



An
Bord
Pleanála

FSC Report ABP- 321019-24

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

Appeal v Refusal

Development Description

Material change of use from
flats/bedsits to B&B rooms with other
material alterations at 20/21 Denmark
Street, Dublin 1

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

FSC24CC879DC

Appellant

Richard Moyles

Agent

Ryan and Associates

Building Control Authority:

Dublin City Council North

Inspector

Jamie Wallace

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1.0 Introduction

- 1.1. The application was for a Fire Safety Certificate for material change of use from flats / bedsits to B&B rooms with other material alterations at 20/21 Denmark Street, Dublin 1.
- 1.2. The application relates to a change of use and material alterations.
- 1.3. The original application was for a Fire Safety Certificate (FSC) and the appeal is against the refusal of the FSC.

2.0 Information Considered

The information considered in this appeal comprised the following:

- Drawings submitted with the FSC application on 24/01/2024.
- Further information received by the BCA on 17/07/2024.
- Copy of BCA decision and supporting documentation of 11/09/2024.
- Appeal received by ABP on 08/10/2024 prepared by Ryan and Associates on behalf of the appellant.
- Submissions received from the BCA on the appeal on 05/11/2024.

3.0 Relevant History/Cases

- 3.1. I am not aware of any relevant building control history relating to the appeal site.
- 3.2. I am not aware of any other relevant Board decisions at other locations that may be of assistance to the Board in determining this case.

4.0 Appellant's Case

The appellant is appealing the refusal of the fire safety certificate largely on the basis that they believe that it has been adequately demonstrated that compliance with Part B of the Building Regulations has been achieved. The following points are set out in support of the appeal:

- It is claimed that the relevant Technical Guidance Document (TGD Part B 2006 (2020 Reprint)) allows for alternative approaches based on the principles contained in the document and recognises that its use without modification may not in all circumstances, be appropriate.
- It is claimed that the proposal to provide sprinklers in the building is surplus to the requirements of the Regulations and serves as a suitable compensatory measure in this case and therefore represents a suitable alternative approach to compliance.
- It is claimed that the provision of lobbies to the bedrooms would not be acceptable to the Heritage Department of Dublin City Council and would ruin the character of the premises.

5.0 **Building Control Authority Case**

The BCA refused the fire safety certificate largely on the basis that they believe that it has not been adequately demonstrated that the proposed building is compliant with Part B1 of the Building Regulations. The following points are set out in support of the refusal:

- The main reason for the refusal was stated as being inadequate means of escape with the proposed building being served by a single stair without lobby protection.
- It is claimed that the building is over 10m high, contains a basement and comprises more than 3 stories and that each of these characteristics alone require that a second stairs or a single stair with lobby protection is provided in the building.
- It is claimed that no fire safety engineering approach, either qualitative or quantitative, was provided in the compliance report submitted as part of the FSC application.

6.0 **Assessment**

6.1. ***De Novo* assessment**

As this is an appeal against a refusal of the FSC then a *de novo* assessment has been carried out.

6.2. Content of Assessment

6.2.1. As the FSC application was made on 24/01/2024 the relevant Technical Guidance Document is TGD Part B 2006 (2020 Reprint).

6.2.2. The relevant regulation in this case is:

- B1: Means of warning and escape in case of fire

6.2.3. The applicability of the following national and international standards and guidelines were considered as part of the assessment:

- Guide to Fire Precautions in Existing Hotels, Guesthouses and Similar Premises
- BS 5588 Part 1 Code of Practice for residential buildings

6.2.4. As this case includes material alterations and a change of use (to Purpose Group 2 (b) Other Residential) of an existing building the provisions outlined under 'Existing Buildings' on Page 2 of TGD: B 2006 (2020 reprint) which outlines that the adoption of the guidance in this document without modification may not, in all circumstances, be appropriate has also been taken into consideration.

6.2.5. The appellant's claim that the provision of sprinklers in the building serves as a suitable compensatory measure was not found to be supported with any evidence. If a fire engineering approach is proposed, then it would be usual for some calculations to be provided as support. In the absence of any qualitative or quantitative support then I would agree with the BCA and would consider this to be an opinion on compliance with the regulations rather than evidence of compliance with the regulations.

6.2.6. The appellant claims that the building is only slightly above the limit set for allowing it to be considered as a small single stair building (12.1m high v 11.0m high) primarily because it has particularly high ceilings. The suggestion is that because it has the same number of floors as other 11m high buildings then it should still be considered a "small premises with a single stairway" as described in the Code Of Practice **"Guide to Fire Precautions in Existing Hotels, Guesthouses and Similar Premises"**. While this is a reasonable suggestion I also agree with the BCA opinion

that as the application includes a “change of use” then the use of this document is not actually relevant in this case as it is only guidance for existing premises.

- 6.2.7. The appellant also refers to **BS 5588 Part 1 Code of Practice for residential buildings** and claims that as domestic sprinklers were proposed to be provided to the bedrooms then the provision of a single protected stair is acceptable according to this document. In response to this claim, the BCA claims that this guidance is not relevant in this case. I agree that this document is only relevant for Purpose Group 1(c) buildings and not for Purpose Group 2(b) Other Residential.

7.0 Recommendation

It is recommended that the appeal against the refusal of the FSC is rejected and the original decision by the BCA is upheld by the Board.

8.0 Reasons and Considerations

Having regard to the presented design of the building and the compliance report, to the submissions made in connection with the Fire Safety Certificate application and the appeal, and to the report and recommendation of the reporting inspector, it is considered that it has not been demonstrated by the first party appellant in the fire safety application and appeal that the proposed building meets the requirements of Part B1 of Technical Guidance Document B - Fire Safety 2006 (2020 Reprint).

Therefore, the original decision taken by the Building Control Authority to refuse the fire safety certificate is deemed to be justified. The Board was satisfied that the building if constructed in accordance with the design presented with the application and appeal, would not comply with the requirements of Part B of the second schedule to the Building Regulations 1997, as amended.

9.0 Conditions

Not applicable.

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

19/06/2025