



An
Coimisiún
Pleanála

FSC Report

ACP-324356-26

Appeal v Condition

Condition 1

Development Description

Block ABC - Terenure Synagogue
Residential at 32 Rathfarnham Road,
Dublin 6W. The development
comprises three distinct blocks
constructed above a shared basement
level which accommodate a total of 60
apartments

Building Control Authority Fire Safety Certificate application number:

FSC2517446DC

Appellant

Granbrind Terenure Limited

Appellant's Agent

EOBA

Building Control Authority:

Dublin City Council

Inspector

Des Fortune

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1.0 Introduction

- 1.1. Block A, B, C at 32 Rathfarnham Road, Dublin 6W consists of three distinct blocks; Block A, Block B and Block C, constructed over a shared basement level. Block B and C each consist of five storeys, while Block A comprises four storeys.
- 1.2. Collectively, the three blocks accommodate a total of thirty seven two-bedroom apartments and twenty three one-bedroom apartments.
- 1.3. The granted application (FSC2517446DC) is a Fire Safety Certificate application and the appeal is for Condition 1 attached to this certificate. Condition 1 is as follows:

Condition: No. 1

The Basement car park shall be provided with a sprinkler system in accordance with IS EN 12845: 2015+A1: 2019.

Reason:

To comply with the provision of Part B of the Second Schedule to the Building Regulations 1997 – 2024.

2.0 Information Considered

- 2.1. The information considered in this appeal comprised the following:
 - Fire Safety Certificate Application (application form, compliance report and fire safety drawings) submitted by EOBA, on behalf of Granbrind Terenure Limited, dated 28/11/2025.
 - Further information submitted by EOBA, on behalf of Granbrind Terenure Limited, dated 17/02/2026.
 - Further information submitted by EOBA, on behalf of Granbrind Terenure Limited, dated 21/04/2026.
 - FSC application granted on 18/05/2026 with eight conditions.
 - Appeal received by the Board on behalf of the appellant dated 09/06/26.
 - Submissions received from the Dublin City Council on the appeal dated 08/07/2026.

- Letter from EOBA, behalf of the appellant dated, addressing Dublin City Council Submission dated 20/08/26.

3.0 Relevant History/Cases

- 3.1. I am not aware of any relevant Building Control history relating to this appeal site. There was no documentation of any previous Fire Safety Certificate (FSC), Revised FSC or any dispensation/relaxation of the Building Regulations (relating to this site) included in the file being reviewed.
- 3.2. The Board have considered similar appeals (ABP 315096-22, ABP 316063-23, ABP 319294-24, ABP 320329-24) which considers sprinklers in basement car parks including ones which were reported on by this Inspector.

4.0 Appellant's Case

The appellant is appealing the attachment of Condition 1 to the grant of the fire safety certificate. The basis of compliance for the Fire Safety Certificate application is Technical Guidance Document B: 2024 Fire Safety Volume 1 Buildings other than Dwelling Houses (TGDB 2024). There is no requirement to provide sprinklers within a normal car park in TGDB 2024 as noted from the relevant provisions highlighted below.

- TGD B 204 outlines the requirements for sprinkler installations in buildings, as follows:
 - For buildings containing flats where the building height is over 15m
 - To Open plan flats
 - Flats with extend travel distances in corridors, as outlined above for Block A, B and C residential units.
 - To satisfy the limits with respect to area and volume of compartments set out in Table 15 of TGD B 2024 reprint.
 - To satisfy space separation requirements (where double the boundary distance is required).
 - Student Accommodation with a height greater than 15m
 - Shopping centres Purpose Group 4(b)

- Residential Car Facilities Purpose Group 2(a) (ii) with bed spaces above ground level
- Buildings containing Atria, subject to design criteria
- Where portal frames are used and SCI recommendations are not followed
- Where required to reduce space separation requirements to relevant boundary
- As required by Table 32 of TGD B 2024 to reduce recommended fire resistance of structural elements.
- Large undivided windowless spaces, subject to design criteria.

The proposed basement car park does not fall under the criteria set out above.

- The basement car park in this development is considered to be a normal risk car park for the following reasons:
 - The 2 no. exit stairs are provided to the basement providing sufficient exit capacity for the proposed number of occupants, based on 2 people per car parking space. It is noted that this is an extremely conservative approach due to the transient nature of persons using the basement i.e. they will be the same occupants of the apartments above and therefore, extremely unlikely that the peak occupancy of 91 persons in the basement will actually be realised. Allowing for discounting the capacity of the exit doors to the basement stairs is 100 persons.
 - The 2 no. basement exit stairs are adequately spaced to ensure travel distances to the exits are within recommended limits of TGD B 2024 for both single direction and alternative direction of travel.

- The basement level is designed as a separate compartment, is enclosed in 60 minutes fire resisting construction (including 60 minutes fire resistance for all elements of structure).
- The risk of smoke spreading from the carpark compartment to the upper floors of the development will also be further mitigated by the incorporation of double lobby protection to the stair serving Block A, where the outer lobby is provided with a minimum of 0.4m² permanent smoke ventilation direct to the external.
- It is further noted that the Block A basement stairs will be separated from the stairs serving the upper floors with fire rated construction at ground floor level.
- The bin store shall be separated from the basement car park with 60 minute fire resisting construction and 60-minute fire rated lobby which shall be served by minimum of 0.2m² permanent natural ventilation direct to open air.
- The basement shall be served by an L3X automatic fire alarm and detection system in accordance with IS3218:2024, including manual call points.
- In accordance with Section 3.8.2.1 of TGD-B 2024 all materials in the construction of the compartment forming the car park shall be composed of materials with a reaction to fire classification achieving Class A1, except for:
 - Wall and ceiling linings which will meet Class B, s3, d2 classification for surface spread of flame.
 - And Fire Doors

- Natural smoke ventilation equivalent of in excess of 2.5% of the plan area of the car park shall be provided to the car park, with 50% of this on opposing sides. It is noted that the ventilation proposed is designed to achieve 5.43% of the plan area of the car park.
- Firefighting personnel can access the basement by the two escape stairs, and all areas of the basement car park shall be within 45m hose coverage from a dry riser outlet. Both stairs shall have dry riser outlets at basement level.
- BS7346: Part 7 :201.3- code of practice and calculation methods for smoke and heat control systems for covered car parks sets out some abnormal situations in which a car park may be considered a higher risk and could merit the consideration of sprinklers. This includes where cars are stacked vertically on top of each other where fire spread could more readily occur between a car at floor level and a car stacked on top, particularly as the fuel tank may be exposed. This could result in a much larger fire. Other high risk situations warranting sprinklers include where there is no automatic detection provided, extended travel distances, unusually difficult fire brigade access, or insufficient ventilation etc.

The car park to which this appeal relates does not fall under any of these abnormal or high-risk scenarios.

Furthermore Section 7.2 of BS7346 Part 7 is consistent with TGDB 2024 with the provision of natural ventilation equivalent to 2.5% of the plan area of the car park.

- It is acknowledged that Dublin Fire Brigade Fire officers have concerns regarding the introduction of EV cars containing lithium-ion batteries to a basement car park situation. Multiple studies have shown that EV cars are 20 times less likely to catch fire as cars with internal combustion engines. While the risk of ignition is less in these

cars, it is also acknowledged that once ignited, EV cars are much more difficult to put out. Sprinkler systems do not target the affected area of the fire in a car, i.e. under the bonnet, which is shielded from the water spray preventing water from penetrating the seat of the fire. BS7346-7:2013 Section 5 states *'Sprinklers are unlikely to extinguish a fire inside a vehicle, as most vehicles are designed to keep water (rain) out. Nevertheless, the effect of sprinklers in wetting the external surface of adjacent vehicles has been shown to slow or prevent fire spreading to the adjacent vehicle (see BRE report, Fire spread in car parks)'*.

Studies have shown that ceiling sprinklers are unlikely to provide adequate cooling to suppress a fire in an EV car.

- The requirements set out in Part B of the Building Regulations sets out that facilities as may be reasonably required to assist the fire service in the protection of life should be provided. While sprinklers may assist in the slow of fire to adjacent cars, it is submitted, that the number and location of escape routes, provision of automatic detection and early warning of fire, and ventilation provisions is sufficient to provide adequate means of escape from the basement and the provision of 60 minute fire resistant structures and compartmentation is sufficient to prevent the spread of fire to other parts of the building in a reasonable time frame. As such, it is posited that provision of sprinklers only serves for protection of property in the basement which is not a basis for design in accordance with Part B of the Building Regulations.

Based on the above they submit that the fundamental criteria for fire safety design set out in TGD-B 2024 edition have been met and that the installation of sprinklers to the basement car park is not warranted. It should also be noted that An Bord Pleanála have previously adjudicated on similar car park sprinkler conditions and have found the imposition of sprinklers to be unjustified. Considering the above, we would request the Board to remove

Condition 1 from the Fire Safety Certificate grant (Fire Safety Cert Ref: FSC2517446DC).

In addition, they have reviewed the An Coimisiun Pleanala letter dated 31st July 2026 which contained the Fire Officer's Report On Fire Safety Certificate Appeal dated 8th July 2026 and have the following observations as set out below:

- The Fire Officer's Report provides a narrative that the guidance documents can lead to incorrect conclusions in respect to achieving adequate level of fire safety in buildings. In addition to this, Dublin Fire Brigade refer to Technical Guidance Document (TGD-B) and state that past assumptions in respect to car park fires such as *'the fire load is well defined and not particularly high'* are outdated and can no longer be relied upon.
- It is noted that TGD-B was amended in 2024 following the Public Consultation period and the guidance in respect of sprinkler protection in car parks remained unchanged and as per the previous 2006 +A1:2020 version i.e. sprinkler protection was not a requirement. There was a further reprint of the TGD-B 2024 in 2026 and the relevant sections for car parks remained unaltered i.e. sprinkler protection is not a requirement.
- The Fire Officer's Report on Fire Safety Certificate Appeal dated 8th July 2026 on page 3 of 22 refers to previous Appeals that An Coimisiun Pleanala upheld the conditions for sprinkler protection to car parks, namely ACP-322 889-25 & ACP-3231115-25. They did not have access to the particulars of these cases, except for the information available on the An Coimisiun Pleanala website.
 - ACP-322889-25 at Rockbrook Central, Carmanhall Road / Blackthorn Drive, Sandyford, Dublin 18 appears to be a development comprising two residential blocks, with top floor heights in excess of 30 m, and the completion and reconfiguration/material alteration of three existing or part-constructed basement levels containing car parking and ancillary accommodation. The condition in that case related to sprinkler

protection to basement levels B1, B2 and B3. The sprinkler condition for the basement car park was upheld due to the height and complexity of the building.

- ACP-323115-25 at 67 Magenta Hall, Santry Avenue, Swords Road, Santry, Dublin appears to be a development comprising an aparthotel and apartment development over a basement car park and ancillary accommodation. The inspector's view was that the height of the building was in excess of 30m tall and therefore the sprinkler condition for the basement car park was also upheld for this reason.
- It is noted that the height of the residential Blocks ABC in this Rathfarnham Road development are of a height ranging from approx 9.7m to 13m in height. Therefore, the cases ACP-322 889-25 & ACP-323115-25 referenced by Dublin Fire Brigade are not directly comparable to the development under the scope of this Appeal.

5.0 Building Control Authority Case

5.1. In response to the appeal of Condition 1 Dublin Fire Brigade offer the following case:

- While EV charging points were not shown on the submitted floor plans, points will be provided to allow for future EV charging points (statement uploaded to the BCMS on the 17/02/2026). Fires caused by or exacerbated by lithium batteries are a major concern for operational crews of Dublin Fire Brigade and throughout the country. Their impact on means of escape for occupants and the safety of attending fire brigade personnel must be considered at building design phase. It is for this reason that condition no. 1 was included in the conditional grant of this fire safety certificate application.
- Please refer to the two recent Appeals to An Coimisiun Pleanála where the conditions to provide sprinklers in basement car parks were appealed and the Board upheld the conditions (ACP -322 889 25 & ACP -323115-25). The Board was satisfied that the sprinkler conditions in the car parks were appropriate. ACP-322889-25 consists of 2 residential blocks over basement carpark, while ACP-323115-25 consists of aparthotel and apartments over basement carpark.
- The functional requirements of the Building Regulations are set out in the Second Schedule to the Building Regulations (with Part B specifically addressing fire safety). They comprise of qualitative statements about the minimum performance that a building must achieve. Article 7 of the Building Regulations allows for the publication of *Technical Guidance Documents* for the
- The current edition advising compliance in relation to matters of fire safety is Technical Guidance Document — B: 2024, (TGD-B 2024), which was, the basis of compliance for this FSC application.
- As per the *“Fire Safety Objectives”* in TGD-B, Part B of the Second Schedule to the Building Regulations is *“primarily concerned with the health, safety and*

welfare of persons” in a building — this is noted to pertain to both the building occupants and Fire Brigade personnel.

- As recognized within the document itself, the guidance contained within TGD-B cannot prescribe every aspect of a building design. When using Technical Guidance Documents such as TGD-B, the guidance contained therein must be interpreted and applied appropriately so that the overarching functional requirements of the Building Regulations are satisfied. This methodology of considering whether the guidance has been applied in a manner which satisfies the performance objectives set out in the Second Schedule to the Building Regulations allows for the consideration of new hazards due to changes in technology and materials that may not currently be addressed within the current guidance.
- The requirement of Condition No. 1 to provide a sprinkler protection system conforming with IS EN 12845: 2015 + A1’ 2019 to the basement car park is based on two primary reasons:
 - B1 Means of Escape in case of Fire, (i.e. to provide safe escape for the building's occupants); and,
 - B5 Access and Facilities for the Fire Service, (i.e. to assist and protect Fire Brigade personnel in fighting a fire).
- The requirements of B5 as set out in TGD-B 2024 are noted below:

A building shall be so designed and constructed that there is adequate provision for access for fire appliances and such other facilities as may be reasonably required to assist the fire service in the protection of life and property.

- In regard to B5 Access and Facilities for the Fire Service, it is noted the challenges faced by the Fire Brigade when encountering car park fires and the risks associated with modern vehicles, in particular, include electric vehicles with lithium-ion batteries whereby the fire risk associated with same pose difficulties to the Fire Brigade to extinguish same.
- Whilst Section 3.5.2 of TGD-B 2006 + AI: 2020 refers basement car parks "*are not normally expected to be fitted with sprinklers*", this is on the basis of below:

(a) The fire load is well defined and not particularly high;

(b) Where the car park is well ventilated, there is a low probability of fire spread from one storey to another. Ventilation is the important factor, and as heat and smoke cannot be dissipated so readily from a car park that is not open-sided fewer concessions are made. The guidance in paragraphs 3.5.2.2 to 3.5.2.5 is concerned with three ventilation methods; open-sided (high level of natural ventilation), natural ventilation and mechanical ventilation

- However, Dublin Fire Brigade consider the statement that the fire load is not particularly high to be outdated as it is primarily based upon a 1968 UK research document discussed in further detail in Appendix A in their submission. Modern vehicles are generally larger, have a greater amount of plastics, including plastic fuel tanks and an increasing number are electric vehicles. The electric vehicles are powered by many lithium-ion batteries which have a high energy density and the energy released from the failure of one cell can trigger other cells to fail and cause thermal runaway. Fires in electrical vehicles will typically last longer and result in a much greater release of heat and smoke than fires to conventional vehicles. It is noted that there are a large number of electric car charging points (and electric bicycle charging points) proposed throughout the subject basement car park.

- The guidance in TGD-B also notes a low probability of fire spread from one car to another where the car park is well ventilated. Dublin Fire Brigade again consider that this guidance does not adequately account for the fire dynamics that will actually occur when a modern vehicle is ignited in a basement environment. It is shown in Appendix A that the increased fire load associated with such vehicles, including electric vehicles, together with the common use of plastic fuel tanks are likely to result in fire spread between vehicles in an enclosed space. The provision of a sprinkler system will provide a level of early intervention that will reduce the likelihood of fire spread.
- Accordingly, it is submitted the above considerations also merit the provision of a sprinkler protection system to the Basement as per Condition No. 1.

6.0 **Assessment**

6.1. ***De Novo* assessment/appeal v conditions**

Having regard to the nature of the appeal which is solely against a condition, 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**

It is clear from Dublin Fire Brigade's submission that they consider that multi EV car fires will be of a significant challenge, and it is their view that all basement car parks should be provided with sprinkler protection. However, the building control function in

assessing a Fire Safety Certificate application is to assess whether the application has demonstrated compliance with Part B of Second Schedule of the Building Regulations.

As per 'The Guidance' (page 2) of Technical Guidance Document B 2024 '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.'

Furthermore, it states that 'In the case of an application for a fire safety certificate under the Building Control Regulations, it is necessary to demonstrate compliance with Part B of the Second Schedule of the Building Regulations'.

In other words, where a Fire Safety Certificate complies with the recommendations of Technical Guidance Document B 2024, it prima facie complies with Part B of the Second Schedule of the Building Regulations.

It is noted that there is no provision, recommendation or requirement for a basement car park to be provided with sprinkler protection in Technical Guidance Document B 2024.

As referred by the appellant section 8 of Technical Guidance Document B 2024 states where sprinklers are specified in the document, for a variety of use, or development-specific circumstances and lists them as follows: -

- Para 1.2.1: Hospitals (Purpose Group 2(a)(i)).
- Para 1.4.5.3: Care Facilities - designing for Progressive Horizontal Evacuation.
- Para 1.4.5.6. Care Facilities – bedrooms
- Para 1.5.5.2: Discounting of stairways
- Para 1.5.5.4: Buildings designed for phased evacuation.
- Para 1.6.2.3.5 (d): open plan flats.
- Para 1.6.3.2(d): Maisonettes.
- Para 1.6.6.3.2 (b): Extended single direction of travel in common protected corridors. □ Para 3.4.4.5, Table 15: Compartmentation.
- Para 3.4.4.7.1: Ancillary accommodation.
- Para 3.5.10: Junction of a compartment floor with an external wall.
- Para 3.5.11: Junction of a compartment wall with an external wall

- Para 3.8.3.3: Atria in residential (care facility) buildings.
- Para 3.8.3.4: Atria in residential (other) buildings.
- Para 3.8.3.5: Atria in shops, assembly and recreation buildings, and other non-residential buildings
- Para 3.8.3.6: Atria in offices
- Para 4.4.6.1: Methods of calculating acceptable unprotected areas
- Para 4.4.7: Atria
- Para 5.4.2.2: Buildings that cannot achieve Table 25
- Para 5.5.2.2 Basements < 10 m with 2 or more floors > 900 m²
- Para 5.5.4 Buildings with a topmost floor > 11 m, but < 20 m.
- Para 5.5.6 Provision and number of firefighting shafts.
- Para 6.4.2: Section 6 - Smoke clearance systems.
- Para 6.4.4.1: Section 6 - design provisions for pressure differential systems.
- Subsection 6.5: Section 6 - basements.
- Para 7.1.4.3: Existing buildings - maisonettes accessed directly from the outside.
- Para 7.4.3.2: Existing Buildings – external fire spread - material change of use.

In the section on basements (subsection 6.5) referred to above the requirement for sprinkler protection only arises as follows: -

As an alternative to outlet vents as described above, a system of mechanical extraction may be provided, where the basement is also protected by an appropriate sprinkler system

It noted that this is not applicable to this development as the basement is provided with natural ventilation.

Two things are worth noting when reviewing the above; firstly, the extent of sprinkler coverage required in buildings has been greatly increased between TGD-B 2006 AMD 2020 and the current TGD-B 2024. The secondly even with this increase in sprinkler

protection, car parks have not been recommended to be provided with sprinkler protection.

This is current guidance, that has been recently published by the Minister for Housing, Local Government and Heritage under Article 7 of the Building Regulation 1997. It went through extensive Public Consultation in which local authorities, fire officers, fire safety consultants etc were all given the opportunity to recommend alterations. After this process it was still decided that natural ventilated basement car parks do not require sprinkler protection.

Therefore, for prima facie compliance with Part B of the Second Schedule of the Building Regulations a basement car park does not have to be provided with sprinkler protection.

7.0 Recommendation

- 7.1. On the basis of my assessment, I recommend that the Board grant the appeal and instruct Dublin City Council to remove Condition 1 from the Fire Safety Certificate for the reasons and considerations set out below.

8.0 Reasons and Considerations

- 8.1. Having regard to the granted Fire Safety Certificate and the appeal, I am of the opinion that the appellant has demonstrated that there is no requirement for the basement car park to be sprinkler protected to demonstrate compliance with Part B of the Second Schedule of the Building Regulations and therefore Condition 1 is not necessary.

9.0 Conditions

- 9.1. It is recommended that Condition 1 is removed from the Fire Safety Certificate, no replacement Condition is required.

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.

Des Fortune

24th September 2026