



An
Coimisiún
Pleanála

FSC Report

ABP-322082-25

Appeal v Conditions:

Appeal v Conditions 3(a), 3(d) and 4

Development Description:

Malthouse North & South: The changes include removing an escape door from the ground floor office, making minor alterations from the ground to the seventh floor, and reintroducing an accommodation stair from the seventh floor to the upper roof level at Grand Canal Quay, Dublin 2, D02 PW24.

Building Control Authority Fire Safety

Certificate Application Number:

FRV2408572DC / SN3025364

Appellant

Jepview

Appellant's Agent

Paul Keogh, Jensen Hughes

Building Control Authority:

Dublin City Council

Inspector

Joe Ryan

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1.0 Introduction

1.1. The appeal submitted to An Coimisiún Pleanála relates to a Revised Fire Safety Certificate Application for Malthouse North and South, 2 Grand Canal Quay, Dublin 2, D02 PW24. The building is an existing eight storey building which consists of office space from first to seventh floor level with a café, ancillary accommodation and an office at ground floor level. At lower roof level there is an external plant area and at upper roof level there is a roof terrace.

1.2. There have been a number of granted Fire Safety Certificate applications for the building over the years. The only relevant granted Fire Safety Certificates are:

FRV2200460DC/7DN / SN3005704: This Seven-Day Notice Fire Safety Certificate was issued on November 17th, 2022 for: *Works to existing five storey office building and extension to add three new storeys above.*

FRV2306133DC / SN3015377: This Revised Fire Safety Certificate was issued on January 30th, 2024 for: *Works include mechanical ventilation replacing a 1.5m² AOV to the firefighting lobby at 3rd floor and removal of the terrace at roof level.*

FRV2408572DC / SN3025364: This Revised Fire Safety Certificate was issued on February 17th, 2025 for: *The changes include removing an escape door from the ground floor office, making minor alterations from the ground to the seventh floor and reintroducing an accommodation stair from the seventh floor to the upper roof level.*

(There was a Fire Safety Certificate FA19/1671 issued on May 26th, 2021 but this was effectively superseded by the Seven-Day Notice Fire Safety Certificate FRV2200460DC/7DN / SN3005704.)

1.3. The appeal relates to FRV2408572DC / SN3025364. This Revised Fire Safety Certificate was issued on February 17th, 2025 for the removal of an escape door from the ground floor office, making minor alterations from the ground to the seventh floor and reintroducing an accommodation stairs from the seventh floor to the upper roof level. Five conditions were attached to the granted Fire Safety Certificate:

Condition 1: The building shall be constructed in accordance with B.S. 9999: 2017 and the previously approved Fire Safety Certificate Applications (SN3005704 and SN3015377) and the schedule of conditions therein, except where amended by the conditions below.

Reason: To comply with Part B of the Second Schedule to the Building Regulations, 1997 to 2022.

Condition 2: The building shall be constructed in accordance with the particulars submitted with the Revised Fire Safety Certificate Application submitted on 24th October 2024. This Revised Fire Safety Certificate is granted solely for the material alterations described in the Compliance Report.

Reason: To comply with Parts B1-B5 of the Second Schedule to the Building Regulations, 1997 to 2023.

Condition 3: The accessible roof terrace shall be provided in accordance with previously approved Fire Safety Certification Application (SN3005704) and the following:

(a) The escape stair serving roof terrace shall be enclosed in 30 minutes fire resisting construction with FD30S fire door. There shall be no furniture or storage located within 1.8m of the stair exit door at 7th floor level.

(b) The roof terrace shall be accessed by occupants from office area only.

(c) Adequate fire safety management measures shall be in place to assist people with mobility issues in the event of emergency, especially where the alternative escape routes as shown on the roof plan are provided with steps and access hatches.

(d) A designated disabled refuge space (1400mm x 900mm minimum) with emergency voice communication systems (Type B outstations) shall be provided within the stair at roof level.

(e) External sounder, emergency lighting and maintained exit sign shall be provided to the accessible roof terrace.

(f) The external terrace exit doors shall be easily openable from the outside, without the use of a key.

(g) The roof shall achieve 30 minutes fire resisting construction (Stability, insulation and integrity).

(h) No portable gas heaters are not (sic) permitted in the roof terrace area.

Reason: To comply with Part B1 of the Second Schedule to the Building Regulations, 1997 to 2023.

Condition 4: The dead-end travel distance to the ground floor office unit shall be measured to the storey exit as defined in Clause 3.115 of BS 9999: 2017, therefore a secondary exit shall be provided to the ground floor office unit. Where steps are provided outside the secondary exit, adequate fire safety management measures shall be in place to assist people with mobility issues in the event of emergency.

Reason: To comply with Part B1 of the Second Schedule to the Building Regulations, 1997 to 2023.

Condition 5:

The occupancy for the upper levels has been increased as noted in Section 16.2 of the compliance report, subsequently relevant sections of means of escape (vertical and horizontal including the merging flow) shall be updated and approved by the design team.

Reason: To comply with Part B1 of the Second Schedule to the Building Regulations, 1997 to 2023.

The appeal relates to Conditions 3(a) and 3(d) and Condition 4 only.

2.0 Information Considered

The information considered in this appeal comprised of the following:

- Report and drawings submitted to the BCA through the BCMS system for the granted Revised Fire Safety Certificate FRV2408572DC / SN3025364.
- Appeal submission by Jensen Hughes received by An Coimisiún Pleanála on behalf of the Appellant Jepview on 13/03/25.
- Fire Officer's Report on Fire Safety Certificate Appeal received from Dublin Fire Brigade dated 07/04/2025.
- Reply to the Dublin Fire Brigade submission from Jensen Hughes on behalf of the Appellant Jepview dated 10/06/2025.
- An Coimisiún Pleanála Case File 322082-25.
- Relevant reports and drawings submitted to the BCA through the BCMS system for the 7-Day Notice Fire Safety Certificate FRV2200460DC/7DN/SN3005704.
- Relevant reports and drawings submitted to the BCA through the BCMS system for the granted Revised Fire Safety Certificate FRV2306133DC / SN3015377.

3.0 Relevant History/Cases

3.1. In determining the appeal in relation to Conditions 3(a) and 3(d) and Condition 4 of the granted Revised Fire Safety Certificate FRV2408572DC / SN3025364, the two previous granted Fire Safety Certificates for the development were reviewed where applicable. These two Fire Safety Certificates are:

- **FRV2200460DC/7DN / SN3005704:** Seven-Day Notice Fire Safety Certificate was issued on November 17th, 2022 for *works to existing five storey office building and extension to add three new storeys above.*
- **FRV2306133DC / SN3015377:** Revised Fire Safety Certificate was issued on January 30th, 2024 for *works including mechanical ventilation replacing a 1.5m² AOV to the firefighting lobby at third floor and removal of the terrace at roof level.*

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

4.0 Appellant's Case

4.1. Condition 3 – Appellant's Case

There were eight parts to Condition 3, (a) to (h), of which the Appellant is only appealing the attachment of Conditions 3(a) and 3(d) to the grant of FSC FRV2408572DC / SN3025364. (Condition 4 is also being appealed – See Section 4.2 below)

Condition 3: The accessible roof terrace shall be provided in accordance with previously approved Fire Safety Certification Application (SN3005704) and the following:

(a) The escape stair serving roof terrace shall be enclosed in 30 minutes fire resisting construction with FD30S fire door. There shall be no furniture or storage located within 1.8m of the stair exit door at 7th floor level.

(d) A designated disabled refuge space (1400mm x 900mm minimum) with emergency voice communication systems (Type B outstations) shall be provided within the stair at roof level.

Reason: To comply with Part B1 of the Second Schedule to the Building Regulations, 1997 to 2023.

The grounds for appeal are that Condition 3(a) and 3(d) go beyond the recommended guidelines and that BS 9999: 2017 would permit the proposal as is. The following points were noted:

- **Travel Distance:**
 - An L1X fire detection and alarm system is being installed in the building. This exceeds the minimum required Type M system. Under Clause 18.2 of BS 9999: 2017 this allows the one-way travel distance to be increased by 15% from 22m to 25.3m and the two-way direct distance to be increased from 37m to 42.55m.
 - In accordance with Clause 14.2(d) of BS 9999: 2017 an open accommodation staircase is a recognised means of escape where the travel distance along the length of the stairs is included.

- These maximum travel distances are compiled with in accordance with the layout submitted.
- **Maximum Numbers:** Clause 17.2.2 of BS 9999: 2017 allows an unprotected accommodation stairs to form part of an internal route to a storey exit, subject to an appropriate fire risk assessment. In this regard the Appellant notes the following with regard to the Roof Terrace:
 - There will be a maximum of sixty persons on the Roof Terrace. Single escape routes are permitted for sixty persons in accordance with Clause 16.3.3 of BS 9999: 2017.
 - The roof will only be occupied by members of staff who will be familiar with the building.
- **Inclusive Design:** Clause 4.7 of BS 9999: 2017 gives details on the requirement for inclusive design for buildings of this type. In this regard, the Appellant notes the following:
 - The L1X fire detection and alarm system will detect fire at an early stage with the associated external sounders giving appropriate early warning on the Roof Terrace.
 - Appropriate way-finding systems will be available on the Roof Terrace in accordance with the Emergency Lighting standard I.S 3217 + A1 2017.
 - Management planning/procedures will be in place to allow prompt evacuation of disabled persons.
 - A non-evacuation lift is provided for the Roof Terrace in accordance with Clause 45.9 of BS 9999: 2017 for use by disabled persons in the event that the fire is remote from the seventh floor area. The lift does not need to be enclosed as it will only be used when the detected fire is remote from the seventh floor. When a fire is detected on the seventh floor the lift will deploy to the Roof Terrace and cannot then be used.
 - A disabled refuge is provided on the Roof Terrace coupled with an emergency voice communication system.

- **General:**

- The Roof Terrace will be a sterile area.
- The Roof Terrace will have a ninety-minutes fire-resisting compartment floor.
- The accommodation stairs itself poses little risk as it is composed of materials of limited combustibility.
- As the disabled refuge is situated on the open terrace rather than within the stairs enclosure itself, it is less likely to be affected adversely by the effects of smoke given it is completely external and there is no potential for a smoke layer to develop.
- In accordance with Clause 45 of BS 9999: 2017 the following are proposed to be implemented: Evacuations chairs combined with appropriate management procedures, pagers for deaf members of staff and PEEPs (Personal emergency evacuation plans) for staff.
- If there is a fire on the seventh-floor management procedures will be in place for escape to occur via one of the escape hatches on the roof.
- Condition 3(c) of FRV2408572DC / SN3025364 requires that adequate fire safety management measures are in place to assist people with mobility issues in the event of an emergency, especially where the alternative escape routes as shown on the roof plan are provided with steps and access hatches.
- It is proposed to have a designated member of staff on the Roof Terrace accompanying a fellow disabled staff member, if required, to address issues in relation to a fire on the seventh floor. *In the event that the fire is on the seventh floor, the disabled refuge will be in the direction of escape and management procedures will be in place to allow for an escape to occur via one of the alternative escape hatches on the roof. This alternative means of escape through an escape hatch has been recently accepted as an alternative as part of Condition 3(c) of the recently granted Revised Fire Safety Certificate (Ref: FRV2408572DC.)*

4.2. Condition 4 – Appellant’s Case

Condition 4: The dead-end travel distance to the ground floor office unit shall be measured to the storey exit as defined in Clause 3.115 of BS 9999: 2017, therefore a secondary exit shall be provided to the ground floor office unit. Where steps are provided outside the secondary exit, adequate fire safety management measures shall be in place to assist people with mobility issues in the event of emergency.

Reason: To comply with Part B1 of the Second Schedule to the Building Regulations, 1997 to 2023.

The grounds for appeal are that Condition 4 goes beyond the recommended guidelines from BS 9999: 2017. The following points were noted:

- There will be a maximum of thirty-six persons in the ground floor office. Single escape routes are permitted for up to sixty persons in accordance with Clause 16.3.3 of BS 9999: 2017.
- Clause 17.2.7 of BS 9999: 2017 allows for a protected passageway to be provided to a protected stairs to allow occupants access towards a final exit. Travel distance is defined as the *actual distance a person needs to travel from any point within a building to the nearest storey exit, having regard to the layout of walls, partitions and fittings* (Clause 3.119). A storey exit is defined as *a final exit, or doorway, giving direct access to a protected stairway or external escape route* (Clause 3.115). The ground floor reception area is an extension of the protected stairs and therefore the door between the ground floor office and the ground floor reception area is a storey exit. Thus, the travel distance requirements are within those specified for an office area in BS 9999: 2017, as travel distance is measured to the storey exit in this case.
- An L1X fire detection and alarm system is being installed in the building. This exceeds the minimum required Type M system. Under Clause 18.2 of BS 9999: 2017 this allows the one-way travel distance to be increased by 15% from 22m to 25.3m. The actual travel distance is 24m to the door into the ground floor reception area. Therefore, the travel distance requirements are met as the door into the ground floor reception area is the equivalent to a door into a protected stairs.

- The furniture in the ground floor area of the northern protected stairs lobby does not have a footprint that is larger than 10m². This space is therefore considered to be a sterile space for occupants to pass through as a means of escape in accordance with Clause 17.6 of BS 9999: 2017.
- Clause 15.6.6 and the associated Diagram 6 clearly indicate that a door into a protected stairs is a storey exit and a door to the outside from the protected stairs is a final exit.
- On the other floors in the building the travel distance into the protected stairs is considered to be the travel distance for that floor. This is precisely the same situation at ground floor level so why should this be treated differently.

5.0 Building Control Authority's Case

5.1. Condition 3 – BCA Case:

The BCA make the following points in relation to Condition 3(a) and 3(d):

- Wheelchair users cannot use the lift or stairs to evacuate. They must rely on the new stairs for refuge. The fire/smoke could compromise the stairs if unprotected endangering the wheelchair users.
- Staff members use the stairs to exit and if there is a fire on the seventh floor they may need to travel back to the roof and exit through the fixed ladders for the plant area.
- Staff with physical limitations cannot navigate the fixed ladder or stairs and will have to wait at the disabled refuge in the stairs for rescue.

5.2. Condition 4 – BCA Case:

The BCA state the following in relation to Condition 4: The dead-end travel distance is excessive to the final exit, Exit 1, therefore a secondary exit shall be provided as per the previously granted Fire Safety Certificates FRV2200460DC/7DN / SN3005704 and FRV2306133DC / SN3015377.

6.0 Assessment

6.1. Having regard to the nature of the appeal which is against Conditions 3(a) and 3(d) and Condition 4, 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 Commission 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 3 Assessment

Conditions 3(a) and 3(d) which are being appealed are intrinsically linked in that they both require the stairs between the seventh floor and the Roof Terrace to be protected. In this regard, the two conditions have been argued by both the Appellant and the BCA as if they were a single condition. In this assessment they will also be treated as if they were a single condition.

There is a maximum occupancy of sixty persons stipulated for the Roof Terrace. The maximum permitted occupancy for any area is sixty persons for a single means of escape in accordance with Clause 16.3.3 of BS 9999: 2017. Therefore, a single means of escape is permitted for the Roof Terrace in terms of occupancy.

In terms of means of escape from the Roof Terrace, the travel distance limits are specified as 25.3m for one-way travel distance and 42.55m for two-way direct distance. This is increased from the maximum 22m one-way travel distance and the maximum 37m two-way direct distance permitted in Table 11 of BS 9999: 2017. This 15% increase is based on the provision of an L1X fire detection and alarm system which is considerably in excess of the minimum Type M system required by Table 7 of BS 9999: 2017. The increase is in accordance with Clause 18.2 of BS 9999: 2017 where there is a clear benefit based on the upgrading to the L1X system. In comparison to the minimum required Type M system, it would have to be agreed that a clear benefit would result from the increased level of protection provided, as the Roof Terrace exits through the seventh floor, with the occupants of the Roof Terrace having no direct knowledge on what is happening below.

In accordance with both Clause 14.2(d) and Clause 17.2.2 of BS 9999: 2017 an open accommodation staircase is a recognised means of escape where the travel distance along the length of the stairs is included. (Neither paragraph directly refers to disabled occupants.)

Thus, in terms of occupancy, travel distance and the use of an accommodation stairs, the design of the means of escape can be considered to be acceptable in terms of BS 9999: 2017 for people who are capable of evacuating independently. Although it is right on the limits of acceptability, it does meet the criteria. In Section 3(2) of their submission of April 7th, 2025, the BCA acknowledge that it is right on the limits of acceptability, by their recognition of the requirement for '*additional exits which exit through the fixed ladders for plant area*' for people who are capable of evacuating independently. Where people are capable of self-evacuation the BCA argue that they might have to return to the Roof Terrace, in the event of a serious seventh floor fire, and from there to the fixed ladders/access hatches as additional exits. This chimes in with the Appellant's note that people may have to *evacuate via one of the access hatches with ladders* in the more extreme scenario. This is one of the reasons why the BCA want the accommodation stairs to be enclosed in fire-resisting construction. (It is noted that Clause 14.2 which lists open stairs as an acceptable means of escape does not include access hatches or fixed ladders.)

In light of the above, I believe the Appellant has shown that the design is in accordance with BS 9999: 2017 for people who are capable of self-evacuation and therefore protecting the accommodation stairs wouldn't be required for these people.

In terms of evacuation of disabled persons this issue is much more complex. The main issue arises regarding a fire on the seventh floor. As we are already on the limits of acceptability for people who are capable of self-evacuation, the issue regarding evacuation of disabled persons becomes quite problematic.

The Appellant proposes that Personal Emergency Evacuation Plans (PEEPs) be developed for all disabled staff. Part of the proposal involves a disabled member of

staff being evacuated using an evacuation chair in the event of a fire on the seventh floor. The Appellant's proposal suggests that a fellow member of staff would accompany the disabled person to the Roof Terrace each time that the disabled person wanted to go there. I fully accept that it is perfectly reasonable for members of staff to assist fellow disabled members of staff as part of a PEEP, who work in the same room or area on a day-to-day basis. However, I don't think it is reasonable to expect that a member of staff will have to accompany another disabled member of staff up to the Roof Terrace on each occasion that the disabled member of staff wants to go there. I don't think it would be reasonable for example if the Roof Terrace was used as a smoking area, now or in the future. This type of PEEP also significantly decreases the independence of a disabled person.

I also do not believe that it is reasonable to expect staff on the seventh floor to assist in the evacuation of disabled persons on the Roof Terrace when there is a fire on the seventh floor. They would have to leave the seventh floor where a fire had started and be expected to re-enter that area with the disabled person a little while later, as the fire develops. This would be against the basic principles of Section 10.2.2 of BS 9999: 2017 *Designing for the management of means of escape for disabled people* which states that it should never be necessary to *re-enter areas at risk from fire; the evacuation sequence should always lead to areas of same or lower risk.*

Section 10.2.2. also states that *where the evacuation strategy includes stages where significant management intervention is required (including any physical assistance given to a disabled person, such as transfer from wheelchair to evacuation chair) then the managers of those locations should be consulted to ensure that they will have sufficient capable and competent persons available to complete the evacuation sequence within a reasonable period of time.* Given that the Roof Terrace is not a managed area per se, but rather a common area for all staff, then the management of the Roof Terrace in terms of evacuation becomes more difficult. It becomes increasingly problematic when considering the issue of re-entering the building, as indicated in the paragraph above.

As stated above the means of escape proposed by the Appellant argues that in the event of a fire being on the seventh-floor people who are capable of self-evacuation

will have enough time to escape through the seventh floor as the rate of fire growth will be relatively slow. The Appellant goes on to state that in the unlikely scenario that the growth rate is exceptionally fast then alternative escape routes are available through fixed ladders/access hatches. The BCA, in Condition 3(c), accept this principle to a certain degree, but I assume only on the basis that the means of escape as proposed are on the limits of acceptability and alternative arrangements would be warranted in certain cases. While escape through the fixed ladders/access hatches may be possible for able bodied people and certain disabled persons, I do not believe that it is realistic for all disabled people, particular those who are wheelchair bound.

The Appellant does acknowledge that in the worst-case scenario, to whatever level you consider the degree of probability of this worst-case scenario, disabled occupants will have to use a disabled refuge on the Roof Terrace.

I would disagree with the Appellant that the chance of not being able to escape through the seventh floor is a very unlikely scenario. I would consider that as we are on the limits of acceptability in terms of occupancy numbers, travel distance and the use of the accommodation stairs, the evacuation time increases accordingly. The Roof Terrace occupants' reaction time to a seventh-floor fire alarm activation will be relatively slow as the occupants will not immediately see or smell the fire. Because of this, the likelihood of conditions being untenable by the time evacuation has been initiated, increases to a degree that may not be insignificant.

I would consider that irrespective of any of the arguments, there is a reasonable possibility that a disabled person will not be able to evacuate via the seventh floor or via the fixed ladders/access hatches. Therefore, a disabled refuge is an essential element of the Roof Terrace.

The question then boils down to the suitability of a disabled refuge on the Roof Terrace as distinct from the disabled refuge being required to be located in a protected stairs from seventh floor to Roof Terrace level. I note the Appellant's argument in relation to the smoke layer not forming in the open air, while it is possible for it to form in the

stairs. However, if the stairs is protected, as required by the BCA, then this issue should not arise.

While the floor of the Roof Terrace is fire rated (ninety minutes) there is no fire-rating to the external walls of the seventh floor or to the accommodation stairs itself or to the doors to the small seventh-floor terrace. Therefore, the Roof Terrace could be exposed to the effects of smoke from a seventh-floor fire. Annex G of BS 9999: 2017 states that disabled refuges must be *sufficiently protected (or remote) from any fire risk*. I do not accept that having a disabled refuge on the open Roof Terrace is either remote or protected from a fire in the floor below. The situation in which a disabled person would have to use the disabled refuge on the Roof Terrace would only be where there was a fire on the seventh floor, that had developed quite quickly, and therefore the possibility of the fire breaking through the external walls/doors/stairs of the seventh floor and affecting the Roof Terrace would be more likely. The additional effect of an unfavourable wind direction would make the situation worse, coupled with the fact that there is no real protection to the Roof Terrace from the effects of smoke. In Technical Guidance Document B (Fire Safety): 2024 disabled refuges on external escape stairs are required to be protected from the effects of heat and smoke from a fire within the building. (BS 9999: 2027 does not appear to address this issue directly). This same principle should apply to disabled refuges on the Roof Terrace.

On this basis, I think that the disabled refuge needs to be in the fire-resisting enclosure as specified in the BCA Conditions 3(a) and 3(d).

6.3. Condition 4 Assessment

There are thirty-six persons occupying the ground floor office area. The maximum permitted occupancy for an area with a single means of escape is sixty persons in accordance with Clause 16.3.3. of BS 9999: 2017. Therefore, a single means of escape is permitted for the area in terms of occupancy.

The maximum travel distance permitted is 25.3m. This is increased from the maximum 22m travel distance permitted in Table 11 of BS 9999: 2017 as the benefits provided

by an L1X fire detection and alarm system, above the minimum Type M system required, allows for a 15% increase. This is in accordance with Clause 18.2 of BS 9999 : 2017 where the 15% increase is allowed based on a clear benefit due to the upgrade to the L1X system. In comparison to the minimum required Type M system, it would be considered that a clear benefit would result from the increased level of protection as a fire in the ground floor protected lobby would immediately be notified to the ground floor office. Thus, assuming you accept that travel distance is to be measured to the door into the ground floor reception area, then the travel distance requirements can be considered to be in compliance with the BS 9999: 2017 standard, which the BCA have accepted as the basis for assessment.

As the occupancy and the travel distance to the door into the reception area from the ground floor office meet the BS 9999: 2017 requirement, then the fundamental question boils down to whether this travel distance is to be measured to:

- The door into the ground floor reception area, or
- The final exit door to the outside.

The BCA assert that the travel distance should be measured to the final exit, the door that leads directly to the outside of the building, and as this travel distance exceeds the maximum permitted, an alternative exit is required from the ground floor office area.

However, in my opinion the Appellant is correct in their fundamental assessment that the door into the ground floor reception area is effectively a door into the protected stairs and therefore should be considered to be a storey exit. The ground floor reception area is effectively a continuation of the stairs. This is as per Clause 17.2.7 of BS 9999: 2017 which states that *'every protected stairway should discharge:*

- a) directly to a final exit, or*
- b) by way of a protected exit passageway to a final exit.'*

Therefore, the ground floor reception area is not a lobby to the protected stairs but effectively a continuation of the protected stairs. It is the *'protected exit passageway to a final exit'*. The reception area is separated from the surrounding areas by ninety

minutes compartmentation construction as is the protected northern stairs itself. Thus, it meets the criteria for a continuation of the stairs to a final exit. In this regard, I believe the Appellant is correct in their assessment that the travel distance should be measured to the door connecting the ground floor office area to the reception area.

However, Clause 17.2.7 which allows the '*protected exit passageway to a final exit*' also requires that '*any such protected exit passageway should have the same standard of fire resistance and lobby protection as the stairway it serves.*' The Northern Stairs throughout the building is lobby protected, even at seventh floor level. It is also lobby protected from the Water Storage and Plant Room at ground floor level. If the reception area is to be seen as a continuation of the northern stairs as it's '*protected exit passageway to a final exit*' then the reception area will need to be lobby protected from the ground floor office. This is to maintain the same standard of fire protection to the Northern Stairs as is provided throughout the rest of the building to comply with the requirements of Clause 17.2.7 of BS 9999: 2017. I would also note that this new protected lobby is required irrespective of travel distance/exit issues as the Northern Stairs does not have a final exit to the outside of the building without going through the ground floor reception area.

Ultimately, in accordance with the requirements of BS 9999: 2017 a secondary exit is not required for the ground floor office, but the ground floor office is to be lobby protected from the reception area as it is a continuation of the protected Northern Stairs.

7.0 Recommendations

7.1. Conditions 3(a) and 3(d) – Recommendation

Based on the above, I recommend that An Coimisiún Pleanála reject the appeal and retain Conditions 3(a) and 3(d).

7.2. Condition 4 – Recommendation

Based on the above, I recommend that An Coimisiún Pleanála partially grant the appeal and that Condition 4 is replaced/reworded as follows.

Condition: The northern ground floor reception area is to be separated from the ground floor office with a fire-rated lobby/fire doors in accordance with the requirements of the standard lobby protection provided from first to seventh floor level for the northern stairs.

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:

Conditions 3(a) and 3(d): The Appellant has not demonstrated compliance with the Building Regulations.

Condition 4: The Appellant has demonstrated compliance regarding the Building Regulations in terms of the means of escape from the ground floor office area, but has not demonstrated compliance with the Building Regulations in terms of protection to the Northern Stairs.

9.0 Conditions

- Direct the Building Control Authority to retain Conditions 3(a) and 3(d).
- Direct the Building Control Authority to remove/reword Condition 4 and replace it with the following condition:

Condition: The northern ground floor reception area is to be separated from the ground floor office with a fire-rated lobby/fire doors in accordance with the requirements of the standard lobby protection provided from first to seventh floor level for the northern stairs.

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.

Joe Ryan

6th August, 2025.