



An
Bord
Pleanála

FSC Report

ABP-320355-24

Appeal v Refusal

Appeal against a condition relating to hose-reels on a Fire Safety Certificate for the fit-out of a unit at Nutgrove Shopping Centre, Dublin 14.

Development Description

Fit out of Unit 2C to accommodate new pet store supplies store at Nutgrove Shopping Centre, Dublin 14.

Building Control Authority Fire Safety Certificate application number:

FSC2402123DR/7DN

Appellant

Mr. Patrick O'Driscoll, Maxi Zoo Ireland Ltd., 1st floor, Unit 7, Westpoint Business Park, Ballincollig, Co. Cork, P31 XW97.

Appellant's Agent

Mr Ciaran Ferrie, Ciaran Ferrie Architects, Fumbally Exchange Argus House Blackpitts, Dublin 8.

Building Control Authority:

Dun Laoghaire-Rathdown County Council.

Inspector

Denis O'Connell – DOCON Fire Safety Engineering Ltd.

Contents

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

1.0 Introduction

1.1. A Seven Day Fire Safety Certificate application was submitted on 28/03/2024 and 03/04/2024. An email requesting revised information was issued on 20/06/2024. Revised information was submitted on 28/06/2024. The Fire Safety Certificate was granted with six conditions on 05/07/2024. The application was to “fit out of unit 2C, Nutgrove shopping Centre, to accommodate new pet supplies store”.

1.2. The application was granted, and this appeal relates to the sixth condition which was -

Condition 6

Hose reels shall be provided in accordance with Section 1.4.16 of Technical Guidance Document B 2006 (Reprint 2020) and BS 5306 Part 1.

Reason: to ensure compliance with Parts B1 – B5 of the Second Schedule to the Building Regulations, 1997 to 2022.

2.0 Information Considered

The information considered in this appeal comprised the following:

- Copy of BCA decision dated 05/07/2024.
- Report submitted on 28/06/2024 and 03/04/2024.
- Drawings submitted with the appeal date stamped 01/08/2024 and 14/08/2024 and previously submitted on 28/06/2024 and 03/04/2024.
- Appeal received from Ciaran Ferrie Architects on behalf of the appellant on 01/08/2024 & 07/10/2024.
- Submissions received from the BCA on the appeal on 29/08/2024.

3.0 Relevant History/Cases

3.1. I am not aware of any previous appeals in relation to similar matters.

4.0 Appellant's Case

4.1. The appellant submitted the Fire Safety Certificate application and did not address any issues in relation to the provision of fire hose reels. As part of this appeal, the case has been made using the following points

- Water supplies are not readily available.
- The gross floor area is less than 500m² and that both floors are separated by fire resistant construction.
- There is no area greater than 500m².
- The premises complies with the spirit of the requirement rather than the exact wording of the requirement.
- There are no existing hose reels on the premises or in adjacent units.
- BS 5588 – Part 11 recommends that hose reels are suited to “*large open floor areas where they will not obstruct fire doors, whilst extinguishers should be provided where accommodation is divided into rooms and corridors*”. Hose reels could obstruct escape routes within the unit.
- Manual fire extinguishers have been provided.
- There is no new or greater contravention of the fire safety regulations.

5.0 Building Control Authority Case

5.1. The Building Control Authority makes the following points

- Refers to Section 1.4.16 of TGD-B
- Hose reels “*should be provided in a building where the floor area exceeds 500m² which is used as a shop...*”.
- As the floor area for the entire shop is 837m², hose reels should be provided.

5.2. Content of Assessment

5.2.1. In making the assessment, reference was made to the submissions by the Appellant and the Building Control Authority. Reference was also made to

- Technical Guidance Document B - Fire Safety 2006 (reprinted 2020).
- BS 5588 Part 11 “Fire precautions in the design, construction and use of buildings: Code of practice for residential buildings: 1990”.

6.0 Assessment

Having reviewed the submissions the following notable points should be made

- 6.1.1. Very little information was submitted in the original reports with the initial Fire Safety Certificate application submitted on 03/04/2024 and 28/06/2024.
- 6.1.2. Section 1.4.16 does not restrict hose-reel use to “open” floor areas. It says that it is applicable where the floor area exceeds 500m².
- 6.1.3. The open floor areas do not exceed 500m², the ground floor shop area is circa 375m². The lobbies and stairs are separated from the open floor areas by construction affording 60 minutes fire resistance.
- 6.1.4. The drawings show that shop areas are subdivided by walls providing 60 minutes fire resistance which is equivalent to the compartmentation fire resistance required in Table A2 of TGD-B.
- 6.1.5. A shop may have storage of lobbies with 30 minutes fire resistance as per Table A1 of TGD-B.
- 6.1.6. As per Section 38 of BS 5588 – Part 11, fire hose-reels do pose a threat to fire doors and therefore the protection of escape routes. A protected stairs connects the ground and first floor in this premises and it is surrounded by fire doors. The protected stairs connect the two floor areas which then exceeds the 500m² limit.
- 6.1.7. The main benefit of the provision of hose-reels versus fire extinguishers is that there is a continuous supply of firefighting water to deal with the fire load in larger compartments. In this case the larger open areas are enclosed in 60-minute walls so there is no individual compartment that exceeds 500m².
- 6.1.8. While the premises does not comply with the exact wording of the requirement, the provision of 60-minute fire rated walls and doors to protect the stairs and means of escape is a significant matter which also reduces the individual floor areas to below 500m². In this case I believe the appellant is in compliance with the spirit of the requirement.

7.0 Recommendation

- 7.1. My recommendation in this case is that Condition 6 should be removed from the Fire Safety Certificate

8.0 Reasons and Considerations

1. Having regard to the proposed use of the premises and the compliance report, drawings and submissions received from the appellant in relation to Fire Safety Certificate application and the appeal, and to the report and recommendation of the reporting inspector, it is considered that it has been demonstrated by the first party appellant in the fire safety application and appeal that the premises is in compliance with the requirements of Part B1 of Technical Guidance Document B - Fire Safety 2006 (reprinted 2020) [TGD: Part B].
2. The Building Control Authority have not clearly demonstrated the need for the provision of hose-reels in relation to the premises. Therefore, condition number 6 as originally attached by the Building Control Authority to the grant of the fire safety certificate is not required and should be removed.
3. The Board was satisfied that the appeal for the removal of Condition 6 on the Fire Safety Certificate is granted

9.0 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.

Denis O'Connell BE C-Eng
DOCON Fire Safety Engineering
10th May 2025