearing elements of structure would by reference to Table A1 require 60 minutes fire resistance. It is also highlighted that any such element of structure or indeed any new elements of structure to be provided with 60 minutes fire resistance are required to have their loads transmitted to ground by means of a load path that has not less than 60 minutes fire resistance. For example, where new 60 minutes fire-resisting beams are to be supported from existing external masonry walls, there is a requirement for such walls to equally be 60 minutes fire-resisting with upgrading as necessary (regardless of their pre-existing condition).

The appellant's undertaking that all new elements of structure shall be 60 minutes fire-resisting must therefore include those existing elements of structures that provide a load path for any such new elements. Notwithstanding this clarification, otherwise existing and unchanged elements of structure (existing since pre-1992) are not required to be retrospectively upgraded to achieve compliance with Part B3 to the Building Regulations solely as a result of the material alteration comprising the removal of an external stairway.

## **5. CONCLUSION**

In my opinion, the Board may rely on Article 40(2) of the Building Control Regulations to consider the subject appeal on the basis of Conditions only.

It is recommended that the appeal be upheld and the subject Conditions No.'s 2 and 4 both be removed.

The remaining 2 no. Conditions (Conditions No.'s 1 and 3) attached to the granted Revised Fire Safety Certificate are not subject of this appeal and should remain. The granted Revised Fire Safety Certificate should therefore be subject of 2 no. Conditions.

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