



An
Coimisiún
Pleanála

FSC Report

ACP-323796-25

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

Appeal v Condition 6

Development Description

Park West – Sector 3 – Blocks A, B & C, It is proposed to construct a new residential building of three tower blocks (named A, B & C) one fourteen storeys and two seven storey blocks, respectively. The towers are proposed to be constructed above a common car park at ground floor level.

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

FSC2408816DC/7DN

Appellant

Mr. Patrick Power

Appellant's Agent

ORS

Building Control Authority:

Dublin City Council

Inspector

Stefan Hyde

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1.0 Introduction

- 1.1. The report sets out my findings and recommendations on the appeal submitted by ORS on behalf of Mr. Patrick Power regarding a proposed development at Park West, Sector 3, Blocks A, B & C, Park West Road, Co. Dublin.
- 1.2. The proposed development consists of the construction of a residential building consisting of three tower blocks, (named A, B & C) one fourteen storeys and two storey blocks, respectively. The towers are proposed to be constructed above a common carpark at ground floor level with amenities and communal spaces provided at first floor level.
- 1.3. The appeal was submitted against Condition 6 of the Fire Safety Certificate (FSC2408816DC/7DN) granted by Dublin City Council [hereafter referenced as DCC] on 17th October 2023.

Condition 6 reads as follows:

Condition 6:

The Car Park shall be provided with a sprinkler system in accordance with I.S.E.N 12845:2015 Fixed firefighting systems – automatic sprinkler systems – design, installation and maintenance (+A1:2019) (Incorporating corrigenda December 2015 and January 2016).

With the stated reason for the condition being:

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

2.0 Information Considered

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

- Appeal submission by ORS received by An Bord Pleanála on 8th October 2025
- Digital copy of the information in relation to the FSC application assessed by DCC which was issued to An Coimisiún Pleanála on various dates in November and December 2025. This consisted of the original submission package by ORS and the subsequent FI request by DCC along with the response by ORS including a response letter, updated compliance report and updated drawings.
- Granted Fire Safety Certificate issued by DCC on 11th September 2025
- Response by the Building Control Authority [hereafter referenced as BCA] date 4th November 2025.
- It is noted that there was no response submitted to An Coimisiún Pleanála by ORS in reply to the BCA submission.

3.0 Relevant History/Cases

3.1. There are no relevant files directly in relation to the appeal site that I am aware of.

3.2. The appellant cited the following appeals that should be considered relevant:

- 312605-22
- 300409-17
- 305955-19
- 307232-20
- 307983-20

The last four appeals from 2017 to 2020 are not as relevant insofar as TGD-B 2006 + A1 2020 when updated in 2020 included new headings in Section 0.1.5 “Tall and Complex buildings containing Flats” and Section 0.3.8 “Assessment of Risk in Tall and Very Tall buildings containing Flats” which are relevant to this appeal with the top storey being >30m at 43m as noted in the ORS report.

The 2022 case reference is for a six storey building over a car park therefore not directly comparable with this development with a top storey in excess of 30m.

3.3. I have also reviewed two further cases which I believe are more relevant to this appeal insofar as the development in this instance has a top storey height of >30m over the car park. These cases are:

- 322889-25
- 323115-25

Both of these cases were in relation to residential developments with a top storey height >30m which is relevant to this case.

4.0 Appellant's Case

4.1. The appellants agent ORS set out the appeal against Condition 6 of the FSC on the basis of the following:

- Brief description of the Fire Safety Design of the proposed development noting the height of each Block, the provision of firefighting shafts, escape stairs and confirming that the design complies with BS 5588 Part 1: 1990 and Technical Guidance Document-B: 2006+A1: 2020
- Each stair in the car park is protected by a double lobby approach with venting provided at the head of each stair.
- ORS continue to note that the ground floor under-croft car park is provided with natural ventilation achieving circa 254.2m² which is circa 15.4% of the car park floor area.
- ORS note that 'The Guidance' section of TGD-B 2006 + A1 2020 notes 'where works are carried out in accordance with the guidance in this document, this will, prima facie, indicate compliance with Part B of the Second Schedule of the Building Regulations.'
- ORS note that in paragraph 4 of section 5.4.3.1 of TGD-B 2006 + A1 2020 it states 'Basement car parks are not normally expected to be fitted with sprinklers' and therefore for prima facie compliance with Part B of the Second Schedule of the Building Regulations an under-croft car park does not have to be provided with sprinkler protection.
- ORS note that similar cases have been decided by An Coimisiún Pleanála and in each case An Coimisiún Pleanála has sided with the appellant. They further note that the BCA has persisted with the imposition of Sprinklers in basement car parks. ORS contend this is over and beyond the recommendations of TGD-B that prima facie demonstrates compliance with Part B of the Second Schedule of the Building Regulations.
- ORS continue to state that it is worth noting that the recent TGD-B 2024 would still not require a basement car park to be sprinkler protected and this was clearly considered by the Department of Environment, Climate and Communications and deemed not required.

- The final point in the appeal letter is the reference to the following appeals as examples where the condition to sprinkler a car park was removed and that An Coimisiún Pleanála should instruct Dublin City Council to remove this condition.

The relevant appeals noted by ORS are as follows:

- ABP-312605-22
- 300409-17
- 305955-19
- 307232-20
- 307983-20

4.2. ORS did not respond to the BCA submission in respect of their appeal.

5.0 Building Control Authority Case

5.1. The BCA responded to the appellants submission with a response summarised below which contained an introduction, observations and then two appendices highlighting previous papers/research by others, examples of car park fires, risks associated with fighting car fires encountered by DFB, Structural integrity/Fire Protection Concerns, TGD-B – Basement Car Park Ventilation, Broader implications, Results of a full scale fire tests and a conclusion:

- Introduction setting out the proposed development at Park West, the basis of compliance of the application being noted as TGD-B 2006 + A1 2020 and noting that following the review of the application and the additional information submission received the granting of an FSC with twenty two conditions of which Condition 6 was the subject of appeal.
- Dublin Fire Preventions (DFB) observations:
 - DFB note that TGD-B cannot prescribe to “every aspect of a building design”
 - They infer that the performance objectives set out in the Second Schedule of the Building Regulations allows for considerations of “new hazards due to changes in technology and materials”

- They note that during the course of the application an additional information request was made for sprinklers to be provided in the under-croft car park.
- The basis of the imposition of Condition 6 included:
 - Block A1 comprising a topmost floor >30m above ground;
 - Confirmation of compliance with Firefighting Shafts TGD-B 5.3.3 (a) and Table 5.3.
 - Review of BS 9251: 2021 and IS EN 12845: 2015 + A1: 2019; and,
 - The fire risk of modern vehicles, EV cars and challenges faced by the Fire Brigade when encountering car park fires.
- Block A1 comprising a topmost floor >30m
 - DFB note that the top storey height of Block A1 is 43.3m. They further note that Sections 0.1.5 and 0.3.8 of TGD-B 2006 + A1:2020 are both cognisant of the complexity and risk presented to occupants and firefighters in tall and complex apartment buildings >30m, and advise *“adequate provisions which are reasonable and proportionate to the risks presented by the particular building design, in addition to the provisions set out in this document, should be considered”* whereby such *“additional provisions”* may include a sprinkler protection system.
 - DFB note that Table A2 of TGD-B 2006 + A1 2020 requires sprinkler protection to all buildings in Purpose Groups 3, 4 (a), 5, 6, & 8 >30m in height to the top storey which would generally include any under-croft car park in such buildings.
 - DFB note that whilst Table A2 does not specifically mandate sprinklers in Purpose Group 1 (c) buildings >30m it can nevertheless be considered “reasonable and proportionate” at times to provided sprinkler protection in such apartment buildings. DFB submit that this approach is in line with Section 0.1.5 and 0.3.8 of TGD-B 2006 + A1 2020.

- DFB continue to note that BS 9991: 2015 would have required the provision of sprinklers in the car park as the building is >30m in height along with commentary that BS 9251 could also require it. They further note BS 9991: 2024 now mandates buildings to be sprinklered at a height of 11m above ground.
- Noting that TGD-B 2024 did not form the basis of the application DFB do not agree with the aversion of ORS that TGD-B 2024 does not require sprinklers in a car park. They note that Section 8.2.1 (Buildings Containing Flats) states “A sprinkler system should be provided in any building containing flats (Purpose Group 1 (c)) with a topmost floor height >15m. Such a system should be designed and installed in accordance with Para 8.4.1.” DFB note that whilst TGD-B 2024 does not requires sprinkler coverage in some areas like common corridors it does not exclude car parks.
- Confirmation of compliance with Firefighting Shafts TGD-B 5.3.3 (a) and Table 5.3
 - DFB contend that Section 5.3 of TGD-B 2006 + A1 2020 which is the subject of condition 13 of this application and not being appealed would require additional firefighting shafts to be provided if there were no sprinklers in the car park.
- Review of BS 9251:2021 and IS EN 12845: 2015 + A1 2019
 - DFB review certain extracts from both standards as a basis for the requirement of the imposition of Condition 6.
- The fire risk of modern vehicles, EV cars and challenges faced by the Fire Brigade when encountering car park fires
 - DFB put forward the case for not agreement with Section 3.5.2 of TGD-B in relation to the statement car parks “are not normally expected to be fitted with sprinklers”. The set out examples which are dealt with further in their appendices.
- In conclusion of the review of the submitted documents and the appeal DFB conclude that based on first hand operational experience, the fire loads

associated and fire spread associated with modern vehicle fires that sprinklers are required in any “sizeable basement car park” in order to meet the requirements of Part B1 and Part B5 of the Second Schedule to the Building Regulations.

➤ Appendix A

- Evidence derived from research into the fire risks associated with modern vehicles – DFB are submitting that Fire Resistance ratings of car parks have not changed since 1968
- BRE, Fire spread in car parks, BD 2552, Department for Communities and Local Government – a number of statements are made regarding extracts from these documents
- NFPA, Modern Vehicle Hazards in Parking Garages & Vehicle Carriers, 2020 – there is a summary of the document however no specific statement in relation to the design proposed in this instance
- Case studies of 13 examples from of car park fires both within its jurisdiction and internationally from a period ranging from 2003 to 2020. The examples range from basement car parks to above ground open sided.
- Detailed summary of risks associated with modern vehicles which DFB operation personnel typically encounter highlighting increased potential higher environmental risks and smoke generation from EV car fires.
- Structural integrity/Fire Protection Concerns – DFB note that structural fire ratings for basement car parks do not take account of the fire load of cars with extensive plastics, and nor for the extensive use of Electric Vehicles
- TGD-B Basement Car Park Ventilation – DFB propose that the provision of 2.5% natural ventilation in a basement car park is not sufficient. They noted the applicant had proposed at least the minimum 2.5% natural ventilation required
- Broader implications – DFB note a number of reasons why they believe it would be more appropriate to sprinkler protect a basement car park

➤ Appendix B

- Characterizing EV vs ICE Hazards in Parking Structures: Results of Full-Scale Testing – DFB note that this paper has changed the approach to sprinklers in NFPA 88A: 2023, IBC 2024 and NFPA 13: 2022 and supports their appraisal of the risk presented.

➤ Conclusion

- In conclusion DFB note that taking account of the above and their interpretation of the Building Regulations that the Condition should be upheld.

6.0 Assessment

6.1. *De Novo* assessment/appeal v conditions

- 6.2. 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.

6.3. Content of Assessment

- 6.3.1. The ORS appeal notes that the basement has been provided with 254.2m² natural ventilation which is circa 15.4% of the car park. I have not been able to locate any specific table in the compliance report, additional information submission to the BCA or the drawings submitted that would substantiate this figure or the make up of vents. The FSC package would appear to note that >2.5% of the aggregate area of the car park is provided in terms of ventilation.

From reviewing the drawing, the total car park area cited on the ground floor plan is 4,385m². 2.5% of this would be 109.6m². The figure of 254.2m² noted by ORS above would equate to circa 5.8% of this which whilst significant is not 15.4%. The drawings do not indicate the vents with text on either the ground or first floor however it is possible to assume there 7 vents in the podium slab (no area is identified on these). The case made by the appellant in respect of the benefit of venting cannot be adequately be assessed.

- 6.3.2. The appellants agent ORS cites TGD-B 2006 + A1 2020 Section 5.4.3.1 as the basis for not providing sprinklers in car park. They do not put forward any case to state how they are satisfying Section 0.1.5 “Tall and Complex buildings containing Flats” and Section 0.3.8 “Assessment of Risk in Tall and Very Tall buildings containing Flats” of TGD-B in respect of the proposed development having a top storey height of 43m and also noting that the fire fighting stair continues directly to the car park level.
- 6.3.3. ORS further present a number of examples of appeals which predated the revision of TGD-B in 2020 where Sections 0.1.5 and 0.3.8 were added. In the case 312605-22 whilst the appeal was successful the inspectors report did allude to the 30m height threshold possibly resulting in the provision of sprinklers in future cases. 312605-22 dealt with a six storey over basement car park development which was <30m in height where the appeal was successful.
- 6.3.4. ORS did not exercise their right to reply in relation to the submission made by the BCA.
- 6.3.5. The BCA response to the appeal submission considers the appeal in relation to B1 Means of escape in case of fire and B5 Access and facilities for the fire service. They immediately cite the height of 43m to the top storey as being in excess of the 30m threshold bringing Section 0.1.5 and 0.3.8 in to review. They assert that adequate provisions which are reasonable and proportionate to the risk should be considered.
- 6.3.6. Given the height of the development at 43m to the top storey of Block A, I would agree with the BCA that additional measures were appropriate to be considered. The car park area which is underneath Block A and the other two Blocks is noted on the ground floor plan as having an area of 4,385m².
- 6.3.7. The BCA reference a number of standards one of which is BS 9991 which was widely used in Ireland between 2011 and 2020 prior to the update of TGD-B 2020. In residential schemes with a top storey height >30m that had a car park connection the car park was provided with sprinkler protection to IS EN 12845 during that period.
- 6.3.8. The BCA also reference the sprinkler codes as stating the building requires sprinkler coverage. TGD-B however has not committed to this specifically and also in both the 2020 amendment and 2024 edition it deviates from the specific requirements of BS 9251. Therefore, this element is not as specific as the 0.1.5 and 0.3.8 point above.

6.3.9. The BCA reference a number of other points in relation to examples of fires, fire types, research, etc. Whilst reviewed they do not have as specific a bearing vis a vis compliance with TGD-2006 + A1 2020. It is noted that TGD-B since its introduction in 1991 has been updated/changed in 1997, 2006, 2020 and most recently with the 2024 version. There was stakeholder engagement during the 2020 and 2024 revisions. Even the most recent version still does not mandate sprinklers until relevant thresholds for height of a building are met. In the instance of residential buildings, the 2024 version does require the building to be sprinklered when above 15m to the top storey.

7.0 Recommendation

7.1. It is recommended that An Coimisiún direct the Building Control Authority to retain Condition No. 6 for the reasons and considerations set out below.

8.0 Reasons and Considerations

8.1. Having regard to the presented design for construction of the building in connection with the Fire Safety Certificate application, the appeal and to further submissions in relation to the appeal, and to the report and recommendation of the reporting inspector, it is considered that it has been demonstrated by the Building Control Authority that the under-croft car park requires sprinkler protection to meet the requirements of Part B of Technical Guidance Document B – Fire Safety 2006 (reprinted 2020). Therefore Condition 6 as originally attached by the Building Control Authority to the Fire Safety Certificate is necessary to demonstrate compliance with Part B of the Second Schedule to the Building Regulations 1997, as amended. An Coimisiún was satisfied that, subject to the attachment of all twenty two conditions (including Condition No. 6), it has been demonstrated that Park West, Sector 3 Blocks A, B & C at Park West Road, if constructed in accordance with the design presented with the application, would comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997, as amended.

9.0 Conditions

The twenty two conditions as attached by Dublin City Council to FSC2408816DC/7DN should remain unchanged.

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.

Stefan Hyde

28/04/2026