



An  
Bord  
Pleanála

## FSC Report

**ABP-321308-24**

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### Appeal v Condition(s)

Appeal v Conditions 1(ii), 3, 5 and 15.

### Development Description

Change of use of all floor levels of Units 91 and 92 to residential use, as well as the change of use of all floors of Unit 90 and the first and third floor levels of Unit 89 to office use at 89-92 Leeson Street Lower, Dublin 2.

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

FSC2403881DC

### Appellant

Clive Martin

### Appellant's Agent

Conor Jordan, Pro-Fire and Design.

### Building Control Authority:

Dublin City Council

### Inspector

Joe Ryan

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## 1.0 Introduction

1.1. The application submitted to Dublin City Council relates to an existing five-storey Georgian School Building at the Catholic University School, 89-92 Leeson Street Lower, Dublin 2, D02 KC81. The building has been operating as a school since 1867. Prior to 1992 it was being used solely for school classrooms and associated office use, and before the current development process there have been no Fire Safety Certificate applications associated with the building. The four sections of the building are currently linked internally at various levels. The proposed works consist of the change of use of all floor levels of Nos. 91 and 92 to residential use. No. 91 and No. 92 will then operate as two separate five-storey entities, with no connection to each other or to Nos. 89 and 90. Each section will contain five apartments. There will also be a change of use of all floors of No. 90 and the first and third floor levels of No. 89 to office use. Nos. 89 and 90 will remain interlinked at lower ground, ground and third floor levels. The works are part of a three-stage process:

- Phase 1 - Material alterations conducted to the lower ground, ground, first and second floor levels of Nos. 90, 91 and 92 in the existing Georgian building to temporarily accommodate staff and students while the proposed new build and upgrading works are conducted on site to the rear of the Georgian building. The third-floor level is to be both vacant and sterile as part of this phase. (Previously granted Fire Safety Certificate – FSC230507DC.)
- Phase 2 - New building works are conducted on site to the rear of the Georgian building to provide additional classrooms and assembly accommodation for the overall school. (Applicable to a separate Fire Safety Certificate application.)
- Phase 3 - Change of use of Nos. 91 and 92 to be used as residential accommodation as well as the necessary material change of use to the remaining administrative areas of Nos. 89 and 90 for office use, applicable to this Fire Safety Certificate application.

This application is the third in the series of three Fire Safety Certificate applications for 89-92 Leeson Street, Dublin 2 and corresponds to Phase 3.

1.2. A decision was made by Dublin City Council to grant a Fire Safety Certificate with eighteen conditions, of which Conditions 1(ii), 3, 5 and 15 are being appealed.

**Condition 1:**

Each lobby between Stairs 01 and 02 and the apartments shall comply with the following:

- i. The inner lobby door directly accessing the apartment shall be considered as the apartment entrance door.
- ii. The outer lobby door accessing the stairs shall be provided with minimum 50% glazing (complying with Table A4 of TGD-B 2006 + A1: 2020) and shall not be fitted with any locking device.
- iii. Each lobby shall be considered to be a Landlord area and therefore shall be kept sterile and free from any resident's belongings at all times.

**Reason**

To ensure compliance with Part B of the second schedule to the Building Regulations 1997 to 2023.

**Condition 3:**

A 30-minute fire rated protected lobby fitted with a self-closing FD30S fire door shall be provided between Stairs 03 and the first floor manager's office in accordance with Clause 9.6.2(a) of B.S.5588-11 1997.

**Reason**

To ensure compliance with Part B of the second schedule to the Building Regulations 1997 to 2023.

**Condition 5:**

- i. The number of people in the Chapel shall be limited to a maximum of 40 people on the basis of its inward opening doors in accordance with Section 1.4.3.3 (b) of TGD-B 2006 + A1:2020 OR alternatively, its doors shall open in the direction

of escape and its occupancy load limited in accordance with Table 1.4 TGD-B 2006 + A1: 2020

- ii. The ground floor entrance hall in 89 Leeson St. Lower shall be modified to remove circulation through the stairs in accordance with Section 1.2.3.5 of TGD-B 2006 + A1: 2020. Accordingly, the chapel shall be separated from the stairs via a protected lobby whilst the door between the pastoral room and the stairs/hall shall be removed and replaced with 60-minute fire rated compartment wall construction. The door between the chapel lobby and the stairs/entrance hall shall open in the direction of escape and comprise a suitable clear width and exit capacity in accordance with Table 1.4 of TGD-B 2006 + A1: 2020 to cater for the expected occupancy load in the chapel. The existing entrance hall lobby door (if retained) shall open in the direction of escape and comprise a suitable clear width and exit capacity in accordance with Table 1.4 of TGD-B 2006 + A1: 2020 such to cater for the expected occupancy load in both the chapel and the stairs. The external exit door shall be fixed in the open position during opening hours.

**Reason**

To ensure compliance with Part B of the second schedule to the Building Regulations 1997 to 2023.

**Condition 15:**

Any stud partition compartment walls shall comply with Sections 3.2.5.4 and 3.2.5.7 of TGD-B 2006 + A1: 2020.

**Reason**

To ensure compliance with Part B of the second schedule to the Building Regulations 1997 to 2023.

## **2.0 Information Considered**

2.1. The information considered in this appeal comprised of the following:

- Report and drawings submitted to Dublin City Council through the BCMS system on 14/5/24.
- Cover letter and associated changes submitted to Dublin City Council through the BCMS system on 6/6/24.
- Granted Fire Safety Certificate FSC 2403881DC issued by Dublin City Council dated 30/10/24. (Managers Order No. FSC1519/24.)
- Appeal submission by Profire and Design received by An Bord Pleanála on behalf of the Appellant Clive Martin on 14/11/24.
- Submission received from the Fire Prevention Section, Dublin Fire Brigade in relation to the appeal on 18/12/24.
- Reply to the Dublin Fire Brigade submission from Profire and Design on behalf of the Appellant Clive Martin on the 7/2/25.
- An Bord Pleanála Case 321308-24

## **3.0 Relevant History/Cases**

3.1. I am unaware of any relevant building control history relating to this appeal site. No documentation was included in the An Bord Pleanála file relating to any previous FSC, Revised FSC, Regularisation FSC and/or any dispensation or relaxation of the Building Regulations. A floor plan drawing from Phase 1 FSC230507DC was included in the FSC 2403881DC application.

3.2. There are no An Bord Pleanála decisions that may be of assistance to the Board in determining the case that I am aware of.

## 4.0 Appellant's Case

### Condition 1 – Appellant's Case:

The Appellant is only appealing the attachment of Condition 1(ii) to the grant of FSC 2403881DC and only in relation to the glazing criteria requirement. The basis for the appeal is that the condition 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:

- Section 1.4.3.5 of TGD-B: 2006 + A1: 2020, hereafter referenced as TGD-B: 2020, states that vision panels are only required where '*doors on escape routes subdivide corridors, or where the doors are hung to swing both ways*'. As this is not the case in Nos. 91 and 92 then vision panels are not required. (Section 5.4.3.1 is incorrectly referenced in the appeal).
- Section 18.9(a)(5) of BS 5588-1:1990 states that vision panels are only required where fire doors are '*hung to swing both ways and, on all doors subdividing corridors*'. As this is not the case in Nos. 91 and 92 then vision panels are not required.
- The buildings are protected structures and the '*lobby doors in question cannot have such alterations made to them without contravening the protection measures*.'

### Condition 3 – Appellant's Case:

The main basis for the appeal is that the building complies with Section 7.1.4.1.1 of TGD-B: 2024 *Offices* and that it is a protected structure. The following points are set out in support of the appeal:

- As the third floor of the building has an alternative means of escape then the stairs can be seen as a four-storey building in compliance with Section 7.1.4.1.1 of TGD-B. Therefore, lobbies are not required for the stairs.
- The automatic fire detection and alarm system is an L1 standard as distinct from the required L3 standard.
- The Manager's Office door will be an FD60S.

- The Manager's Office is a double height room allowing for a significant amount of smoke capacity/logging above the door into Stairs 03.
- There are no significant fire loads in the Manager's Office.
- Occupants of the building will be awake and familiar with the building.
- Stairs 03 has an AOV.
- The floor area is less than 250m<sup>2</sup>.
- The stairs does not connect to a basement.
- The previously granted FSC 2305807DC allowed for a sixty-minute fire curtain in place of a lobby.
- The building is a protected structure.
- The level of risk in terms of occupancy has been reduced from a school classification to an office classification. i.e. The building will be occupied by adults as distinct from school children.

### **Condition 5 – Appellant's Case:**

The basis for the appeal against Condition 5 is that it outside the scope of the FSC application. The following points are set out in support of the appeal:

- The ground floor area in question is an existing space that is not undergoing any material alterations. The ground floor level remains unchanged since Pre-1992.
- The first floor has remained materially unchanged other than it's classification has changed from school to office use.
- The third floor, which was previously used as sleeping accommodation and is now being used as offices, has an alternative means of escape.
- There are no changes in the means of escape from the ground floor area.
- The existing stairs has the exit width capacity to cater for the occupancy of the upper floors of the building that use this stairs.
- The area is outside the scope of the application.



### **Condition 15 – Appellant’s Case:**

The basis for the appeal against Condition 15 is that 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:

- Section 7.3.5 of TGD-B: 2024 allows for an exception to the requirement for Class A2 - s3, d2 materials in compartment walls in existing buildings greater than 11m in height, that are subject to a material alteration or change of use.
- There are walls in the building, particularly in No. 89, that are existing stud partition walls that form part of compartment walls. These walls are not being altered or changed as part of the proposed works.
- The existing timber stud compartment walls will be modified with proprietary approved systems to ensure that the required fire resistance will be achieved.
- The walls cannot be moved due to the protected status of the structure.

## 5.0 Building Control Authority Case

### Condition 1 – BCA Case:

The BCA make the following points in relation to Condition 1(ii):

- The lobbies are part of the landlord common areas of the building and are to be kept sterile and free from any fire load. A fire in a lobby could threaten the safe means of escape via the protected stairs. The BCA wish to deter the occupants of the apartments from misusing the stairs lobbies as part of their demise given that there is only one apartment per floor.
- There is no smoke control system for the lobbies. (It is acknowledged in the BCA submission that this was validated as not being necessary in the FSC application.)
- The apartments are not fitted with protected entrance halls.
- The buildings are greater than 11m above ground level.
- Some of the fire doors are in new locations in comparison to the Phase 1 stage of the development and are therefore not part of the protected structure element of the building. (A clarification is provided by the Appellant in the submission of 7/2/25, subsequent to the BCA's comments, which satisfactorily explains the apparent inconsistency.)
- The glazing will reduce the risk of storage in these lobbies.

### Condition 3 – BCA Case:

The BCA make the following points in relation to Condition 3:

- The alternative escape routes from the first and second floor levels of No. 90 have been removed by the works in Phase 3, thereby increasing the risk to occupants.
- The fire and smoke curtain was considered reasonable in Phase 1 given the alternative means of escape from the first and second floor levels.
- The fire and smoke curtain provided for in Phase 1 is being replaced by a single fire door.

- The first-floor level of No.89 is part of the application.
- The first-floor level plan indicates escape via Stairs 03 as part of the application.
- The Appellant did not address the issue in the FSC application.
- The scope of the requirements for the protected structure may not be as rigid as stated by the Appellant given the number of changes through the building as a whole.

#### **Condition 5 – BCA Case:**

The BCA note that the ground floor of No. 89 is not directly part of the FSC application, but as the first and third floors of No. 89 are part of the application, there is an onus on the BCA to consider the impact the ground floor will have on the changes to the upper floors.

The BCA make the following points in relation to Condition 5 (i):

- The FSC Compliance Report notes the occupancy of the lower ground floor of No. 89, which is not part of the application, but does not address the occupancy of the ground floor chapel.
- The occupancy of the chapel should be reduced to forty persons in accordance with the requirements of Section 1.4.3.3(b) of TGD-B: 2020 or the doors can open in the direction of escape to increase the potential occupancy.

The BCA make the following points in relation to Condition 5 (ii).

- As the ground floor chapel escapes via the entrance hall and merges with the stairs serving the upper floors, which are the subject of the application, it is necessary to consider the occupancy of the chapel.
- The pastoral room opens directly into the stairs presenting a potential fire risk to the availability of the stairs, as there is no lobby between the pastoral room and the stairs. Section 1.2.3.5 of TGD-B:2020 *Separation of Circulation Routes from Stairways* is referenced.

- A protected lobby should be provided between the chapel and the stairs to ensure the safe means of escape from the upper floors of No. 89.
- The door between the proposed lobby and the stairs should open in the direction of escape, and be of a suitable width, to cater for the potential occupancy of the chapel.
- If the existing entrance hall lobby door is retained, it should open in the direction of escape and be of suitable width to accommodate the potential occupancy.
- The external exit door should be fixed in the open position at all material times to avoid having an inward opening door at the final exit.

#### **Condition 15 – BCA Case:**

The BCA make the following points in relation to Condition 15:

- The FSC report did not refer to existing timber stud partitions forming part of a compartment wall or to existing services within the partition void space.
- The FSC report confirms that the compartment walls will be/are constructed of materials of limited combustibility.
- The FSC report confirms compliance with Section 3.2.5.7 of TGD-B: 2020.
- Section 7.3.5 of TGD-B: 2024 does not allow any exemption for service penetrations of compartment walls.

## 6.0 Assessment

6.1. Having regard to the nature of the appeal which is against Conditions 1(ii), 3, 5 and 15, and 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. Condition 1 - Assessment:

In my opinion the Appellant is correct in their fundamental assessment that neither TGD-B:2020 or B.S. 5588-1:1990 require glazing to mitigate against potential storage in lobbies that only serve one apartment. Therefore, prima facie compliance with the Building Regulations is achieved. The following points are noted.

- Nearly all of the lobbies are relatively small and given the daily access through them and the related door swings, the potential for storing significant items therein is reasonably small.
- At lower ground floor level, the lobby sizes do lend themselves to potential storage, however these are provided with 60/60 glazing panels.
- The lobbies in question are sprinklered.
- The apartments are sprinklered in lieu of having protected entrance halls.
- There are no locks on the doors between the lobbies and the stairs thereby reducing the risk of private storage in the common lobbies.
- The ongoing management of the building requires that the building is properly maintained.

I therefore recommend that An Bord Pleanála grant the appeal in relation to the removal of the glazing element of Condition 1(ii).

### **Condition 3 - Assessment:**

The Appellant's argument in relation to compliance with TGD-B: 2024 is not unreasonable. The basis for the assessment of the original FSC application, in terms of Regulation B1 Means of Escape, was BS 5588-11: 1997 for horizontal and vertical means of escape. Using TGD-B: 2024 for clarification on Existing Buildings is reasonable, given that BS 5588-11: 1997 has now been incorporated into TGD-B: 2024 and did not have an Existing Buildings Section. Therefore, the use of TGD-B: 2024 can be seen as guidance that wasn't previously available as distinct from altered or updated guidance. It is also to be noted that the BCA did consider Section 7.1.4.1.1 of TGD-B: 2024 in their assessment. In this regard, the following is noted:

- Section 7.1.4.1.1 of TGD-B: 2024 allows for a four-storey existing building which is the subject of a change of use to an office, to operate with an unlobbied stairs in certain circumstances.
- No. 89, the area in question, is a proposed four-storey office building which is lobbied at all levels with the exception of the direct link to the Manager's Office at first floor level.
- No. 90 is a five-storey proposed office building which is lobbied at all levels.
- At third floor level there is an alternative means of escape.
- The stairs can be exited at both ground and lower ground floor level.
- The level of risk in terms of occupancy has been reduced from school to office use.
- There is no significant fire load in the Manager's Office.
- The Manager's Office has high ceilings.

The BCA make a strong case in terms of the loss of alternative means of escape from both first and second floor levels resulting in a significant increase in risk to occupants in the building.

However, noting that a lobby is not required at the top floor level of an office building in either BS 5588-11: 1997 Section 9.6.2(a) or TGD-B: 2024 Section 1.5.8, then the risk is primarily to the occupants of the offices above the Manager's Office. Therefore,

as there is an alternative means of escape available from the top third floor level, the primary risk to the occupants using the stairs is at first and second floor levels. First floor level offices, Finance 1 and Finance 2, are at a height that is half a storey below the Manager's Office and can be considered low risk. The offices at second floor level, Office A and Office B, are at a height half a storey above the Manager's Office. These two offices are therefore the primary concern with regard to the lobby issue.

Office A and Office B are only half a storey above a single unlobbied fire door (FD60S) with the remainder of Stairs 03 being lobbied at all levels. In a TGD-B: 2024 code compliant four storey scenario, for an existing building, it is acceptable in an office situation for the occupants of the top floor to pass three unlobbied levels as part of their means of escape over the full height of the building. Therefore, from a comparative risk perspective the proposal is not unreasonable.

In addition, the height of the Manager's Office above the door into the stairs allows for a significant amount of time to have elapsed before the smoke reaches the height of the top of the door. (The ceiling level of the first floor of No.89 is comparable to the ceiling level of the second floor of No.90.) Therefore, it is not unreasonable to accept the layout as it is, without the lobby to the Manager's Office.

Based on the above, I recommend that An Bord Pleanála grant the appeal in relation to Condition 3 and direct the Building Control Authority to remove Condition 3 from the Fire Safety Certificate.

### **6.3. Condition 5 - Assessment:**

The assessment of Condition 5 will be separated into two different sections dealing with Condition 5(i) and Condition 5(ii).

#### **Condition 5(i) - Assessment**

In my opinion Condition 5(i) relates to changes to the ground floor itself that do not impact on the upper floors. As the ground floor is not the subject of the application, any changes to the ground floor that are only associated with the ground floor itself, and do not impact on the upper floors, are outside the scope of the application. In this case, the limiting of the numbers in the chapel or changing the direction of door

opening in the chapel is outside the scope of the application. Therefore, the related condition should be removed from the granted Fire safety Certificate.

### **Condition 5(ii) - Assessment**

The approach with regard to existing buildings is that no works shall be carried out to a building which would cause a new or greater contravention of the Building Regulations. Even though the ground floor itself is not the subject of the application, any changes to the upper floors need to take into account the exit through the ground floor from the point of view of whether or not it presents a new or greater contravention of the Building Regulations. In this regard, the BCA are correct in considering the issue, however they have not presented an argument that indicates a new or greater contravention of the Building Regulations. In this regard, the following is noted:

- The Phase 1 FSC 2305807DC does not indicate that No.89 is part of the works involved. Therefore, in terms of this application the use of No.89 is from school to office use. i.e. No.89 takes its use as pre-1992.
- The Appellant makes the case in their appeal that the third floor of No.89 was used for sleeping accommodation pre-1992, although in the FSC Compliance report it is stated that building was used solely for classroom and administrative office use before 1992. Irrespective of this, the risk category can be considered to be reduced from school (if not residential) to office use.
- The layouts of the upper floors have remained materially unchanged other than the change of use classification from school to office.
- An alternative means of escape is available from the Manager's Office at first floor level.
- An alternative means of escape is available at third floor level. (There is no level described as second-floor level for No. 89 due to the floor height differences between No. 89 and No. 90. i.e. the second-floor level of No. 89 is essentially made up of the high ceilings of the first-floor level of No.89.)
- The lower ground floor level rooms of No.89 will be enclosed in thirty minutes fire-resisting construction, in accordance with Condition 4 of the FSC, thereby effectively providing a protected lobby to the stairs at this level.



- The BCA make the case that Section 1.2.3.5 of TGD-B: 2020 does not allow an escape stairs to form a primary circulation route through the stairs at ground floor level or indeed any level. (It is noted that the relevant document in the application is B.S. 5588-11: 1997 for means of escape analysis.) In any case, circulation between the pastoral room and chapel/sacristy would be minimal and would not give rise for concern, particularly from the point of view of doors being held open due to constant circulation.

With regard to the foregoing, I do not believe that a new or greater contravention of the Building Regulations has occurred in this instance. The stairs is being significantly upgraded from a fire safety perspective, the risk associated with circulation at ground floor level is low, and the Purpose Group classification from school to office is a reduction in terms of fire risk.

The BCA have statutory instruments at their disposal to address both of the issues related to Condition 5 other than within this application.

Based on the above, I recommend that An Bord Pleanála grant the appeal in relation to Condition 5 and direct the Building Control Authority to remove Condition 5 from the Fire Safety Certificate.

#### **6.4. Condition 15 – Assessment:**

With regard to the Section 3.2.5.4 element of Condition 15 the use of Section 7.3.5 of TGD-B: 2024 by the Appellant to justify the use of timber stud partitions in existing compartment walls is perfectly reasonable. The basis for the assessment of the original FSC application, in terms of Regulation B3 Internal Fire Spread (Structure), was TGD-B: 2020. Using TGD-B: 2024 for clarification on Existing Buildings is logical, given that TGD-B: 2020 does not have an Existing Buildings Section. Therefore, the use of TGD-B: 2024 can be seen as guidance that wasn't previously available, as distinct from altered or upgraded guidance. The following points are noted:

- Section 7.3.5 of TGD-B: 2024 permits the use of timber stud partitions in existing buildings of this height.

- The FSC report did not indicate that there were existing stud partitions in the building, thus not giving the BCA an opportunity to adjudicate on their suitability.
- The issue only relates to existing timber stud compartment walls.

With regard to the Section 3.2.5.7 element of Condition 15 there seems to be no reasonable grounds why this should not be retained. It is clearly referenced in both TGD-B: 2020 and TGD-B: 2024. As pointed out by the BCA, Section 7 of TGD-B: 2024 does not make any allowance for services passing through existing partition walls, be they metal or stud.

Based on the above I recommend that An Bord Pleanála partially grant the appeal in relation to Condition 15 and direct the Building Control Authority to reword Condition 15 to remove the Section 3.2.5.4 element in relation to existing compartment walls and to retain the Section 3.2.5.7 element. See suggested wording below:

**Condition 15:**

- i. Any new stud partition compartment walls shall comply with Section 3.2.5.4 of TGD-B 2006 + A1: 2020, and
- ii. All stud partition walls shall comply with Section 3.2.5.7 of TGD-B 2006 + A1: 2020.

**Reason**

To ensure compliance with Part B of the second schedule to the Building Regulations 1997 to 2023.

## 7.0 Recommendation

### 7.1. Condition 1 - Recommendation:

Based on the above, I recommend that An Bord Pleanála grant the appeal in relation to the removal of the glazing element of Condition 1(ii) and direct the Building Control Authority to reword Condition 1 from the Fire Safety Certificate to the following:

#### **Condition 1:**

Each lobby between Stairs 01 and 02 and the apartments shall comply with the following:

- i. The inner lobby door directly accessing the apartment shall be considered as the apartment entrance door.
- ii. The outer lobby door accessing the stairs shall not be fitted with any locking device.
- iii. Each lobby shall be considered to be a Landlord area and therefore shall be kept sterile and free from any resident's belongings at all times.

#### **Reason**

To ensure compliance with Part B of the second schedule to the Building Regulations 1997 to 2023.

### **Condition 3 - Recommendation:**

I recommend that An Bord Pleanála grant the appeal in relation to Condition 3 and direct the Building Control Authority to remove Condition 3 from the Fire Safety Certificate.

### **Condition 5 - Recommendation:**

I recommend that An Bord Pleanála grant the appeal in relation to Condition 5 and direct the Building Control Authority to remove Condition 5 from the Fire Safety Certificate.

**Condition 15 - Recommendation:**

I recommend that An Bord Pleanála partially grant the appeal in relation to Condition 15 and direct the Building Control Authority to reword Condition 15 from the Fire Safety Certificate to the following:

**Condition 15:**

- i. Any new stud partition compartment walls shall comply with Section 3.2.5.4 of TGD-B 2006 + A1: 2020, and
- ii. All stud partition walls shall comply with Section 3.2.5.7 of TGD-B 2006 + A1: 2020.

**Reason**

To ensure compliance with Part B of the second schedule to the Building Regulations 1997 to 2023.

## **8.0 Reasons and Considerations**

Having regard to the submissions made in connection with the Fire Safety Certificate application and the appeal, it is considered that in relation to:

Condition 1(ii) - The Appellant has demonstrated compliance with the Building Regulations.

Condition 3 - The Appellant has demonstrated compliance with the Building Regulations for an existing building.

Condition 5(i) - The area is outside the scope of the application.

Condition 5(ii) - The Appellant has shown that there is no new or greater contravention of the Building Regulations by the material change of use of the upper floors of No.89.

Condition 15 - The Appellant has demonstrated compliance with the Building Regulations in relation to the use of materials in a compartment wall for an existing building. The Appellant has not demonstrated compliance with the Building Regulations in relation to the accommodation of services in a compartment wall.

## 9.0 Conditions

9.1. Direct the Building Control Authority to reword Condition 1 to the following.

### **Condition 1:**

Each lobby between Stairs 01 and 02 and the apartments shall comply with the following:

- i. The inner lobby door directly accessing the apartment shall be considered as the apartment entrance door.
- ii. The outer lobby door accessing the stairs shall not be fitted with any locking device.
- iii. Each lobby shall be considered to be a Landlord area and therefore shall be kept sterile and free from any resident's belongings at all times.

### **Reason**

To ensure compliance with Part B of the second schedule to the Building Regulations 1997 to 2023.

9.2. Direct the Building Control Authority to remove Condition 3.

9.3. Direct the Building Control Authority to remove Condition 5.

9.4. Direct the Building Control Authority to reword Condition 15 to the following.

### **Condition 15:**

- i. Any new stud partition compartment walls shall comply with Section 3.2.5.4 of TGD-B 2006 + A1: 2020, and
- ii. All stud partition walls shall comply with Section 3.2.5.7 of TGD-B 2006 + A1: 2020.

### **Reason**

To ensure compliance with Part B of the second schedule to the Building Regulations 1997 to 2023.

## 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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Joe Ryan

24<sup>th</sup> June 2025.