



An
Coimisiún
Pleanála

FSC Report ABP-322286-25

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

Appeal v Condition (Condition No. 1)

Development Description

Revised Fire Safety Certificate for a residential development at St. Agnes Road, Crumlin, Dublin 12.

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

FRV2511420DC

Appellant

Michael Moran

Agent

Knapton Fire Safety Consultants

Building Control Authority:

Dublin City Council North

Inspector

Jamie Wallace

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1.0 Introduction

- 1.1. The application relates to a Fire Safety Certificate for a development of 145 apartments in 2 blocks ranging from 4 to 6 storeys in height with an enclosed ground floor car park.
- 1.2. The application relates to a Revised Fire Safety Certificate (FSC) for the construction of a new building.
- 1.3. The Appeal is against Condition No. 1 attached to the granted Revised FSC.

Condition 1: Sprinkler protection in accordance with IS EN 12845:2015 + A1 2019 shall be provided to the ground floor car park.

Reason: To ensure compliance with Part B of the Second Schedule to the Building Regulations, 1997 to 2023.

2.0 Information Considered

The information considered in this appeal comprised the following:

- Drawings, Report and application form submitted with the Fire Safety Certificate (FSC) application on 29/01/2025.
- Drawings, Report and application form submitted with the Revised Fire Safety Certificate (FSC) application on 28/03/2025.
- Correspondence between the Building Control Authority (BCA) and the applicant agent during the FSC and Revised FSC application process including relevant additional information submitted to the BCA.
- Copy of BCA decisions.
- Appeal received by the Commission on 10/04/2025 on behalf of the appellant.
- Submission by BCA to the Commission on 13/05/2025.

3.0 Relevant History/Cases

- 3.1. A FSC was granted for the development on 07/02/2025 under a seven day notice application. A revised FSC application was then granted on 03/04/2025. The one condition attached to the revised FSC is being appealed.
- 3.2. The following Commission decisions at other locations may be of assistance to the Commission in determining the case.

ABP-312605-22 Fire Safety Certificate application for a Single storey basement and six storey residential block.

ABP-314945-22 Construction of four storey apartment building over a basement carpark.

ABP-315378-22 Fire safety certificate for the construction of a single storey basement and 2 no. blocks overhead.

ABP-315985-23 Fire Safety Certificate: Block EF consisting of 120 apartments ranging in 6-7 storeys, communal facilities at ground floor, basement level containing water storage rooms, car parking and bicycle parking.

ABP-316079-23 Fire Safety Certificate for apartment building over a basement carpark.

ABP-319294-24 Fire Safety Certificate: Hampton Apartments, construction of a four-storey block over basement.

Note: In all the cases listed here, it was recommended that the Commission instruct the BCA to remove conditions relating to sprinklers in carparks that had been attached to the granted Fire Safety Certificates.

4.0 Appellant's Case

The appellant's case is that the attachment of condition No.1 to the grant of the revised fire safety certificate is surplus to the requirements of TGD Part B 2006 (2020 Reprint). The following points are set out in support of the appeal:

- It is claimed that the design of the proposed building meets the requirements of TGD Part B 2006 (2020 Reprint) so prima facie compliance has been demonstrated.

- It is claimed that TGD Part B 2006 (2020 Reprint) makes no reference to the inclusion of sprinkler systems in car parks in buildings of this type.
- It is claimed that the updated TGD Part B (2024 Fire Safety – Volume 1 Buildings other than Dwelling Houses) also makes no reference to providing sprinklers in car parks for this type of development.
- It is claimed that the car park is provided with a free open area for ventilation which is more than the 2.5% natural ventilation requirement as set out in TGD Part B 2006 (2020 Reprint). This is proposed to be supplemented by mechanical impulse fans to further increase the effectiveness of the ventilation.

5.0 Building Control Authority Case

The BCA case is that the attachment of Condition No.1 is appropriate and should remain without modification. The following points are set out in support of this position.

- The BCA claims that a building designed in accordance with TGD Part B 2006 (2020 Reprint) does not prove compliance with the functional requirements of the building regulations. It is their view that new hazards due to changes in technology and materials are not adequately considered and addressed in the relevant guidance.
- The BCA claims that there is evidence from international studies that demonstrates increased fire risks associated with modern vehicles and the effectiveness of sprinklers as a mitigation measure.
- The BCA considers it appropriate to seek provision of a sprinkler system in the car park to allow the suppression and control of fire development to allow for both safe means of escape for occupants and to allow fire crews to access the basement for firefighting.

6.0 Assessment

6.1. Appeal v condition

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. Content of Assessment

On analysis of the relevant regulations, the relevant technical guidance document (TGD Part B 2006 (2020 Reprint)) and all the information on the case file including the arguments put forward by the appellant and the BCA, I have arrived at my recommendation based on the following rationale.

- As the revised FSC application for the construction of a new building was lodged with the BCA on 28/03/2025 then the relevant technical guidance document is TGD Part B 2006 (2020 Reprint).
- On assessment of the submission to the Commission by the appellant's consultant it is evident that they have provided sufficient evidence of compliance with the relevant requirements of TGD Part B 2006 (2020 Reprint).
- On assessment of the submission to the Commission by the BCA it is evident that they consider the relevant guidance to be inappropriate and are seeking to impose a greater level of fire safety than is required under TGD Part B 2006 (2020 Reprint).
- On review of TGD Part B 2024 that has recently been published it is evident that the relevant guidance with regards to sprinklers in car parks in buildings of this type has not changed and in any case the "Transitional Arrangements" are currently in force and TGD Part B 2006 (Reprint 2020) therefore remains the relevant guidance document in this case.

7.0 Recommendation

I recommend the Commission to direct the BCA to remove condition number 1 for the reasons and considerations set out below:

8.0 Reasons and Considerations

Having regard to the presented design of the development and the compliance report, drawings and application form, to the additional information submissions made in connection with the revised Fire Safety Certificate application, the BCA decision, the appeal to the Commission, the response by the BCA to the Commission and to other relevant decisions made by the Commission, it is considered that it has been demonstrated by the appellant that the proposed building design as presented meets the relevant requirements of TGD Part B 2006 (2020 Reprint). By attaching the condition subject to the appeal, it was considered that the BCA had in effect imposed measures that were in addition to those required by TGD Part B 2006 (2020 Reprint) and as it is accepted that evidence of compliance with the relevant technical guidance document will, prima facie, indicate compliance with Part B of the Second Schedule of the Building Regulations then there is no justification to attach Condition No. 1 to the granted Fire Safety Certificate.

9.0 Conditions

The BCA should be directed to remove Condition No. 1 from the granted FSC.

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.

Jamie Wallace BE CEng MIEI

12/08/2025