



An  
Bord  
Pleanála

## FSC Report ABP-319994-24

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

Appeal v Conditions (No's 2 & 3)

### Development Description

Construction of three blocks  
comprising of residential  
accommodation, creche, gym and  
ancillary office accommodation.

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

FSC 2206346FL

### Appellant

Mike Diana

### Agent

Eamon O'Boyle & Associates

### Building Control Authority:

Fingal County Council

### Inspector

Jamie Wallace

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## 1.0 Introduction

- 1.1. The fire safety certificate (FSC) application subject to this appeal was made to Fingal County Council for the construction of three blocks comprising of residential accommodation, creche, gym and ancillary office accommodation.
- 1.2. The application relates to the construction of new buildings.
- 1.3. The case relates to an appeal v conditions No's 2 & 3 attached to the granted FSC.

**Condition 2:** The proposed Basement Car Park shall be provided with a Sprinkler System in accordance with BS EN 12845:2015 + A1: 2019.

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

**Condition 3:** Fire hose reels shall be provided to the carpark in accordance with Clause 1.4.16 of Technical Guidance Document B 2006 (2020).

**Reason:** To comply with the provisions of Part B1 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 and associated particulars submitted with the FSC application on 11/11/2022.
- Further information and particulars received by the BCA on 08/03/2023, 07/02/2024 and 13/05/2024.
- Copy of BCA 'Decision To Grant' With Conditions on 27/05/2024.
- Appeal received by ABP on 25/06/2024, lodged by Eamon O'Boyle and Associates on behalf of the appellant.

### 3.0 Relevant History/Cases

- 3.1. There is no relevant Building Control history in relation to this development.
- 3.2. The following ABP cases may be of assistance to the Bord in determining the case.

ABP-316079-23      Fire Safety Certificate for apartment building over a basement carpark.

ABP-314945-22      Construction of four storey apartment building over a basement carpark.

ABP-312605-22      Fire Safety Certificate application for a Single storey basement and six storey residential block above (Block A).

### 4.0 Appellant's Case

- 4.1. The appellant is appealing the attachment of condition 2 to the grant of the fire safety certificate largely on the basis that a sprinkler system is not required in the basement car park to comply with Part B of the Building Regulations. The following points are set out in support of the appeal:

- It is claimed that the building design as presented is compliant with the requirements of TGD Part B 2006 (2020 Reprint).
- It is claimed that the basement level car park does not fall under the criteria set out in TGD Part B 2006 (2020 Reprint) where sprinkler protection is a requirement. Furthermore, it is stated in that document that "car parks are not normally expected to be fitted with sprinklers".
- It is claimed that the proposed basement car park falls under the definition of a "normal" car park as means of escape provisions, surface linings, compartmentation, ventilation and fire fighter access and facilities are all to be provided in line with TGD Part B 2006. It is claimed that the provision of a sprinkler system in the basement car park is therefore surplus to any statutory or regulatory requirement for a building of this type.

4.2 The appellant is appealing the attachment of condition 3 to the grant of the fire safety certificate largely on the basis that fire hose reels are not necessary in this setting and may present more problems than solutions in the event of a fire. The following points are set out in support of the appeal:

- It is claimed that as this is primarily a residential building there is unlikely to be appropriately trained staff to operate the fire hose reels. Furthermore, it is claimed that as fire hose reels are not intended for use by the fire brigade and as water is not a suitable extinguishing medium for diesel / petrol then there is no advantage to providing them in the car park.
- It is claimed that residents should vacate the building promptly during a fire and the provision of fire hose reels may prompt some occupants to stay in the building to assist with firefighting.
- It is also claimed that improper deployment of the hose reels could lead to fire doors not closing fully therefore aiding the spread of fire and smoke through the building.

## **5.0 Building Control Authority Case**

5.1. The BCA has not provided any correspondence in response to the Appeal received by ABP.

## **6.0 Assessment**

### **6.1. 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

On analysis of the relevant regulations, the relevant technical guidance document (TGD Part B 2006 (2020 Reprint)) and all the information on the case file including the arguments put forward by the appellant, I have arrived at my recommendation based on the following rationale:

### Condition 2:

- The appellant claim, that the design of the building is compliant with Building Regulations without provision of a sprinkler system in the basement car park, has been adequately demonstrated.
- It has been adequately demonstrated that this is a “normal” car park and it is clearly stated in the relevant guidance (TGD Part B 2006 (2020 Reprint)) that “car parks are not normally expected to be fitted with sprinklers”.

### Condition 3:

- The claim that the provision of fire holes reels is not warranted has not been adequately demonstrated by the appellant.
- The appellant claims in their appeal submission that “the basis of compliance for the Fire Safety Certificate application is Technical Guidance Document Part B: 2006 + A1 : 2020 and BS 5588: 1990 Part 1 and BS 5588 Part 11.” Paragraph 1.4.16 of the relevant technical guidance document requires that fire hose reels are provided in car park buildings (purpose group 7(b)) where the floor area exceeds 500 square metres. As this car park is evidently greater than 500 square metres, then fire hose reels are deemed necessary for the design to be considered compliant with TGD Part B 2006 (2020 Reprint).

## 7.0 Recommendation

Direct the BCA to remove condition No. 2 for the reasons and considerations set out below.

Direct the BCA to retain condition No. 3 for the reasons and considerations set out below.

## **8.0 Reasons and Considerations**

### **Condition 2:**

Having regard to the presented design of the development and the accompanying technical compliance report, and to the further submission made to the BCA in connection with the FSC application and to the appellant's submission to ABP, it is considered appropriate that the Building Control Authority be directed to remove condition 2.

It has been demonstrated that the building, if constructed in accordance with the design presented with the application and appeal, would comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997, as amended without a sprinkler system in the basement car park.

### **Condition 3:**

Having regard to the presented design of the development and the accompanying technical compliance report, and to the further submission made to the BCA in connection with the FSC application and to the appellant's submission to ABP, it is considered appropriate that the Building Control Authority be directed to retain condition 3.

It is apparent that the provision of fire hose reels is a requirement of the relevant technical guidance document (TGD Part B 2006 (2020 Reprint) for a building of this type (basement car park).

## **9.0 Conditions**

### **Condition 2:**

The BCA should be directed to remove condition No. 2 attached to the granted FSC.

### **Condition 3:**

The BCA should be directed to retain condition No. 3 attached to the granted FSC.

## 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.

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Jamie Wallace BEng CEng MIEI

15/04/2025