



An
Coimisiún
Pleanála

FSC Report
ABP-321501-24

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

Development Description

Appeal v Refusal

Regularisation Fire Safety Certificate for general refurbishment, upgrading of emergency lighting and fire detection. Material alteration to top floor and redevelopment of Mews to rear. 15 Talbot Street, Dublin 1

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

Dublin City Council – Submission No. 3003634

Appellant

Young Worker's Activation

Appellant's Agent

Forward Fire Engineering

Building Control Authority:

Dublin City Council

Inspector

Mr. David Bishop

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1.0 Introduction

- 1.1. The application is described on the application form as general refurbishment, upgrading of emergency lighting and fire detection. Material alteration to top floor and redevelopment of Mews to rear. 15 Talbot Street, Dublin 1
- 1.2. The site consists of 3 no. existing buildings. The main building to the south of the site consists of Basement and Ground floor Retail Unit (which is not part of the subject matter of the application) and First, Second and Third floor Hostel Use. There is an existing two storey Mews Building to the north of the site. An existing single storey 'Pod' Building is on the middle of the site between the Main Building and the Mews Building.
- 1.3. The existing use is identified by the Appellant's Agent Forward Fire Engineering (FFE) on the application form as Hostel – Residential (Other) and on the compliance report as Guest Accommodation Purpose Group 2(b)
- 1.4. FFE identified the extent of area subject to the Material Alterations as 145.1m² which equates to the Third Floor of the Main Building, the Ground Floor of the Pod Building and the Ground and First Floors of the Mews Building.
- 1.5. A decision was made by the BCA to refuse the Regularisation Fire Safety Certificate (FSC) with a single Reason identified which is the subject of this appeal:

Reason 1:

The proposed works do not comply with Parts B1-B5 of the Second Schedule to the Building Regulations 1997-2023

2.0 Information Considered

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

- An Bord Pleanála Case No. ABP-321501-24
- A copy of the cover letter, compliance report and associated drawings lodged on the BCMS system as part of the Regularisation FSC application on 12th August 2021 by FFE

- A copy of the hard copy cover letter submitted to the BCA dated 13th August 2021 by FFE
- A copy of the additional information consisting of cover letter, revised compliance report and revised drawings submitted to the BCMS system on the 15th April 2022 by FFE
- A copy of the additional information letter lodged to the BCMS system on the 02nd November 2022 by FFE
- Copy of the Refused Regularisation FSC (SN3003634) dated 22nd November 2024
- Appeal submission letter by FFE to An Bord Pleanála dated 16th December 2024.
- BCA submission response An Bord Pleanála dated 17th January 2025.
- Further submission response by FFE to An Bord Pleanála dated 18th February 2025.

3.0 Relevant History/Cases

3.1. In Section 8. of the BCA submission response to An Bord Pleanála dated 17th January 2025, a previously approved FSC (FA20/1393) is referenced for the Ground and Basement floor levels of the Main Building. There are specific extracts of this previously approved FSC application included in the BCA response however, the complete granted FSC and associated supporting documents have not been included in submissions from either FFE or the BCA and are not part of the ABP file 321501-24.

3.2. In Section 1.3.6 of the original compliance report by FFE included in the application submitted to the BCMS dated 12th August 2021 there is reference to '*a previously GRANTED fire cert*'.

- In their Additional Information Request from the BCA to FFE in item 12 they request the following '*please kindly provide the previously granted FSC Ref No. and previously approved floor plans*'

- FFE produced a letter response dated 16th April 2022 which on item 12 it is stated: '*We attach information from clients archives*'. The corresponding reference to the previously granted FSC in the accompanying updated compliance report is now in Section 1.3.9.
- However, there does not appear to be any such previously granted FSC or associated supporting documents included in the ABP file 321501-24. Also, it appears no such documents were included in the FFE response dated 16th April 2022, because in line item 8 of the BCA Further Additional Information Request dated 29th June 2022 there was a further request for this previously approved FSC reference number. This was not forthcoming in the subsequent FFE letter response on the 02nd November 2022.

4.0 Appellant's Case

- 4.1. The appellant states that compliance with Part B of the Second Schedule of the Building Regulations 1997 to 2023 is achieved by reference to Technical Guidance Document B: 2006 in the Appeal submission letter by FFE to An Bord Pleanála dated 16th December 2024. However, the additional information response by FFE on the 15th April 2022 as part of the Regularisation FSC application referenced Technical Guidance Document B:2006 (reprint 2020)
- 4.2. B1 Means of Escape in Case of Fire
 - 4.2.1. The Appellant outlines in the FFE letter dated 18th February 2025 that the Main Building occupants escape '*via the internal stairs to discharge at front door at street level.*' '*An alternative escape route is available via an external escape stair. At ground level follow the escape signage to the mews at the rear through that building discharging through the lane.*'
 - 4.2.2. The Appellant outlines in the FFE letter dated 16th April 2022 that '*the two avenues of escape for the Pod are via the Mews in the laneway, alternatively into the main building.*'
 - 4.2.3. The Appellant outlines in Section 1.2.1.1 of the FFE Compliance Report submitted on 15th April 2022 that for the Mews '*First floor, single escape to storey exit*

discharging into courtyard where two avenues escape are available via ground floor Mews or main building.'

4.3. B2 Internal Fire Spread (Linings)

4.3.1. The Appellant outlines in the FFE Appeal Submission dated 16th December 2024 that '*Demonstration on compliance with Part B2 fully outlined in the compliance report*'

4.4. B3 Internal Fire Spread (Structure)

4.4.1. The Appellant outlines in the FFE Appeal Submission dated 16th December 2024 that '*Demonstration on compliance with Part B3 fully outlined in the compliance report*'

4.5. B4 External Fire Spread

4.5.1. The Appellant outlines in the FFE Appeal Submission dated 16th December 2024 that this project meets the criteria outlined in Sub-section 4.2.9 of TGDB : 2006.

Material Alteration of Existing Buildings

4.2.9 In the case of a material alteration of an existing building, the requirements in relation to space separation may be met where:

- there is no increase in the extent of unprotected areas to the existing external walls of the building; and
- the building is not altered or extended by the provision of additional floor area(s).

4.6. B5 Access and Facilities for the Fire Service

4.6.1. The Appellant outlines in the FFE Appeal Submission dated 16th December 2024 that this project meets the criteria outlined in Sub-section 5.0.3 and 5.2.3 of TGDB : 2006.

Existing Buildings

5.0.3 In the case of a material alteration of an existing building, the requirements of B5 of the Second Schedule to the Building Regulations may be met:

- (i) if the access and facilities for the fire service are not altered in such a way as to reduce the extent or performance of those that existed before the material alteration; and
- (ii) if the building is not extended or altered by the addition of floor area at any level or the subject of a material change of use.

In the case of a material change of use of a building, it will be necessary to assess the access and facilities for the fire services in accordance with the guidance of the relevant sub-section to this Section. However, in relation to vehicle access, special provisions are made for existing buildings (see 5.2.3). It may also be prudent to seek advice from the relevant fire authority in relation to such matters.

5.0 Building Control Authority Case

5.1. B1 Means of Escape in Case of Fire.

5.1.1. In Section 8.1 of the BCA submission dated 17th January 2025 the outline that the Appellant '*did not demonstrate that the existing means of escape was sufficient*' and that there is no provision '*to allow occupants to identify the fire location and escape away from it*'. The BCA in their requests for Additional Information through the course of the Regularisation Application, identifies that the current proposal for escape routes '*is not considered acceptable*'.

5.1.2. The BCA in Section 8.1 of their submission dated 17th January 2025 state that occupants escaping from the Main Building could '*find out the rear Mews building is on fire, which have to make their way back to the Main Building*' and '*this will result in serious delay on evacuation in the event of fire*'.

5.1.3. The BCA in Section 8.1 of their submission dated 17th January 2025 state that the escape route from the Pod through the Main Building '*can be problematical and complicated*' because '*the occupants must go up the external stair of Structure A, re-entering the Main Building and finally exit via the protected stair into Talbot Street.*'

5.1.4. The BCA in Section 8.1 of their submission dated 17th January 2025 identify similar concerns for the escape from the upper floor storey of the Mews to those identified for the Pod above. The BCA also reference elements of the previously approved FSC for the Ground and Basement of the Main Building (FA20/1393).

5.2. B2 Internal Fire Spread (Linings)

5.2.1. The BCA did not address B2 in their submission dated 17th January 2025

5.3. B3 Internal Fire Spread (Structure)

5.3.1. In the two requests for Additional Information made by the BCA as part of the Regularisation FSC application they stated the following: '*Please clearly show and differentiate between compartment walls/floors, fire resistance walls/floors, separating walls etc. on the floor plan/section drawings.*'

5.4. B4 External Fire Spread

5.4.1. The BCA in Section 6 of their submission dated 17th January 2025 state '*in the original submission (12/08/2021), the enclosing rectangle assessment was outlined in the Compliance report and elevation drawings. However, there were no compartment walls or floors shown on the section drawings.*' The BCA also state '*no more clarifications were requested by the Fire Authority, in relation to External Fire Spread, in the subsequent 2nd revised information request.*'

5.5. B5 Access and Facilities for the Fire Service

5.5.1. The BCA in Section 8.2 of their submission dated 17th January 2025 state *it shall be noted that the middle Pod building has no direct street access, fire tender access must pass through a corridor of the rear Mews Building*. They also state '*Dublin Fire Brigade are of the opinion that Forward Fire Engineering failed to demonstrate the access and facilities for the fire tender access were adequate.*'

6.0 Assessment

6.1. ***De Novo assessment/appeal v conditions***

6.1.1. Having regard to the nature of the appeal which is solely against a condition(s), 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. **Content of Assessment**

6.2.1. B1 Means of Escape in Case of Fire

6.2.1.1. TGD B 2006 outlines that the following for the Performance of B1. It should be noted that TGD B 2006 +A1:2020 contains the same extract.

Means of escape in case of fire.	B1	A building shall be so designed and constructed that there are adequate means of escape in case of fire from the building to a place of safety outside the building, capable of being safely and effectively used.
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Performance

The requirement of B1 may be met:

- (a) if there are routes of sufficient number and size, which are suitably located, to enable persons to escape to a place of safety in the event of fire;
- (b) if the routes are sufficiently protected from the effects of fire in terms of enclosure, where necessary, and in the use of materials on the routes; and
- (c) if sufficient lighting, means of smoke control and an alarm system to warn the occupants of the existence of fire are provided to enable them to use the routes safely;

all to an extent necessary that is dependent on the use of the building, its size and height.

6.2.1.2. The BCA's assertion that the escape routes are '*complicated*' is acknowledged however, this is not identified in the above Performance Criteria for B1. What is identified in (b) above is that '*if the routes are sufficiently protected from the effect of fire in terms of enclosure*'.

6.2.1.3. As part of the Appellant's Additional Information Submission on the 15th April 2022 in response to the BCA, Protected Lobbies were identified to the internal stairs in the Main Building in order to meet 1.3.8 of TGD B 2006. However, while it is acknowledged there is a lobby proposed between the First Floor Office, this lobby actually forms part of the escape route from the courtyard for the Mews and the Pod. Therefore, there is currently no lobby proposed between the First Floor Office and the escape route from the external courtyard.

6.2.1.4. The Appellant has also not identified the fire resisting construction on to the stair lobby arrangement on the Second Floor Level between the internal stairs and the kitchen, as identified by the BCA in their Additional Information request.

6.2.1.5. The Appellant has not demonstrated compliance with Section 1.3.9 and Diagram 8 of TGD B 2006 by reference to the BCA's Additional Information request which stated '*the windows from office facing the external stairs shall be fire rated.*'

6.2.2. B2 Internal Fire Spread (Linings)

6.2.2.1. The Appellant has committed to satisfying the Criteria for the Performance of B1as outlined in TGD B : 2006

6.2.3. B3 Internal Fire Spread (Structure)

6.2.3.1. The Appellant has not identified the locations of compartment walls and compartment floors on the drawings submitted as part of the FFE Additional Information submission dated 15th April 2022, to comply with Section 3.2 of TGD B :2006.

6.2.3.2. Also see commentary in Section 6.2.1 above regards the enclosure of the internal stairs in the Main Building.

6.2.4. B4 External Fire Spread

6.2.4.1. The scope of the Regularisation Application meets the criteria outlined in Section 4.2.9 of TGD B:2006. It is further noted that the same criteria is present in TGD B:2006 +A1:2020.

Material Alteration of Existing Buildings

4.2.9 In the case of a material alteration of an existing building, the requirements in relation to space separation may be met where:

- there is no increase in the extent of unprotected areas to the existing external walls of the building; and
- the building is not altered or extended by the provision of additional floor area(s).

6.2.5. B5 Access and Facilities for the Fire Service

6.2.5.1. The scope of the Regularisation Application meets the criteria outlined in Section 5.0.3 of TGD B:2006. It is further noted that the same criteria is present in TGD B:2006 +A1:2020.

Existing Buildings

5.0.3 In the case of a material alteration of an existing building, the requirements of B5 of the Second Schedule to the Building Regulations may be met:

- (i) if the access and facilities for the fire service are not altered in such a way as to reduce the extent or performance of those that existed before the material alteration; and
- (ii) if the building is not extended or altered by the addition of floor area at any level or the subject of a material change of use.

In the case of a material change of use of a building, it will be necessary to assess the access and facilities for the fire services in accordance with the guidance of the relevant sub-section to this Section. However, in relation to vehicle access, special provisions are made for existing buildings (see 5.2.3). It may also be prudent to seek advice from the relevant fire authority in relation to such matters.

7.0 **Recommendation**

7.1. On the basis of my assessment, I direct the BCA to amend the Reason No. 1 for Refusal of the Regularisation FSC as amended below and for the reasons and considerations set out below:

8.0 **Reasons and Considerations**

8.1. Having regard to the original Regularisation FSC application and appeal made, I am of the opinion that the appellant has demonstrated compliance with the Performance Criteria of B2, B4 and B5 of the Second Schedule to the Building Regulations 1997, as amended and the Reason no. 1 identified on the Refusal should be amended by the BCA accordingly.

8.2. Having regard to the original Regularisation FSC application and appeal made, I am of the opinion that the appellant has not demonstrated compliance with the Performance Criteria of B1 and B3 of the Second Schedule to the Building Regulations 1997, as amended.

9.0 **Conditions**

Reason 1:

The proposed works do not comply with Parts B1 and B3 of the Second Schedule to the Building Regulations 1997-2023

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.

David Bishop

BEng, MSc, P.Grad.Dip, CEng, MIEI

27th November 2025