

Report for An Bord Pleanála

on

**Appeal against Condition 1 on Fire Safety Certificate FSC1147/22
(Submission Number SN3004553)**

for

The Proposed Block E2 Residential Building

at

Sandford Road Development, Sandford, Dublin 6

Client: An Bord Pleanála
An Bord Pleanála Ref: 313487-22
Our Ref: ABP_R015_Issue 1
Date: 1st September 2022

1.0 Introduction

This report sets out my findings and recommendations on the appeal submitted by Jensen Hughes, acting on behalf of Ardstone Homes Ltd., against Condition 1 on Fire Safety Certificate FSC1147/22 by Dublin City Council in respect of an application for works related to Proposed Block E2 residential Development at Sandford Road Development, Sandford Road, Dublin 6

It is noted that having regard to the nature of the Conditions under appeal, it is considered that the appeal can be adjudicated upon without consideration of the entire of the application.

1.1 Subject of Appeal

Condition 1 of the granted Fire Safety Certificate (FSC1147/22) by Dublin City Council is as follows: -

Condition 1:

Where windows or doors are provided for escape or rescue purposes from habitable inner rooms, an external escape route to a place of safety / access route for rescue purposes should be provided.

Reason:

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

2.0 Documentation Reviewed

- 2.1 Fire Safety Certificate Application (application form, compliance report and fire safety drawings) submitted by Jensen Hughes, on behalf of Ardstone Homes Ltd, on 9th November 2021.
- 2.2 Request for additional information from Dublin City Council dated 19th November 2022.
- 2.3 Request for additional information from Dublin City Council dated 3rd December 2022.
- 2.4 Additional Information from Jensen Hughes to Dublin Fire Brigade dated 30th March 2022.
- 2.5 Granted Fire Safety Certificate No. FSC1145/22 from Dublin City Council dated 7th April 2022.
- 2.6 Letter of Appeal from Jensen Hughes, acting on behalf of Ardstone Homes Ltd., received by An Bord Pleanála on 4th May 2022.
- 2.7 Fire Officer's report on Fire Safety Certificate Appeal dated 2nd June 2022 to An Bord Pleanála.
- 2.8 Jensen Hughes response to Fire Officer's report dated 28th June 2022 to An Bord Pleanála.

3.0 Building Control Authority's Case

Where windows or doors are provided for escape or rescue purposes from habitable inner rooms, an external route to a place of safety / access for rescue purposes should be provided.

Technical Guidance Document B defines the following: -

Final Exit – *The termination of an escape route from a building giving direct access to a street, passageway, walkway or open space, and sited to ensure the rapid dispersal of persons from the vicinity of a building so that they are no longer in danger from fire and/or smoke.*

Place of Safety – *A place, normally in the open air at ground level, in which persons are in no danger from fire'*

Section 1.5.6 states the following: -

'Windows for Escape or Rescue

Windows may provide an alternative means of escape or may be used for rescue purposes in dwelling houses of limiting height.'

Section 11.5 of BS 5588: Part 1 states the following: -

'Recommendations for doors and windows for escape purposes

d) A door or window should not face onto an enclosure unless

- *Escape to a place of safety is possible without re-entering the building, and*
- *There is sufficient space to bring in and safely erect a suitable ladder if escape or rescue would be from a room above ground level'*

At Ground Floor level, the escape or rescue windows / doors from the inner bedrooms, discharge directly into enclosed small private gardens which,

- Does not allow the fire service to access the enclosed gardens safely without having to enter the building therefore the windows / doors do not meet the requirements of TGD-B and BS 5588: Part 1 for escape and rescue purposes.
- Does not give direct access to a street, passageway, walkway or open space ensuring the dispersal of persons from the vicinity of the building so that they are no longer in danger of fire and / or smoke, and
- Does not access a place of safety where persons are in no danger from fire.

3.1 Appellant's Case

Block E2 is a residential block with three storeys. At Ground Floor, apartments are accessed directly from the outside. There are duplex units on the 1st and 2nd floor which are accessed from a stair at Ground level.

Block E2 will be provided with windows / doors provided for means of escape for habitable rooms at Ground floor level. These windows / doors discharge directly into the back garden, an open space, of the dwellings where occupants can await rescue by the Fire Brigade in relative safety. The occupants will not be in danger from fire and / or smoke as they are located away from the blaze, as is typical for most terraced houses throughout the country.

The final exits from the building to the back gardens (i.e. alternative means of escape) do lead to a termination of an escape route which does lead to an open space at the remote end of the garden at which point the occupants are located away from the building.

At this remote end of the garden space, occupants are considered to be in a place of safety. This approach has been accepted by authorities across Ireland, including recently by Dublin Fire Brigade. Jensen Hughes provided several examples of previously granted schemes in their letter dated the 4th May 2022.

The windows of dwelling on the upper floors are served by a protected stair enclosure, there will be no requirement to erect a ladder for rescue purposes.

At Ground Floor level, the escape or rescue windows / doors from the inner bedrooms, discharge directly into enclosed private gardens which: -

- Firefighting operations will commence outside on the street where the fire tender appliance will park. The fire will be fought from the outside and due to the nature of the dwelling unit (i.e. the single storey apartment), the windows will only ever be used for escape purposes as required under TGD-B and BS 5588 Part 1. It should also be noted that in various guidance documents, it is noted stated the fire service personnel are to be allowed access enclosed gardens without entering the building.
- Does provide direct access to an open space in the back garden in which occupants can take refuge.
- Does meet the requirements of a place of safety as defined in section 1.0.9 of TGD-B.

The aim of the recommended fire precautions is to protect the occupants close to the origin of the fire, enabling them to reach a place of relative safety outside of the dwelling of fire origin and reducing their exposure to fire and smoke by raising the alarm and limiting travel distances. It should also be noted that this issue was not raised in any further information requests.

Therefore, the provisions of final exit and place of safety are met as defined in Section 1.0.9 of TGD-B and Condition 1 is not considered required to comply with Part B of the Second Schedule to the Building Regulations, 1997 to 2019.

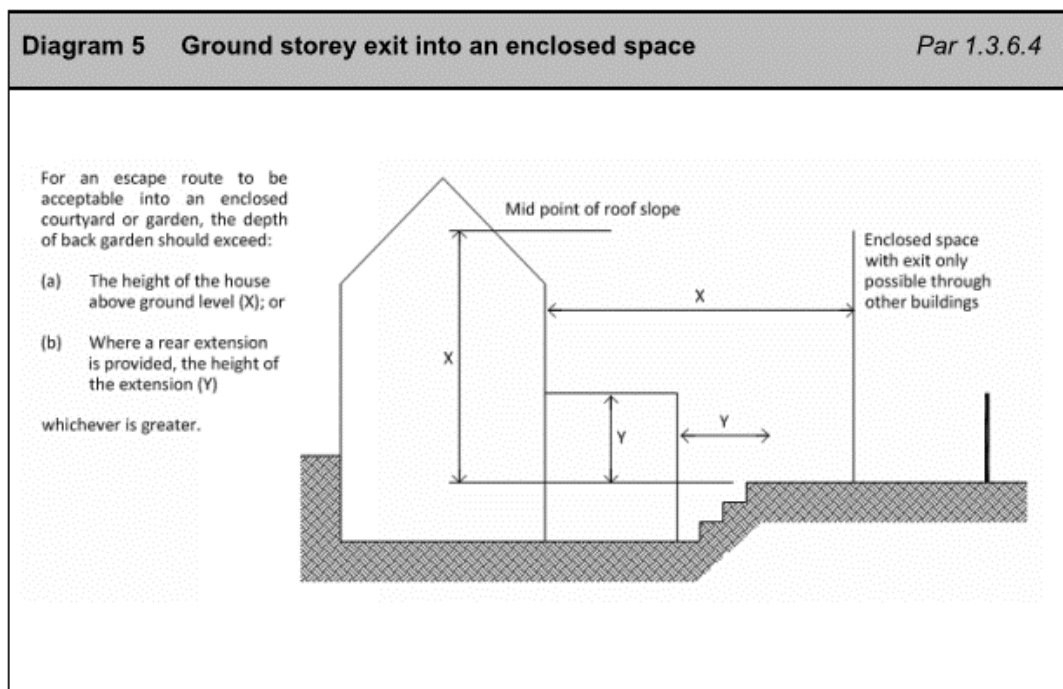
4.0 Consideration

Dublin Fire Brigade do not consider escape into an enclosed garden to be an acceptable alternative means of escape. The appellant's makes the argument that escape into an enclosed garden is acceptable and that there is considerable precedent for this in both Dublin City Council and elsewhere.

Whilst the appellant's argument is that the escape into a garden is compliant, I think this is not acceptable without actual regard to the depth of the garden. For instance a garden / rear courtyard that is only 1m deep is quite different from a garden that is 10m deep. Also the for the same reason, the DFB's opinion that no rear enclosed garden can be used for means of escape is also unreasonable. The key issue is how deep the enclosed garden has to be before it is suitable.

It is noted that the use of enclosed gardens as alternative means of escape from an apartment is not adequately addressed in TGD-B 2006 or BS 5588 Part 1: 1991. However, this approach is common in housing estates throughout Ireland. The TGD-B Volume 2: 2017 gives guidance with respect to escape into enclosed spaces.

As can be seen in Diagram 5 of TGD-B Volume 2: 2017 (see below for reference) it considers an escape route to be acceptable into an enclosed garden so long as the depth of the garden is at least the height of the building. In the case of an apartment under a duplex unit, the relevant height would be that of the ground floor apartment. The duplex / apartment above is a separate compartment and has a protected means of escape (protected internal escape stair).



The guidance with respect to perimeter access within TGD-B Volume 2: 2017 also allows Fire Brigade access from the front of the unit only and again this is widely seen in housing developments throughout Ireland.

TGD-B Volume 2: 2017 states: -

The guidance in this Section relates to the provision of facilities for the fire service within and around buildings for the purpose of protecting life and mitigating property damage due to fire. For dwelling houses, it is usually only necessary to ensure that the building is sufficiently close to a point accessible to fire and rescue service vehicles.

For effective firefighting operations, fire brigade appliances should be able to get within 45 m of the principal entrance to the dwelling house.

6.0 Conclusions

Given the lack of appropriate guidance in TGD-B 2006 and BS 5588 Part 1: 1991 guidance provided in TGD-B Volume 2: 2017 that address this issue is of use for providing a reasonable approach.

Therefore it is considered reasonable that occupants can use a rear enclosed garden for means of escape, so long as the depth of the enclosed garden exceeds the height of the Ground Floor apartment.

Given that the required perimeter access for houses is to the front entrance door and no perimeter access is required to the rear it is not deemed necessary that direct access is provided to the rear of a ground floor apartment for fire fighting or rescue purposes.

7.0 Recommendation

On the basis of my findings and conclusions I recommend that An Bord Pleanála direct Condition 1 is amended as follows: -

Condition 1:

Where windows or doors are provided for escape purposes from habitable inner rooms leading to an enclosed garden, either the enclosed rear garden needs to be at a depth greater than the height of the ground floor apartment or alternatively an external escape route to a place of safety should be provided

Reason:

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

Signed by:

Des Fortune

MSc(Fire Eng), BSc(Eng), CEng MIEI, MIFireE

Date: **1st September 2022**