



An
Bord
Pleanála

FSC Report

ABP-321514-24

Appeal v Condition(s)

Appeal v Condition 1

Development Description

Construction of four storey over basement apartment block at Graymount Apartment Development, Graymount, Dungriffin Road, Howth, County Dublin.

Building Control Authority Fire Safety Certificate application number:

FSC3008918

Appellant

James Byrne

Appellant's Agent

Lenny Rock, Factfire Ltd.

Building Control Authority:

Fingal County Council

Inspector

Joe Ryan

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1.0 Introduction

1.1. The Graymount Apartment development consists of the construction of a new four storey apartment block over a basement car park at Graymount, Dungriffin Road, Howth, County Dublin. The development consists of 32 apartments over a basement car park (632m²) with 24 car parking spaces. The development is divided into Block A and Block B.

- Block A consists of a four storey over basement residential block. Block A consists of nine apartments and a bicycle store and is served by a single protected stairs which continues to basement level where it is double lobby protected.
- Block B consists of a four storey over basement residential block. Block B consists of twenty-three apartments and is served by a single protected stairs which continues to basement level where it is double lobby protected.
- The basement car park is under both Block A and Block B and consists of twenty-four car parking spaces, a bin store, two plant rooms and a services /store room.

1.2. The application was for a Fire Safety Certificate for the construction of a new apartment building.

1.3. A decision was made by Fingal County Council to grant a Fire Safety Certificate with four conditions, of which only Condition 1 is being appealed.

Condition 1:

The basement car park is to be provided with an automatic sprinkler system complying with I.S. EN 12845:2015 +A1:2019.

Reason:

To comply with Part B of the second schedule of the Building Regulations, 1997 (as amended).

2.0 Information Considered

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

- An Bord Pleanála Case 321514-24
- Granted Fire Safety Certificate FSC 3008918 issued by Fingal County Council / Managers Order FSC 345/24
- Report and drawings submitted to Fingal County Council through the BCMS system on 4/4/24.
- Cover letter, report and drawings submitted to Fingal County Council through the BCMS system on 05/11/24.
- Appeal submission by Factfire received by An Bord Pleanála on behalf of the appellant James Byrne on 19/12/24.

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.

3.2. The following is an indicative list of relevant An Bord Pleanála decisions that may be of assistance to the Board in determining the case:

- ABP-318442-23
- ABP-319294-24
- ABP-318438-23
- ABP-312605-22
- ABP-305955-19

4.0 Appellant's Case

The Appellant is appealing the attachment of Condition 1 to the grant of the FSC3008918 largely on the basis 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:

- TGD-B 2006 (Reprint 2020), hereafter referenced as TGD-B: 2020, does not require sprinklers for car parks in buildings less than 30m to the top storey. The appellant references Table A2 TGD-B: 2020 and states that as the top floor height of the building is less than 30m sprinklers aren't required.
- The appellant states that TGD-B: 2020 Section 5.4.3.1 recommends sprinklers in basements where the method to ventilate the basement is mechanical, and as the basement is naturally ventilated sprinklers are not required. The Appellant further notes that the ventilation to the car park is above the required 2.5%.
- Clause 3.5.2 of TGD-B: 2020 is quoted by the Appellant: "Where the car park is well ventilated, there is a low probability of fire spread from one storey to another." As the car park is above the required 2.5% ventilation level the Appellant is of the opinion that the car park complies with this.
- TGD-B: 2020 requires sprinklers for open plan apartment layouts and scenarios where increased travel distance is required in common corridors. As the apartments have protected entrance halls and the travel distance in the common corridors is less than 7.5m, then the Appellant notes for clarity that sprinklers are not required for the residential building.
- TGD-B: 2020 states that "Basement car parks are not normally expected to be fitted with sprinklers". The Appellant notes that this guidance has remained unchanged for many years and was not changed in the recently issued TGD-B: 2024.
- The Appellant considers that the provision of a sprinkler system within the basement car park is over and beyond the guidance in TGD-B: 2020 and that the current design complies with TGD-B: 2020 and therefore gives prima facie

evidence of compliance with Part B of the second schedule of the Building Regulations.

- The Appellant states that although a generic reason was given for Condition 1 in the Fire Safety Certificate issued for the development, the reason for the condition was that the Fire Service have concerns with regard to the quantity of water required to fight a fire in an EV vehicle. As the dry mains in the building is extended into the car park in both stairwells, which is beyond the requirements of TGD-B: 2020, the Appellant notes that this constitutes an enhancement of the fire-fighting requirements for the building.
- The Appellant quotes the following An Bord Pleanála cases in which the requirement for sprinklers in car parks was adjudicated on and found to be unjustified:
 - ABP-312605-22
 - ABP-315096-22
 - ABP-315367-22
 - ABP-315378-22
 - ABP-315985-23
 - ABP-316063-23
 - ABP-316079-23
 - ABP-317213-23
 - ABP-317351-23
 - ABP-318078-23

5.0 Building Control Authority Case

The BCA did not submit any information at the appeal stage. At further information stage of the BCMS process for the FSC application they requested confirmation that “the basement car park shall be provided with a sprinkler system in accordance with IS EN 12845: 2015.” The request was not elaborated on.

6.0 Assessment

- 6.1. Having regard to the nature of the appeal which is solely against Condition 1, 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. The primary reference documents for the Fire Safety Certificate Application are BS 5588-1: 1990 for horizontal and vertical means of escape and TGD-B: 2020. Neither document specifically requires sprinklers in car parks for building of this type and size.
- 6.3. The BCA's reason for the condition is to comply with the Part B of the second schedule of the Building Regulations 1997, as amended.
- B1: Means of escape in case of fire – Vertical and horizontal means of escape for the apartments are assessed under BS 5588-1:1990 and under Section 1.2/1.3 of TGD-B: 2020 for the car park. General provisions for means of escape for both areas are assessed under Section 1.4 of TGD-B: 2020.
 - Sprinklers are specified for open-plan flats and excessive travel distances in common corridors but are not required for car parks for buildings of this type. Sprinklers are not required for these apartments as they have protected entrance halls and do not have excessive common corridor travel distances. The travel distances in the car park are relatively short compared to the maximum distances permitted
 - B2: Internal Fire Spread (Linings) - Assessed under TGD-B: 2020.
 - There is no requirement for sprinklers in Section B2 of TGD-B: 2020.
 - B3: Internal Fire Spread (Structure) - Assessed under TGD-B: 2020.

- Section 3.5.2 of TGD-B states that where a “car park is well ventilated, there is a low probability of fire spread from one storey to another.” As the car park exceeds the natural ventilation requirements then this statement applies. Section 3.5.2 goes on to note that “car parks are not normally expected to be fitted with sprinklers.”
- B4: External Fire Spread - Assessed under TGD-B: 2020.
 - There is no requirement for sprinklers in Section B4 of TGD-B: 2020 in relation to car parks where the separation distance requirements are met.
- B5: Access and facilities for the fire service - Assessed under TGD-B: 2020.
 - Section 5.4.3.1 of TGD-B:2020 states that “basement car parks are not normally expected to be fitted with sprinklers.”

While no response was received from the BCA in relation to the appeal, similar cases in the past have cited several reasons for the requirement for sprinklers in car parks. These include:

- Increased use of plastics in modern cars.
- Research applied to car parks is out of date.
- Difficulty in extinguishing fires in Electric Vehicles.
- Various supporting case studies are commonly referenced.

Irrespective of the validity of these arguments, the recently issued TGD-B: 2024 has not included the requirement for sprinklers in car parks for buildings of this type. (The changes in TGD-B: 2020 primarily dealt with apartment layouts.)

6.4. The following is a summary of relevant points with regard to the appeal:

- TGD-B: 2020 does not require sprinklers in car parks for buildings of this type and size.
- As the basement car park is well-ventilated then the statement in Clause 3.5.2 of TGD-B: 2020, that car parks are not normally meant to be sprinklered, is applicable.

- Section 5.4.3.1 of TGD-B: 2020 recommends sprinklers for basement areas that are mechanically ventilated. As the car park is not mechanically ventilated then sprinklers are not required. Section 5.4.3.1 indicates that the sprinklers wouldn't be required in the car park in any case.
- The residential section of the building does not require sprinklers as the layout incorporates a protected entrance hall in each apartment and the common corridors have relatively short travel distances.
- TGD-B: 2024 does not require sprinklers for buildings of this type.
- The dry mains in the building continues to basement level in both stairwells, which is an enhancement of the requirements of TGD-B: 2020, in terms of fire-fighting.
- The car park is relatively small, having only twenty-four car parking spaces, making access for fire-fighting comparatively more accessible, given the three access points to the area.

Based on the foregoing, it is clear that TGD-B: 2020 does not require sprinklers in car parks for buildings of this type and size. It is also to be noted that the new TGD-B: 2024, which was a comprehensive root and branch review of the document, does not require sprinklers for buildings of this type and size.

7.0 Recommendation

- 7.1. Based on the above, I recommend that An Bord Pleanála grant the appeal and direct the Building Control Authority to remove Condition 1 from the Fire Safety Certificate for the reasons and considerations indicated below.

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 it has been demonstrated by the Appellant that the basement car park does not require sprinkler protection to meet the requirements of TGD-B: 2020. Therefore, Condition No.1 as originally attached by the Building Control Authority to the Fire Safety Certificate is not necessary to meet the guidance set out in TGD-B: 2020 or accordingly to demonstrate compliance with Part B of the Second Schedule to the Building Regulations 1997, as amended.

9.0 Conditions

- 9.1. Direct the Building Control Authority to remove Condition 1.

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.

Joe Ryan

19th May 2025.