



An
Bord
Pleanála

FSC Report ABP-318860-24

**Appeal v Refusal or Appeal v
Condition(s)**

Appeal v Condition (No.3)

Development Description

Revised FSC for a Proposed
Residential Development at
Drummartin Link Road, Kilmacud
Road Upper, Dublin 14.

**Building Control Authority Fire Safety
Certificate application number:**

FRV2306518DR

Appellant

Sorohan Builders Limited

Agent

Knapton Consulting Engineers

Building Control Authority:

Dun Laoghaire Rathdown County
Council

Inspector

Jamie Wallace

Contents

1.0 Introduction	3
2.0 Information Considered	3
3.0 Relevant History/Cases	4
4.0 Appellant's Case	4
5.0 Building Control Authority Case	4
6.0 Assessment	5
7.0 Recommendation	6
8.0 Reasons and Considerations	6
9.0 Conditions	7
10.0 Sign off	7

1.0 Introduction

- 1.1. A revised fire safety certificate application (FRV2306518DR) was submitted to the BCA on 26/09/2023 for what were described as minor design modifications to the previously granted fire safety certificate (FSC2204408DR/7DN).
- 1.2. The proposed building was a new six storey residential development of 47 apartments at Drummartin Link Road, Kilmacud Road Upper, Dublin 14.
- 1.3. The application was for a Revised FSC and the case relates to an appeal v condition (No. 3) attached to the granted application.

Condition 3:

The first floor corridors providing direct access to the apartments, (including the corridor accessing Apartments 06 & 07), shall be provided with smoke ventilation comprising automatic opening vents (AOVs) achieving a minimum free area of 1.5m² in accordance with Section 1.7.2 of TGD-B 2006 + A1:2020 and with the AOVs conforming to BS EN 12101-2 as per the previously approved Fire Safety Certificate application (Ref. FSC2204408DR/7DN).

Reason:

To ensure compliance with Part B of the Second Schedule to the Building Regulations, 1997 to 2022.

Note: The appellant states that the appeal is only in relation to the AOV provision to the lobby/corridor outside apartments 6 & 7 at first floor level and states that it is intended that all other floors and corridors will be provided with AOVs.

2.0 Information Considered

- 2.1. The information considered in this appeal comprised the following:
 - Drawings and report submitted with the Revised FSC application on 26/09/2023.
 - Further information received by the BCA on 13/10/2023 and 06/11/2023.
 - Copy of BCA decision to grant with conditions attached on 14/12/2023.

- Appeal received by ABP on 15/01/2024 from Knapton Consulting Engineers on behalf of the appellant.
- Submissions received from the BCA on the appeal on 07/02/2024.
- Further submission received by ABP on 21/02/2024 from Knapton Consulting Engineers on behalf of the appellant.

3.0 Relevant History/Cases

- 3.1. There is some previous building control history with the development being subject to a previously approved FSC application:

FSC SN3008636 (FSC2204408DR/7DN) granted with 4 conditions on 26/09/2022.

- 3.2. I am not aware of any other Board decisions that would be relevant in this case.

4.0 Appellant's Case

The appellant is appealing the attachment of condition No. 3 to the grant of the Revised FSC on the basis that it sets out requirements that it deems are not necessary to demonstrate compliance with Part B of the Building Regulations. The following points are set out in support of the appeal:

- The appellant claims that the inclusion of some AOVs in the original FSC application was an overcommitment on their behalf that they were looking to correct with the Revised FSC application.
- The appellant claims that the provision of a door from the lobby/corridor directly outside apartments 6 & 7 leading to the external of the building at first floor level is adequate compensation for the proposed removal of the AOV.
- The appellant claims that the external door will serve the same purpose as a manually operated vent in its proposed location.

5.0 Building Control Authority Case

- 5.1. The BCA claims that Condition No. 3 is warranted in this case to provide adequate protection to the single stairs serving the fifth floor of the development to meet the

requirements of TGD Part B 2006 (2020 Reprint). The following points are set out in support of the BCA Claim:

- The BCA states that the fifth floor of the building is greater than 11m above ground level and is only provided with a single means of escape (via Stair 01).
- The BCA claims that the applicant used a TGD Part B 2006 (2020 Reprint) and BS 5588-1 compliant design as part of the revised FSC application.
- The BCA claims that the Smoke Control Association (SCA) guidance calls for automated venting of all escape routes in buildings of this type.

6.0 Assessment

6.1. *De Novo* assessment/appeal v conditions

Having considered the drawings, details and submissions on the file and having regard to the provisions of Article 40 of the Building Control Regulations 1997, as amended, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted. Accordingly, I consider that it would be appropriate to use the provisions of Article 40(2) of the Building Control Regulations, 1997, as amended.

6.2. Content of Assessment

- 6.2.1. The relevant technical guidance document considered when assessing the arguments put forward by the Appellant and the BCA is TGD: Part B 2006 (2020 Reprint).
- 6.2.2. The Appellant considers that they have adequately demonstrated that the building design is compliant with TGD Part B 2006 (2020 Reprint) without AOV provision to the lobby outside Apartments 6 & 7. The BCA claims that the AOV provision at this location is a requirement to be compliant with TGD Part B 2006 (2020 Reprint).
- 6.2.3. TGD Part B 2006 (2020 Reprint) refers to BS 5588: Part 1: 1990 for guidance on the provision of means of escape in buildings containing flats and maisonettes. The relevant guidance in the British Standard (BS) document is at Section 3: Paragraph 12.

- 6.2.4. It has been established that the top floor (fifth floor) of this building is approximately 15.8m above ground level and approximately 12.5m above the first-floor level where apartments 6 & 7 are located. Therefore, the fifth floor of this building is greater than 11m above ground floor/exit level and is provided with a single means of escape (via Stair 01).
- 6.2.5. It is my interpretation that Paragraph 12 and Figure 12 of the BS (REF: Appendix A) requires the provision of AOVs in all scenarios to protect “Common escape routes in single stair buildings more than 11m in height”. It is my interpretation that Diagram 13, is only relevant for design of “Common escape routes in multi-stair buildings” and is therefore not relevant here as this part of the building is only served by a single stair (Stair 01).
- 6.2.6. Furthermore, Section 1.7 of TGD Part B 2006 (2020 Reprint) states at Paragraph 1.7.1 that “All common protected corridors/lobbies which have direct access to a flat should be ventilated by means of a smoke control system”. At Section 1.7.2 it then states that “The smoke control system should be activated by means of an appropriate fire detection and alarm system”.
- 6.2.7. I believe the BCA to be reasonable in looking for the provision of AOVs to the corridors accessing the apartments (including the corridor accessing Apartments 06 & 07) to provide protection to Stair 01 as they have adequately demonstrated that this is a requirement of TGD Part B 2006 (Reprint 2020).

7.0 Recommendation

- 7.1. Based on the assessment as outlined above, I recommend directing the BCA to retain condition (No. 3) unaltered.

8.0 Reasons and Considerations

- 8.1. Having regard to the presented design for the building, to the submissions made in connection with the Revised FSC application and the appeal, and to the report and recommendation of the reporting inspector, it is considered that **Condition No. 3** as originally attached by the Building Control Authority to the Revised FSC is deemed necessary to satisfy the requirements of Part B 2006 (2020 Reprint). The Board

concluded with respect to this condition that it has been adequately demonstrated that a smoke control system in the form of AOVs (including in the corridor accessing Apartments 06 & 07) are a requirement to ensure compliance with Part B of the Second Schedule to the Building Regulations, 1997 to 2022.

9.0 Condition

Condition 3: The first floor corridors providing direct access to the apartments, (including the corridor accessing Apartments 06 & 07), shall be provided with smoke ventilation comprising automatic opening vents (AOVs) achieving a minimum free area of 1.5m² in accordance with Section 1.7.2 of TGD-B 2006 + A1:2020 and with the AOVs conforming to BS EN 12101-2 as per the previously approved Fire Safety Certificate application (Ref. FSC2204408DR/7DN).

Reason: To ensure compliance with Part B of the Second Schedule to the Building Regulations, 1997 to 2022.

10.0 Sign off

I confirm that this report represents my professional assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Jamie Wallace

21/02/2025

Appendix A

Extract from Section 3 of BS 5588: Part 1: 1990

12 Escape routes from dwellings with corridor or lobby approach

12.1 Commentary

In these designs, because of the risks presented to escaping occupants by the presence of smoke and heat in the internal corridor or lobby, and to afford the designer some flexibility, the following methods of securing safety should be considered.

- a) The limitation of travel distance between the exit doors from the dwellings and a relatively smoke-free area, and a means of keeping the amount of smoke and other products of combustion in the internal corridor or lobby to a minimum, by providing either cross-corridor fire doors and ventilation, or pressurization.

NOTE Smoke control is covered in Clause 36.

- b) The provision of an independent alternative escape route from each dwelling either by way of a corridor at another level or an external common balcony.

Whilst maximum travel distances are given, as a general principle dwelling entrance doors should be located as close as possible to common stairs or cross-corridor fire doors.

In buildings or parts of buildings of limited height containing a limited number of dwellings (small buildings), the application of all the recommendations applicable to blocks of flats and maisonettes in general would be unreasonably onerous, and therefore alternative recommendations appropriate to the risk to the occupants of such buildings are given in 12.3.

Additional recommendations for escape routes in sheltered housing are given in 17.3.2.

12.2 Recommendations

The following recommendations are applicable.

- a) *Buildings not provided with a pressurization system.* Provision of escape routes should be in accordance with the principles indicated in Figure 12 and Figure 13.
- b) *Buildings provided with a pressurization system.* Provision of escape routes should be in accordance with the principles indicated in Figure 12 and Figure 13 except that cross-corridor fire doors and openable or automatically opening vents may be omitted. All common stair enclosures, lobbies and corridors in the building should be pressurized (see 36.5).

12.3 Recommendations for small buildings with a single stair

The following recommendations are applicable.

- a) The height (see 2.27) of the building or part of the building should not exceed 11 m, nor should there be more than four storeys above ground level.
- b) Provision of escape routes should be in accordance with the principles indicated in Figure 14.
- c) The stair should not connect to a covered car park unless the car park is provided with permanent cross-ventilation (see 36.7).
- d) The stair should not serve ancillary accommodation unless both:
 - 1) the storey containing the ancillary accommodation does not contain any dwellings; and
 - 2) the ancillary accommodation is separated from the stair by a ventilated protected lobby or ventilated protected corridor (see 14.6.2).

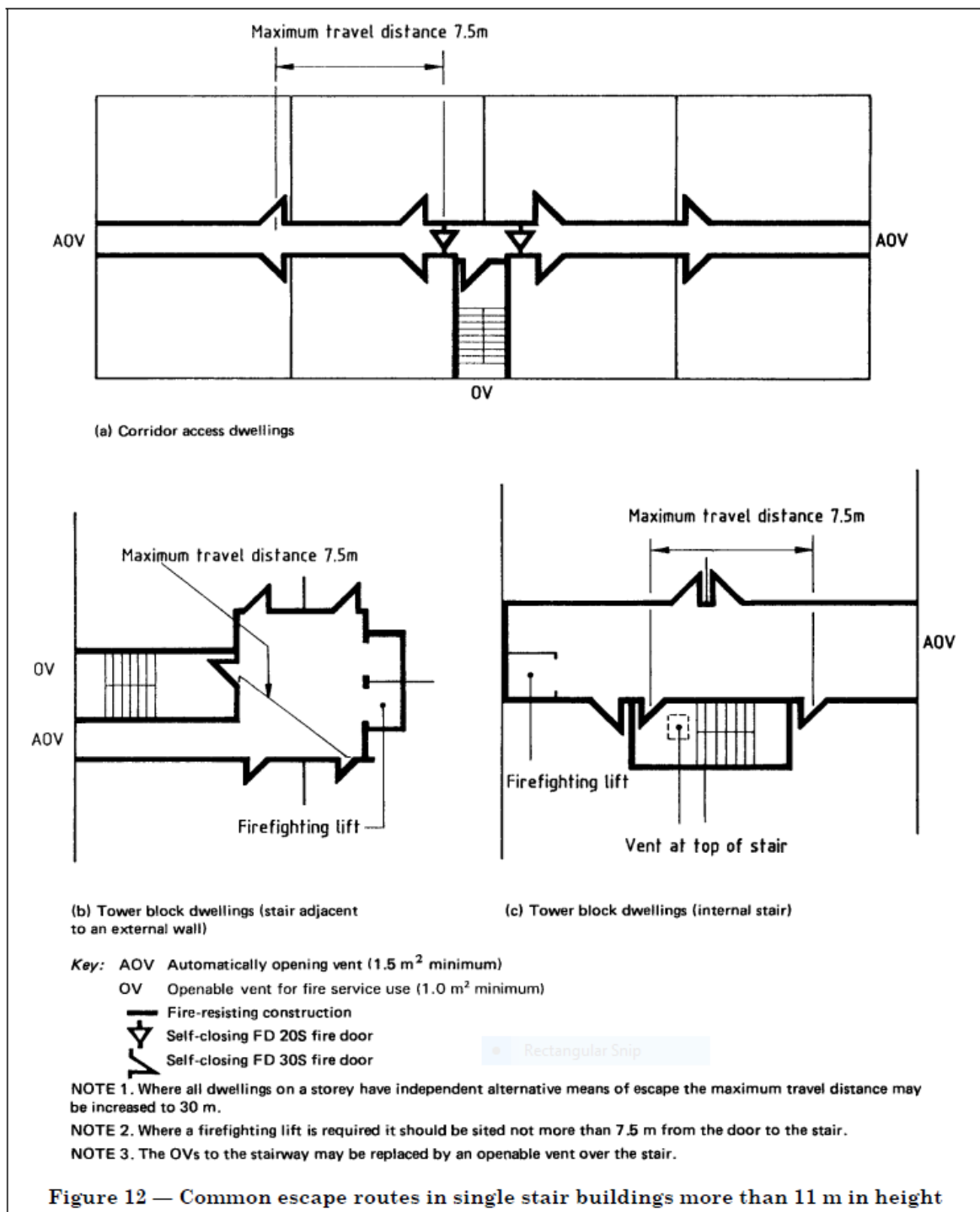


Figure 12 — Common escape routes in single stair buildings more than 11 m in height