



An
Bord
Pleanála

FSC Report ABP-319291-24

Appeal v Refusal or Appeal v Condition(s)

Appeal v Condition (No. 5)

Development Description

Fire Safety Certificate for apartment
block at 45 Woodlands Park,
Blackrock, Co. Dublin

Building Control Authority Fire Safety Certificate application number:

FSC2304140DR

Appellant

Keith Craddock

Agent

GSP Fire Ltd.

Building Control Authority:

Dun Laoghaire Rathdown County
Council

Inspector

Jamie Wallace

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1.0 Introduction

- 1.1. A FSC application was submitted to the BCA on 15/06/2023 for an apartment block containing 26 apartments over 5 storeys at 45 Woodlands Park, Blackrock, Co. Dublin.
- 1.2. The application relates to a new building.
- 1.3. The appeal is against Condition No. 5 attached to the granted FSC.

Condition 5:

Fire brigade vehicle access shall be provided in accordance with Section 5.2.2 and Table 5.1 of Technical Guidance Document B, 2006 (Reprint 2020). Access routes and hard standings for high reach appliances shall be provided in accordance with Section 5.2.4, Table 5.2 and Diagram 32.

Reason:

To comply with the provisions of Part B of the Second Schedule to the Building Regulations, 1997 to 2022.

2.0 Information Considered

The information considered in this appeal comprised the following:

- Drawings submitted with the application on 15/06/2023.
- Further information received by the BCA on 10/08/2023, 20/09/2023 and 01/12/2023.
- Copy of BCA decision of 15/02/2024.
- Appeal documents received by ABP from GSP Fire Ltd. on behalf of the appellant on 13/03/2024.
- Submissions received from the BCA on the appeal on 11/04/2024.
- Further submissions received by ABP from GSP Fire Ltd. on behalf of the appellant on 02/05/2024.

3.0 Relevant History/Cases

- 3.1. I am not aware of any relevant case or FSCA history in relation to this development or site.
- 3.2. The following Bord decisions might be of assistance to ABP in consideration of this appeal.

ABP-300925-18: Block E, North Circular Road, Dublin 1.

ABP-313486-22: Block D, Sandford Road, Dublin 6

ABP-315143-22: 47 aparthotel units Charlemont Place, Dublin 2

4.0 Appellant's Case

- 4.1. The appellant is appealing the attachment of condition 5 to the grant of the fire safety certificate largely on the basis that in their opinion it sets out requirements that are not necessary to demonstrate compliance with Part B of the Building Regulations. The following points are set out in support of the appeal:

- Provision of vehicle access

The appellant claims that it has been adequately demonstrate in their submissions that vehicle access is provided for pump appliances to the main south-west facing front elevation.

- Provision of internal dry risers

The appellant claims that dry risers are provided to the building to enable water for fire fighting purposes to be provided to all upper floors through the two stair cores.

- Provision of compartmentation

The appellant claims that the significant provision of compartmentation within the building by nature of its residential use means that there may be no benefit in providing additional external building perimeter access for fire-fighting operations.

- Provision of means of ventilation of smoke

The appellant claims that the provision of naturally ventilated lobbies at each level within the stair cores means that an enhanced level of protection is provided for firefighting operations from within the building.

- Provision of sprinklers

The appellant claims that the provision of sprinklers at the top floor will provide an increased level of protection for fire fighting operations.

- Other similar building designs have been granted FSCs by the BCA

The appellant claims that the approach adopted within the proposed building design and as presented in the application documents is no different to other FSC applications that have been considered and granted by Dun Laoghaire Rathdown CC.

5.0 Building Control Authority Case

- 5.1. The BCA case is that the building design as presented in the FSC application would not comply with Part B5 of the Second Schedule to the Building Regulations without Condition No. 5.

The following points are set out in support of this claim:

- Requirement for high reach vehicle access

The BCA claims that Section 5.2.4 of TGD Part B 2006 (2020 Reprint) is clear in its requirement for high reach vehicle access in the case of all buildings where the height of the top storey is over 10m above ground level.

Furthermore, the BCA claims that the provision of a dry riser does not adequately compensate for a lack of high reach access to a building.

- Green roof and PV panels

The BCA claims that access for high reach appliances allows fires to be fought externally and this is particularly important in the case of this building where both a green roof and PV panels are proposed.

- No stair access to the roof

The BCA claims that there is no provision of permanent access the roof from within the building so the use of high reach appliances is the only viable means of fighting a fire if it was to develop at roof level.

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 guidance document considered when assessing the arguments put forward by the Appellant and the BCA is TGD: Part B 2006 (2020 Reprint) with B5: Access and facilities for the fire service being the relevant regulation.
- 6.2.2. It is noted that the building as designed, has a ground floor area of circa 660 square metres, an overall volume of circa 11,000 cubic metres and a top floor that is circa 12.8 metres above ground level. Given these building characteristics, Table 5.1 outlines the requirement for access to be provided for a high reach appliance to 50% of the perimeter. The appellant claims that Table 5.1 is only relevant in cases where dry risers are not provided in buildings, while the BCA claims that this is not the case, and that Table 5.1 remains relevant in all cases. There is a recognition that this section of TGD Part B 2006 (2020 Reprint) is poorly written and open to misinterpretation in this regard. Thankfully, TGD Part B 2024 is much clearer in its guidance regarding vehicular access, but it remains the case that the appellant has designed the proposed building in accordance with the earlier TGD and has claimed that they have proven compliance with all the requirements therein. The newer document is not the relevant guidance document here and caution must always be exercised, to avoid “cherry picking” from different guidance documents.

- 6.2.3. The appellant claims that the BCA has granted FSCs to similar buildings that used the same design philosophy employed here. We must be careful to ensure that every building and application is considered on its own merits so must avoid drawing conclusions from other buildings that seem “similar”. I agree with the BCA that the green roof and PV panels represent particular risks that must be considered here especially when the site location and constraints are considered. The building is situated very close to its northern and southern boundaries and if a fire was to develop on its roof, then neighbouring properties could be put at risk from fire spread and fast and effective firefighting at roof level would be required immediately.
- 6.2.4. All considered, I believe that the provision of dry risers is adequate compensation for the lack of high-level appliance access in this case. Access is proposed to the roof by means of an opening hatch over the stairwell, which would be considered common practice. There is a further complication though, as I am not satisfied that the appellant has demonstrated that adequate access is provided for a pump appliance in full accordance with the requirements of TGD Part B 2006 (Reprint). The site layout plan provided does not clearly show that the appliance can gain unimpeded access to a point within 18m of the dry riser inlets and within sight of those two inlet points on the front elevation of the building. It is entirely unclear what surfaces to the front of the building are paved and how these areas in front of the building are landscaped. It is very likely that the inlet points will be obscured from the view of the Fire Services.

7.0 Recommendation

- 7.1. Based on the assessment as outlined above, I recommend directing the BCA to amend condition (No. 5) and the reason therefor as set out below:

Condition Number 5: Fire brigade vehicle access for a pump appliance shall be provided to within 18m and within sight of the inlet connection points. This shall be demonstrated by means of a vehicle swept track analysis and detailed site plans showing road surfaces, levels and all landscaping features.

Reason: To comply with the requirements of Part B5 of Part B of the Second Schedule of the Building Regulations 1997, as amended.

8.0 Reasons and Considerations

Having regard to the presented design of the residential development and the compliance report, to the submissions made in connection with the FSC application and the appeal, and to the report and recommendation of the reporting inspector, the site's location and physical constraints, the provisions of TGD Part B 2006 (2020 Reprint). Overall, the Board was satisfied that the proposed design demonstrates adequate compliance with the requirement of Part B5 (Access and facilities for the fire service) of Part B of the Building Regulations, specifically that there is adequate provision for access for fire appliances as may be reasonably required to assist the fire service in the protection of life and property. The Board was therefore satisfied that it would be appropriate to amend Condition 5.

9.0 Conditions

Condition Number 5: Fire brigade vehicle access for a pump appliance shall be provided to within 18m and within sight of the inlet connection points. This shall be demonstrated by means of a vehicle swept track analysis and detailed site plans showing road surfaces, levels and all landscaping features.

Reason: To comply with the requirements of Part B5 of Part B of the Second Schedule of the Building Regulations 1997, as amended.

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

31/01/2025