FSC Report

ACP-323814-25

Appeal v Refusal or Appeal v Condition(s)	Appeal v Condition (Condition 11)
Development Description	Construction of 2 no. four storey residential buildings (Blocks C & D, containing 44 no. apartments) over basement car park at Cherrywood Urban Villas Block C and D, 33 Domville Park, Cherrywood, Dublin 18.
Building Control Authority Fire Safety Certificate application number:	FSC2409011DR/7DN (Submission No. 3027039)
Appellant	William Neville & Sons
Appellant's Agent	Mr. Darran Quaile, SCA Planning Consultants
Building Control Authority:	Dún Laoghaire-Rathdown County Council
Inspector	Colin Barden

Contents

1.0 Introduction 3

2.0 Information Considered 4

3.0 Relevant History/Cases 4

4.0 Appellant's Case 5

5.0 Building Control Authority Case 6

6.0 Assessment 6

7.0 Recommendation 12

8.0 Reasons and Considerations 13

9.0 Conditions 14

10.0 Sign off 14

1.0 **Introduction**

The proposed development at Blocks C & D, Cherrywood Urban Villas, 33 Domville Park, Cherrywood, Dublin 18, consists of the construction of 44 No. apartments in two separate four storey blocks over a common basement car park. Block C contains 16 apartments and Block D contains 28 apartments, there are 130 car park spaces at basement level with ancillary accommodation under each block. The basement car park is also proposed to serve future development of Blocks A, B and E however these are subject to separate Fire Safety Certificate Application(s).

1.1. A Fire Safety Certificate Application, with Building Control Authority (BCA) Ref. FSC2409011DR /7DN was submitted to the BCA on 13/12/2024. That Fire Safety Certificate Application was Granted subject to 16 Conditions on 29/09/2025. An appeal against Condition 11, below, was lodged with An Coimisiún Pleanála (ACP) on 17/10/2025.

> *"**Condition 11:***
>
> *A sprinkler protection system shall be provided in the basement car park which shall be designed, installed and commissioned in accordance with IS EN 12845: 2015 + A1: 2019.*
>
> ***Reason:***
>
> *To ensure compliance with Part B of the Second Schedule to the Building Regulations, 1997 to 2024."*

1.2. The subject of this report is an appeal v condition (Condition 11).

2.0 Information Considered

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

- Statutory and supporting documents submitted with the application on 13/12/2024.
- Revised information submitted on 09/07/2025.
- Grant of Fire Safety Certificate with 16 Conditions attached dated 29/09/2025.
- Appeal by the Agent, Mr. Darran Quaile, SCA Planning Consultants, on behalf of the Appellant, William Neville & Sons, lodged with ACP on 17/10/2025. It is noted that the Agent attaches a technical submission, prepared by Mark Kennedy, K-Design Studio Architects, setting out the grounds of the appeal.
- BCA response to the appeal, dated 04/11/2025.
- Further submission by the Agent on behalf of the Appellant, dated 25/11/2025. It is noted that the Agent attaches a technical submission, prepared by Mark Kennedy, K-Design Studio Architects, addressing the BCA response to the appeal.

For clarity, references to the 'Appellant' in this report include submissions made on their behalf by their Agent in this appeal process. The term 'Applicant' is used when referring to the Fire Safety Certificate Application process.

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. This appeal concerns the provision of sprinklers in a basement car park. There have been other relevant Commission decisions at other locations that may be of assistance to the Commission in determining this case, a non-exhaustive list is given below.

- ABP 312605-22
- ABP 315367-23
- ABP 315985-23
- ABP 317213-23
- ABP 318731-23
- ABP 319294-24

4.0 **Appellant's Case**

4.1. The Appellant is appealing the attachment of Condition 11 to the Grant of Fire Safety Certificate Application on the basis that compliance with Part B of the Building Regulations can be demonstrated without sprinklers in the basement car park. The following points are set out in support of the appeal:

- The Appellant notes that the works are designed to comply with the requirements of Technical Guidance Document - B 2006 (2020 reprint) (TGD-B) which is the *primae facia* guidance for compliance with Part B (fire) of the Second Schedule to the Building Regulations.
- Section 3.5.2 of TGD-B referenced by the BCA states *"car parks are not normally expected to be fitted with sprinklers".*
- Section 5.4.3.1 of TGD-B states *"Basement car parks are not normally expected to be fitted with sprinklers".*
- TGD-B only refers to sprinkler coverage in the following cases:
    - Where the building has a top floor of more than 30m above ground or
    - Where a residential building includes open plan flats with a travel distance of more than 9m and designed in accordance with Section 1.6.3 of TGD-B.
- The Appellant notes that in this case:
    - Both blocks have a top floor of just under 9.4m above ground.
    - The flats are not open plan (entrance hallways are proposed).
- The basement car park is provided with 5.0% natural ventilation, above the requirement for 2.5%, in TGD-B.
- Given the above the Appellant notes that there is no requirement in TGD-B 2006 (2020 Reprint) for the provision of sprinklers in this building.

4.2. Following receipt of the BCA's response to the initial appeal submission the Appellant also makes the following additional points:

- The Fire Safety Certificate Application under appeal used TGD-B 2006 (2020 reprint) as the design guide. However, TGD-B 2024 has now been published and the guidance is unchanged, there is no requirement in TGD-B 2024 for sprinklers in a basement car park.

  The Appellant notes that the BCA refers to the future development of Blocks A, B and E, which currently have proposed heights to top floor level of slightly over 15m, as a reason for the requirement of sprinklers. The Appellant goes on to note that the car park is provided as a separate purpose group and the threshold height therefore remains at 30m in TGD-B 2024, not 15m.

5.0 Building Control Authority Case

5.1. The BCA set out their response to the appeal as follows:

- The BCA contend that guidance in 3.5.2 (a) of TGD-B 2006 (2020 reprint) stating that *"the fire load is well defined and not particularly high"* is outdated and does not take into account the fire load of modern vehicles which tend to be larger and have more plastic content and an increased presence of electric vehicles (EVs).
- The BCA consider that the guidance in 3.5.2 (b) of TGD-B 2006 (2020 reprint) stating that there is *"a low probability of fire spread"* is outdated and contend that this statement does not adequately take account of fire spread between cars given a modern vehicle fire in an enclosed car park.
- The BCA notes that the future development of Blocks A, B and E will be over the shared basement car park, that these blocks are to have top floors levels over 15m from ground level and that the guidance in Section 8 of TGD-B (2024) will require a sprinkler system complying with I.S. EN 12845 when these blocks are developed.
- The BCA also note that 1.4.16 of TGD-B 2006 (2020 reprint) would require fixed fire hose reels in an unsprinklered car park exceeding 500m^2 and that hose reels are not proposed in this (4300m^2) basement car park.

- Appendix A to the BCA response sets out *"Fire Risks Associated with Modern Vehicles in an Enclosed Car Park"*. This text summarises the following in a manner supportive of the points made by the BCA as set out above.
    - UK Ministry of Technology and Fire Officers Committee Joint Fire Research Organisation (Fire Note 10)
    - BRE - Fire spread in car parks, BD 2552, Department for Communities and Local Government, 2010
    - NFPA Modern Vehicle Hazard in Parking Garages and Vehicle Carriers 2020
    - Case Studies
- Appendix B to the BCA response contains a copy of a technical paper *"Characterizing EV vs ICE Hazards in Parking Structures; Result of Full-Scale Testing"* by the 'Fire Protection Research Foundation'. The BCA state that this paper compares the preliminary results of full-scale fire tests for battery electric vehicles (EVs) and internal combustion engines (ICE) vehicles in a sprinkler protected parking structure and highlights the importance of sprinkler protection to control modern vehicle fires and to reduce the potential risk of fire spread between vehicles in adjacent parking spaces.

6.0 **Assessment**

6.1. *De Novo* assessment

Having regard to the nature of the appeal which is solely against Condition 11, 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. Content of Assessment

The reason given with the attachment of Condition 11 to the Grant of Fire Safety Certificate is *"To comply with Part B of the Second Schedule to the Building Regulations, 1997 to 2024."*. In their subsequent submission to the Commission the BCA clarifies that Condition 11 was attached in order to comply with Regulations B1 and B5. However as the condition itself refers to Part B all of Regulations B1 to B5 are included in the reason attached to the condition and will each be considered below.

6.2.1. Regulation B1

Regulation B1 – 'Means of Escape in Case of Fire' was included by the BCA in their reason for refusal. The Appellant submits on appeal that there is no requirement in TGD-B (including Section 1) for sprinklers to be provided in basement car parks. In their response to the appeal the BCA state that Regulation B1 was included in the reasoning behind the attachment of Condition 11. The BCA state that the future development of Blocks A, B and E, which are all currently proposed to have a height to top floor level of over 15m, will, in accordance with TGD-B (2024), require sprinklers to I.S. EN 12845 to be provided. I note that 8.2.1 of TGD-B (2024) requires that sprinklers be provided to buildings containing flats with height of top floor over 15m and refers to 8.4.1 for system design. 8.4.1 of TGD-B (2024) requires a sprinkler system to BS 9251, I.S. EN 16925, or equivalent (i.e. a residential sprinkler system). 8.4.1 of TGD-B 2024 does not require a sprinkler system to I.S. 12845 (a commercial sprinkler system) in building containing flats and it would not be appropriate to extend a residential sprinkler system in to a basement car park. There is no requirement in 8.2.1 or 8.4.1 TGD-B (2024) for a basement car park under flats to be provided with a sprinkler system and the proposed Blocks A, B and E are not currently proposed to exceed the 30m threshold for car parks specified in 8.2.6 of TGD-B (2024). Regardless of the requirements applicable to Blocks A, B and E in the future it is not appropriate to attach a condition to a Grant of Fire Safety Certificate Application based on an assessment of a future development, outside the scope of the current application. I would therefore agree with the Appellant on this point, there is no requirement in TGD-B to provide sprinklers under Regulation B1.

The BCA do note that 1.4.16 of TGD-B 2006 (2020 reprint) requires fixed fire hose reels in basement car parks exceeding 500m^2 and the fixed fire hose reels are not proposed in this 4300m^2 basement car park. I acknowledge that in the absence of sprinklers, as conditioned by the BCA, the importance of an alternative fixed fire suppression method such as fixed fire hose reels is enhanced. I also note that the review and revisions of TGD-B, including the more recent 2024 edition, continue to require fixed fire hose reels in car parks. I would therefore agree with the BCA on this point and recommend that, should the Commission decide to uphold this appeal and direct the BCA to grant this Revised Fire Safety Certificate, Condition 11 should be reworded to refer to the provision of fixed fire hose reels.

6.2.2. Regulation B2

Regulation B2 – 'Internal Fire Spread (Linings)' was included by the BCA in their reason for refusal. The Appellant finds no requirement for sprinklers to be provided in basement car parks under Regulation B2. In their response to the appeal the Commission the BCA do not expand on their reasons for including Regulation B2. I would therefore agree with the Appellant on this point, there is no requirement in TGD-B to provide sprinklers under Regulation B2.

6.2.3. Regulation B3

Regulation B3 – 'Internal Fire Spread (Structure)' was included by the BCA in their reason for refusal. The Appellant submits on appeal that there is no requirement in TGD-B (including Section 3) for sprinklers to be provided in basement car parks and that 3.5.2(a) of TGD-B states that *"the fire load is well defined and not particularly high"*. In their subsequent submission to the Commission the BCA refer to Regulation B1 and B5 as the reasons for included Condition 11, not Regulation B3. However the BCA's submission does contend that the guidance in 3.5.2(a) of TGD-B 2006 (2020 reprint) is out of date and does not account for the fire load of modern vehicles such as increased use of plastics and increased presence of EVs. I note that the version of TGD-B used as the design code in this application (the 2020 reprint) was subject to public consultation in 2019. I further note that the more recent version of TGD-B 2024 which came into effect on 1st May 2025 also underwent extensive public consultation, with the guidance relating to car parks in TGD-B 2024

having been updated and a new Section 8 added specifically dealing with sprinkler systems. During this most recent review of TGD-B there was opportunity for due consideration of the fire load of modern vehicles and the increased presence of EVs however the 2024 edition has not been amended to require sprinklers in basement car parks.

The BCA also contend that the guidance in TGD-B states that there is "a low probability of fire spread from one car to another" and that the guidance in 3.5.2(b) of TGD-B 2006 (2020 reprint) is also out of date. In addition to the commentary above regarding the review and updating of TGD-B I note that the relevant sentence from 3.5.2(b) of TGD-B states that *"Where the car park is well ventilated, there is a low probability of fire spread from one storey to another."* Therefore TGD-B does not refer to a low probability of fire spread between cars as interpreted by the BCA but only that fire spread between storeys is a low probability. For a non-open sided basement car park TGD-B 2006 (2020 reprint) specifies ventilation requirements and an increased fire resistance requirement (compared to open-sided car parks), which appear to have been exceeded with in the proposed design (given that 5%, not 2.5% ventilation is proposed), but does not require sprinklers.

Although the BCA do raise some valid items of consideration regarding fires in modern vehicles TGD-B is the *prima facia* guidance for compliance with Part B of Building Regulations and, neither TGD-B 2006 (2020 reprint), (as used as the primary design code in this case), nor the more recent TGD-B 2004 require sprinklers in basement car parks. I would therefore agree with the Appellant on this point, there is no requirement in TGD-B to provide sprinklers under Regulation B3.

6.2.4. Regulation B4

Regulation B4 – 'Means of Escape in Case of Fire' was included by the BCA in their reason for refusal. The Appellant finds no requirement for sprinklers to be provided in basement car parks under Regulation B4. In their response to the appeal the BCA do not expand on their reasons for including Regulation B4. I would therefore agree with the Appellant on this point, there is no requirement in TGD-B to provide sprinklers under Regulation B4.

6.2.5. Regulation B5

Regulation B5 – 'Access and Facilities for the Fire Service' was included by the BCA in their reason for refusal and referred to in their response to the appeal. The Appellant submits on appeal that there is no requirement in TGD-B (including Section 5) for sprinklers. The Appellant notes that 5.4.3.1 of TGD-B specifically states *"Basement car parks are not normally expected to the fitted with sprinklers"*. In their response to the appeal the BCA note that Fire Brigades are facing challenges when encountering car park fires. The BCA refers to 3.5.2 of TGD-B and also include a copy of a technical paper *"Characterizing EV vs ICE Hazards in Parking Structures; Result of Full-Scale Testing"* by the Fire Protection Research Foundation in Appendix B of their response to the appeal. The BCA states that this paper compares the preliminary results of full-scale fire tests for battery electric vehicles (EVs) and internal combustion engines (ICE) vehicles in a sprinkler protected parking structure and highlights the importance of sprinkler protection to control modern vehicle fires and to reduce the potential risk of fire spread between vehicles in adjacent parking spaces. Again I note that 3.5.2(b) of TGD-B states that *"Where the car park is well ventilated, there is a low probability of fire spread from one storey to another."* i.e. the primae facia guidance in TGD-B does not seek to prevent fire spread between cars, only between storeys. Therefore, in my opinion, the imposition of a condition seeking to control fire spread between cars (by virtue of mandating sprinklers) is clearly outside the scope of the *primae facia* guidance.

The technical paper submitted *"Characterizing EV vs ICE Hazards in Parking Structures; Result of Full-Scale Testing"* is part of a 3 phase project being sponsored by the National Fire Protection Association (NFPA) as follows:-

- Phase 1: Modern Vehicle Hazards in Parking Garages and Vehicles Carriers
- Phase 2: Classification of Modern Vehicle Hazards in Parking Structure and Systems
- Phase 3: Classification of Modern Vehicle Hazards and Parking Structures Protection: Full Scale Fire and Sprinkler Testing.

This project does not examine the need for sprinklers in car covered car park or otherwise in terms of life safety. The stated aim of this project is to quantify the fire hazard of modern vehicles in parking structures and vehicle carriers to provide guidance for the applicable technical committees (e.g. NFPA 13, NFPA 88A, and NFPA 301) which already assume a degree of sprinkler coverage. NFPA Codes tend to have a different focus than Irish codes, for example the purpose of NFPA 13 as stated in that standard is *"to provide a reasonable degree of protection for life and property from fire"*. Whereas Irish building regulations are primarily concerned with life safety. In my opinion this technical research paper is therefore not directly applicable to the issue of sprinklers in covered car parks in an Irish context.

I would therefore agree with the Appellant on this point, there is no requirement in TGD-B to provide sprinklers under Regulation B5.

6.3. Conclusion

My conclusion is that Condition 11 should be reworded and the requirement for sprinkler protection to the basement car park should be removed. However, in the absence of a proposal for fixed fire hose reels in the basement car park new wording should be included to deal with the requirement of 1.4.16 of TGD-B 2006 (2020 reprint). The reason for this condition should also be amended to specify Regulation B1.

7.0 Recommendation

Having regard to the above assessment it is recommended that the appeal be upheld and that the Building Control Authority be directed to amend Condition 11 for the reasons and considerations set out below.

8.0 **Reasons and Considerations**

8.1. Having regard to the statutory and support documents submitted with the Fire Safety Certificate Application, the documents submitted by the Appellant as part of this appeal regarding the construction of 44 No. apartments in 2 no. four storey blocks over basement car park at Cherrywood Urban Villas Block C and D, 33 Domville Park, Cherrywood, Dublin 18, to the guidance provided in Section 3.5.2 (Car Parks) and Section 5.4.3.1 (Basements) of Technical Guidance Documents-B 2006 (2020 reprint), and to the report and recommendation of the reporting inspector, it is considered that it has been demonstrated by the first party Appellant that the basement car park does not require sprinkler protection to meet the requirements of Part B of Building Regulations (as per the *prima facia* guidance set out in Technical Guidance Document B - 2006 (2020 reprint)). Therefore, the attachment of Condition 11 to the Grant of Fire Safety Certificate was considered by the Commission to not be warranted. The Commission was satisfied that, subject to the attachment of an amended Condition 11, in relation to the requirement for fixed hose reels in 1.4.16 of TGD-B 2006 (2020 reprint), it has been demonstrated that the works, if constructed in accordance with the design presented within the application and appeal, would comply with the requirements of Part B of the second schedule to the Building Regulations 1997, as amended.

9.0 Conditions

Should the Commission decide to uphold the appeal, the following amended wording of Condition 11 is recommended.

Condition 11:

Fixed fire hose reels conforming to I.S. EN 671-1:2012 shall be provided throughout the basement car park. Clearly visible signage shall be provided to indicate the locations of these fixed fire hose reels.

Reason for Condition 11:

To comply with the requirements of Regulation B1 of Part B of the Second Schedule of 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.

Colin Barden

BEng (Hons) (Fire Eng.), MSc (Fire Eng.), CEng MIEI

03/02/2026