



An  
Coimisiún  
Pleanála

## FSC Report ABP-322261-25

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

Appeal v Conditions

**Development Description**

Provision of 19 no. new bedrooms at 5<sup>th</sup> and 6<sup>th</sup> floors of the existing rear wing of the Hardiman Hotel. This area of the hotel has previously been used as a spa and fitness area. The project also incorporates additional upgrading works to the existing means of escape provisions at 4<sup>th</sup> and ground floor levels.

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

SN3016499 / FSC 2510829GY

**Appellant**

Mark Duggan

**Appellant's Agent**

Jensen Hughes

**Building Control Authority:**

Galway City Council

**Inspector**

Jamie Wallace

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## 1.0 Introduction

- 1.1. A Fire Safety Certificate application was submitted to Galway City Council for the addition of 19 bedrooms at 5<sup>th</sup> and 6<sup>th</sup> floors of the existing Hardiman Hotel, Eyre Square, Galway.
- 1.2. The application relates to **material alterations** to parts of the existing hotel premises.
- 1.3. The original application was for a Fire Safety Certificate that was Granted with 3 conditions. The appeal is against Conditions 1 & 2.

**Condition 1:** Stair 1 shall not form any part of the primary circulation route between the “rear wing” and the “link wing” corridors at First, Second, Third and Fourth Floor Levels. The two respective wing corridors at these levels shall be connected, either externally or internally, so that Stair 1 is separate and independent of the primary circulation corridor. Any new external corridors shall have a floor achieving 60 minutes fire resistance.

**Reason:** To ensure compliance with Part B1 of the Second Schedule to the Building Regulations, 1997 as amended.

**Condition 2:** The entry point into Stair 1 from the “link wing” shall be closed at First, Second, Third and Fourth Floor Levels so that there is only a single entry point into Stair 1 at each level, which shall be via the existing entry point from the “rear wing”. Any dead-end portion of corridor which provides access to a point from which alternative escape routes are available shall be protected in accordance with Section 1.2.5.4 and Diagram 5 of Technical Guidance Document B – “Fire Safety” – to the Building Regulations 2006.

**Reason:** To ensure compliance with Part B1 of the Second Schedule to the Building Regulations, 1997 as amended.

## 2.0 Information Considered

The information considered in this appeal comprised the following:

- Drawings and report submitted with the application on 08/12/2023.
- Further information and Drawings received by the BCA on 27/06/2024.

- Copy of BCA decision on 12/03/2025
- Appeal by Jensen Hughes on behalf of the appellant received on 04/04/2025
- Submissions received from the BCA on the appeal on 26/05/2025
- Further submissions by Jensen Hughes on behalf of the appellant received on 20/06/2025

### 3.0 **Relevant History/Cases**

- 3.1. I am not aware of any **relevant** building control history relating to the appeal site, including any previous FSC, Revised FSC, Regularisation FSC or/and any dispensation or relaxation of the Building Regulations.
- 3.2. I am not aware of any other relevant Board decisions at other locations that may be of assistance to the Board in determining the case.

### 4.0 **Appellant's Case**

- 4.1. The appellant is appealing the attachment of conditions 1 and 2 to the grant of the fire safety certificate largely on the basis that they impose requirements that it argues are not necessary to demonstrate compliance with Part B of the Building Regulations. The following points are set out in support of the appeal:
- The means of escape from the new bedrooms proposed at 5<sup>th</sup> and 6<sup>th</sup> floor level of the “rear wing” of the premises comply with the relevant regulations and has been assessed and approved by the BCA under the Granted FSC.
  - Additional upgrade works to existing Stairs 1 and 2 sought by the BCA during the FSC consultation period are now also proposed as part of the works.
  - The existing means of escape from the “rear wing” and “link wing” of the building at 1<sup>st</sup> to 4<sup>th</sup> floor are unchanged by the proposed works.
  - Additional works imposed by Condition 1 & 2 are sought by the BCA are primarily to address existing shortcomings in the building.

- The addition of a new corridor proposed by the BCA and imposed by Condition 1 to bypass Stair 1 is argued as unfeasible by hotel operators and project designers.
- The range of additional fire safety measures proposed as part of the FSC additional information submission to the BCA serve as adequate compensatory measures and increase the current standard of fire safety at the premises during evacuation and firefighting operations.

## 5.0 Building Control Authority Case

5.1. The BCA claims that Condition 1 & 2 should remain so that an adequate protected stairway is provided to ensure effective means of escape and guarantee that effective fire-fighting can be carried out at the highest points of the building. The following points are set out in support of the appeal:

- The existing premises is served by 3 stairs but only one of them (Stair 1) discharges to the external and serves as a suitable entry point into the upper levels of the building for firefighting purposes. The BCA note that they therefore deem this Stair 1 to be a “priority stair”.
- The proposed works increases occupancy to Stair 1 and results in the top bedroom storey served by this stair now being 18.7m above ground level.
- The BCA state that the request for a bypass corridor (through Condition 1) is sought as Section 1.2.3.5 of TGD Part B 2006 requires that “*An escape stairway should not form part of the primary circulation route between different parts of the building at the same level*”.
- The BCA state that Condition 1 & 2 are required to ensure that the risk of Stair 1 becoming ineffective as a protected stairway for means of escape and firefighting purposes is reduced to an acceptable level.
- The BCA claim that the compensatory measures proposed, although helpful, were deemed insufficient, as they relied on active systems depending on regular maintenance.

## 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 Conditions 1 & 2, 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. The basis of my assessment is outlined below-

6.2.2. The assessment considers the following regulations as they are deemed relevant to Condition 1 & 2.

- B1: Means of warning and escape in case of fire
- B5: Access and facilities for the fire service

6.2.3. The assessment considers the requirements of Art 39 of the Building Control Regulations and the extent to which the design of the building complies with the requirements of Part B of the second schedule to the Building Regulations including guidance set out in Technical Guidance Document B 2006.

6.2.4. As this case relates to material alterations to an existing Building, the provision outlined under 'Existing Buildings' on Page 2 of TGD B 2006 outlining that the adoption of the guidance in this document without modification may not, in all circumstances, be appropriate has been taken into consideration during the assessment.

6.2.5. It is understood that the conditions subject to appeal are intrinsically linked as Condition 2 is put in place to deal with a situation that is likely to occur in the case of Condition 1 being applied. i.e. If access into Stair 1 is cut off from the "link wing" side then a portion of the existing corridor serving some bedrooms in that wing could become a "dead-end" so there is then a requirement in this scenario to provide a

protected corridor. So, the decision to remove or retain Condition 1 is essentially a decision to remove or retain both Conditions subject to the appeal.

6.2.6. It is apparent that there was active engagement from both sides during the consultation period as the RFI submission outlines additional measures that have the effect of improving fire safety, including in parts of the building that are remote from the additional bedrooms. These measures include,

- New circulation corridor at 4<sup>th</sup> floor level.
- New final escape from Stair 2 directly to the outside at ground floor level.
- New protected lobbies to Stair 1 at 1<sup>st</sup> to 4<sup>th</sup> floor levels.
- New pressurization system to Stair 1.
- Amended final escape from Stair 1 directly to the outside at ground floor level.

6.2.7. It is understood that having assessed the RFI submission and before arriving at its final decision it was decided by the BCA that the compensating measures proposed were not adequate and that the Conditions were required to further enhance Fire Safety in the building to an acceptable level.

6.2.8. While the compensating measures proposed are not insignificant, it was still the case in the proposed design that Stair 1 would still form part of the primary circulation route between different parts of the building at 1<sup>st</sup> to 4<sup>th</sup> floor levels. While accepting that this is the existing arrangement on these lower floors it must be recognised that extending this Stair 1 to serve two additional storeys of bedroom accommodation could be considered to cause a new or greater contravention of the Building Regulations. While it could be argued that there is no greater contravention of B1 it is difficult to argue that this is no greater contravention of B5. I agree with the BCA that the suggested active measures do not eliminate the risk of Stair 1 becoming untenable for means of escape or for firefighting purposes.

6.2.9. Provision of the link corridor (either internally or externally) required by Condition 1 while not straightforward cannot be beyond the capabilities of the building owners and the appointed design team members.

## 7.0 Recommendation

Direct the BCA to retain Condition 1 and Condition 2 and the reasons therefor as follows and for the reasons and considerations set out below:

**Condition 1:** Stair 1 shall not form any part of the primary circulation route between the “rear wing” and the “link wing” corridors at First, Second, Third and Fourth Floor Levels. The two respective wing corridors at these levels shall be connected, either externally or internally, so that Stair 1 is separate and independent of the primary circulation corridor. Any new external corridors shall have a floor achieving 60 minutes fire resistance.

**Reason:** To ensure compliance with Part B1 of the Second Schedule to the Building Regulations, 1997 as amended.

**Condition 2:** The entry point into Stair 1 from the “link wing” shall be closed at First, Second, Third and Fourth Floor Levels so that there is only a single entry point into Stair 1 at each level, which shall be via the existing entry point from the “rear wing”. Any dead-end portion of corridor which provides access to a point from which alternative escape routes are available shall be protected in accordance with Section 1.2.5.4 and Diagram 5 of Technical Guidance Document B – “Fire Safety” – to the Building Regulations 2006.

**Reason:** To ensure compliance with Part B1 of the Second Schedule to the Building Regulations, 1997 as amended.

## 8.0 Reasons and Considerations

Having regard to the presented design for the material alterations in connection with the Fire Safety Certificate application and the appeal, and to the report and recommendation of the reporting inspector, it is considered that **Condition 1** and **Condition 2** as originally attached by the Building Control Authority to the fire safety certificate are reasonably necessary to satisfy the requirements of Part B, specifically B1 (Means of escape in case of fire) and B5 (Access and facilities for the fire service) of TGD Part B 2006. The Board concluded with respect to these conditions that it has not been demonstrated by the appellant in the fire safety application and

appeal documentation that the proposed compensatory measures are sufficient to deem the proposal to meet the requirements of the Building Regulations without the relevant Conditions.

## 9.0 Conditions

**Condition 1:** Stair 1 shall not form any part of the primary circulation route between the “rear wing” and the “link wing” corridors at First, Second, Third and Fourth Floor Levels. The two respective wing corridors at these levels shall be connected, either externally or internally, so that Stair 1 is separate and independent of the primary circulation corridor. Any new external corridors shall have a floor achieving 60 minutes fire resistance.

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**Reason:** To ensure compliance with Part B1 of the Second Schedule to the Building Regulations, 1997 as amended.

## 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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Jamie Wallace

19/09/2025