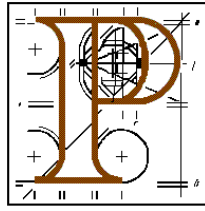


# An Bord Pleanála



## Inspector's Report

**FG07.FG0016**

<b>DEVELOPMENT:</b>	Modifications to restaurant and bedrooms of hotel at Kentsfield, Bushypark, Galway.
<b>Building Control Authority:</b>	Galway County Council
<b>Building Control Authority Reg. No:</b>	FS73/15
<b>Applicant/Appellant:</b>	The Glenlo Abbey Hotel
<b>Application Type:</b>	Regularisation Certificate
<b>Building Control Authority Decision:</b>	Grant Permission
<b>Type of Appeal:</b>	First Party –v- Condition
<b>Date of Site Inspection:</b>	18 May 2016
<b>INSPECTOR:</b>	<b>Patricia Calleary</b>

## 1.0 INTRODUCTION

FG07.FG0016 relates to an **appeal against a condition** attached to a **Regularisation Certificate** for **material alterations** to areas approved under 2 previous fire safety certificates at The Glenlo Abbey Hotel, located at Kentfield, Bushypark, Co. Galway. Effectively the works carried out were at variance in parts with the works approved under the respective fire certificates.

## 2.0 SUBJECT MATTER OF APPEAL

An application for a Regularisation Certificate (Ref: FS73/15) was lodged on 24 June 2015 by The Glenlo Abbey Hotel c/o Jeremy Gardner Associates to Galway County Council for material alterations carried out to certain areas of the hotel. Further information was submitted to Galway County Council as the Building Control Authority on the 8th and 13th October 2015. Galway County Council granted the Regularisation Fire Safety Certificate on 1 February 2016 subject to 13 no. conditions, including Condition No.6 which is the subject matter of this appeal and as set out below. The specific condition and the reason for the condition read as follows.

**Condition No.6:** *Ground Floor Front Lobby is to have a 30 minute fire resisting enclosures and FD30s Doorsets (as it is part of the escape route from the stairs).*

**Reason:** *To ensure that the building as constructed, complies with Part B of the Building Regulations 1997 to 2006.*

An appeal was lodged by the first party against Condition No.6 who considered it was not required on the basis that there were no material alterations carried out to the front stairs and lobby escape route.

## 3.0 DESCRIPTION OF WORKS

The works were carried out in the Glenlo Abbey Hotel which itself is an existing hotel building. It is a protected structure and the original building was constructed prior to the commencement of the Building Regulations. The hotel comprises of bedrooms, bar/lounge, restaurant, kitchen and ancillary rooms laid out over 3 floors as well as a golf pavilion building and the existing Abbey.

Following the grant of 2 no. Fire Safety Certificates, (FS 123/94 and FS 37/93), **material alterations** were carried out which were not in compliance

with the grant of the FSCs on an area of c.345 sq.m in the restaurant/lounge and bedroom wing areas. This current application sought a regularisation certificate for these material alterations.

#### **4.0 FIRE SAFETY CERTIFICATION HISTORY**

The most relevant Fire Safety Certification history includes the following:

- *FS 123/94 - Extension to the restaurant accommodation, connecting the hotel building to the Abbey Building.*
- *FS 37/93 - A 30 bedroom extension to the sleeping accommodation at the bedroom wing.*

Other Fire Safety Certificates which relate to the hotel premises include the following:

- *PL07.FV0008/FS52/15 – To exclude proposed extension to function room on upper ground floor and to omit external escape stairs on first floor and also fire door.*
- *FS 120/14 - The extension of 39sqm to the bar/restaurant/function room on the first floor of the pavilion building.*

#### **5.0 DOCUMENTS REVIEWED**

The following documents were reviewed as part of my assessment of this appeal.

- Regularisation Fire Safety Certificate Application and supporting drawings and documents.
- Technical Compliance Report and Amended / Updated Report.
- Appeal by First Party.
- Second Party Response to appeal.
- First Party Response to Second party response.

#### **6.0 GROUNDS OF APPEAL**

The principal grounds of the appeal are summarised as follows:

## **Background**

- Hotel original constructed prior to the Building Regulations coming into force and therefore no Fire Safety Certificate was required at the time of construction.
- In 1993 and 1994 extensions were added and these were subject to Fire Safety Certificates. These included an extension to the restaurant and a 30 bedroom extension.
- All bedrooms except 2 rooms on first floor level, are located in a bedroom wing extension constructed in the 1990s.
- Works were not completed in accordance with the Fire Safety Certificate and areas where material alterations were carried out in both the restaurant extension and the 30 bedroom wing extension were identified and are the subject of the current regularisation certificate.

## **Material Alterations**

The material alterations carried out are stated as follows:

### Restaurant Extension

- Restaurant Extension itself was not completed.
- Link between Hotel and Abbey was constructed which consists of a conservatory lounge area.
- Finishing kitchen was not required and was replaced with a bar area.
- Fit out of offices at lower ground floor area.
- Alterations to layout of staff accommodation at lower ground floor.
- Several rooms at lower ground floor were re-purposed.
- Final exit from bar/lounge at lower ground floor area was relocated.

### Bedroom Wing

- Linen store areas at ground and lower ground level altered.
- Link provided between hotel and pavilion building at west elevation. of bedroom wing.

## **Specific Points Raised**

- Where material alterations were carried out, current standard of fire safety has not reduced and no contravention of existing fire safety standard has resulted.
- Walls and doors separating escape route from the front stairs through the entrance lobby area are existing and unchanged since the building became a hotel. As this area of the hotel is not subject to

material alterations, no requirement to upgrade these doors to fire rated doors.

- Stairs was not required to be upgraded as part of 2 previous FSCs.

#### **Condition 6**

- Requires the Ground Front Lobby to have a 30 minute fire resisting enclosure and FD30s Fire doorsets as it forms part of the escape route from the stairs.
- By virtue of doorsets with high level of glazing which are not fire rated, hallway is not a protected corridor.
- States that this is an existing situation which pre-dates the introduction of the Building Regulations.
- Material alterations carried out have not caused a greater contravention of the existing fire safety standard achieved.
- All areas served by this stairs as a means of escape (first floor and lower ground floor) are also served by at least one alternative means of escape.
- At ground floor, all accommodation adjacent to the lobby/stair has alternative escape routes.
- Accommodation located adjacent to the entrance lobby will be staffed on a 24 hour basis and will be able to alert occupants of the presence of smoke and direct them to alternative escape routes.

## **7.0 APPEAL RESPONSES**

### **7.1 Building Control Authority (BCA) Response**

- Building should comply with DoE 'Guide to Fire Precautions in Existing Hotels and similar premises' and any works required to do this should be included in the application.
- The DoE Guide defines a '*Protected Route*' as '*a route including a stairway and any escape passageway leading therefrom to a final exit, enclosed by fire resisting construction (other than part which is an external wall of a building)*'.
- At least one of these routes (at ground or lower level) should be protected and it would be prudent to have both protected. Only one route to the ground floor was conditioned.
- The bedroom in this part of the building initially has access to one stairs and although there is access available to a second stairs, it is not a protected stairs.

## 7.2 Applicants response to BCA response to appeal

- Regularisation fire cert covers material alterations to 2 previously approved fire certs.
- The area of the building containing the escape stairway in question was not subject to material alterations and was therefore not included in this regularisation certificate.
- Escape stairway was not required to be upgraded under the 2 previous Fire Safety Certificates.
- TGD B Guidance (Section 1.0.11.4) provides that only the means of escape provisions from **areas subject to material alterations** should be addressed by application of recommendations of TGD: B or other guides/codes including the DoE 'Guide to Fire Precautions in Existing Hotels and Similar Buildings'.
- Added measures to significantly improve standard of fire safety propose to include: Addition of Refuge area at roof terrace, an FD 30s fire doorset installed at first floor level separating the stair from adjoining lift shaft, 1m<sup>2</sup> Automatic Opening Vent (AOV) installed at a high level in escape stairway in question.
- Notwithstanding that escape stair is not subject to material alterations, provisions of Section 4.4.2 of DoE Guide recognises that it may be undesirable or impractical to enclose a feature stairs at ground level and provides recommendations in that situation. These include avoiding bedrooms opening into escape stairs, alternative means of escape and ventilation of stairs. States that all of these recommendation are met.
- Condition No.2 requires upgrading the section of corridor at first floor level to provide a protected corridor achieving 30 minutes fire resistance along the alternative escape route to the rear. It is stated that this condition will be implemented which will address the Fire Officers concerns raised.

## 8.0 BUILDING REGULATIONS and TECHNICAL GUIDANCE

1. Part B (Fire Safety) of the 1997-2014 Building Regulations apply. Specifically Section 11.1 states as follows:

*Subject to articles 3 and 8, these regulations apply:*

- a. To all works in connection with the material alteration or extension of a building; and*
- b. To every part of a building affected by works referred to in paragraph (a) but only to the extent of prohibiting any works which*

*would cause a new or greater contravention, in such building, of any provision of these Regulations.*

2. Technical Guidance Document (TGD) B: Fire Safety (2006) is relevant, specifically B1- Means of Escape in case of Fire.

3. DoE 'Guide to 'Guide to Fire Precautions in Existing Hotels and Similar Buildings' 1989, while pre-dating the Building Regulations and Technical guidance document Part B is referred to by both parties in this appeal and is considered relevant.

## **9.0 ASSESSMENT**

I have read and considered the contents of the Regularisation Fire Safety Certificate application, grounds of appeal, responses as well as relevant legislative provisions and technical guidance. I have also carried out a visual inspection of the hotel building where I have reviewed the material alterations carried out as well as the ground floor lobby and the various escape routes at first hand.

Having reviewed all relevant documentation and drawings on file, I am satisfied that the determination by the Board of this application as 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 in this case.

The primary issue in this appeal centres on the entrance lobby to the hotel which serves as part of an escape route from an adjacent stairs. Occupants who use this stairs have to pass through an unprotected corridor (lobby) to a final exit. By way of Condition No.6, the BCA require the lobby to be upgraded to a protected corridor arrangement providing a 30 min fire resistance throughout. The applicant accepts it is not a protected corridor recognising that the existing doors are provided with a high level of glazing which does not provide a 30 min fire resistance. They consider it is not necessary to provide a protected corridor (lobby) as it is an existing hotel, a protected structure, which pre-dates the Building Regulations and the current situation has not changed as a result of the material alterations carried out. Furthermore, they contend that alternative means of escape are provided from all areas of the hotel served by this stairs and that the fire safety arrangement has not reduced as a result of the material alterations.

In my assessment, I must consider the material alterations, i.e. the works carried out to the lounge/bar and ancillary office and also the bedroom wing

which vary from those permitted under FS 123/94 - (Extension to the restaurant accommodation, connecting the hotel building to the Abbey Building) and FS 37/93 - (A 30 bedroom extension at the bedroom wing). I note the drawings submitted with the application clearly show the areas which are unchanged from the previously granted Fire Safety Certificates and also the areas which consist of the material alterations. The key issue then is to consider whether or not the parts of the building affected by the works (material alterations) cause a new or greater contravention of Part B of the Building Regulations.

I first and foremost note that the front floor lobby did not serve as a protected corridor in the existing situation immediately prior to the material alterations, i.e. as permitted under FS 123/94 and FS 37/93. This is evident from the information on the drawings, specifically Dwg No. ZG/318/1/6 which shows the vertical escape route through the front lobby has not been altered. I am satisfied that in accordance with Section 1.0.11.4 of TGD:B, it is the means of escape so affected by the material alterations that are required to be addressed and potentially upgraded.

Notwithstanding that the vertical escape through the lobby has not been materially altered, I also note that alternative escape routes are available to occupants at first floor level, in the event of smoke/fire affecting the stairs to the lobby area. The accommodation adjacent to the lobby/stairs at ground floor has alternative escape routes via the link corridor to a final exit. While accepting that the alternative routes are not along protected corridors, I specifically note that the corridors in the hotel are unchanged from the previously granted fire safety certificates.

During the assessment of the Regularisation certificate application, a proposal was submitted by the applicant to provide a new roof-top refuge area on a concrete roof, which will serve as an alternative means of escape from the sleeping accommodation which is connected to and adjacent to the Burgo Suite, improving the situation and reducing the risk to occupants in the event of a fire. This arrangement is presented on Dwg No. ZG/318/1/9. Of note also is that the existing alternative escape route available for the Burgo Suite and the standard bedroom from the first floor to the central stairs is proposed to be separated from the front stairs by a FD30s door along the circulation corridor. A 1m<sup>2</sup> automatically openable vent (AOV) is also proposed to be fitted at the upper level of the front escape stairs. There are no other bedrooms located at this location as all other rooms are located in the bedroom wing extension completed in the 1990s and which it is stated are unchanged from the previously granted fire safety certificates.



It is the BCA's contention that the DoE Guide to Fire Precautions in Existing hotels is relevant and the definition of a protected route in that guidance document is defined as *"a route including a stairway and any escape passageway leading therefrom to a final exit, enclosed by fire resisting construction (other than any part which is an external wall of a building)"*. I note that this guide was published by the then Department of the Environment (DoE) in 1989 as an advisory document for existing hotels and similar premises, recognising the then primary legislation for fire safety was the Fire Safety Act 1981.

Section 4.4.2 of the document is further relevant in that it recognises that it may be undesirable or impractical to enclose a main or feature stairs and provides guidance in that situation which include:

- Separate stairs from upper floors by providing fire resisting construction.
- Avoid bedrooms opening direct to the stairs.
- Provide suitable alternative means of escape.
- Provide ventilation to stairs.

In the response to the BCAs response to the grounds of the appeal, the applicant has clarified that each of the aforementioned provisions under Section 4.4.2 of the DoE document are met.

The applicant also highlights Condition No.2 of the current Regularisation certificate which requires the upgrading of the section of corridor at first floor level to a protected corridor if there is another bedroom to be located at this level. It is submitted that there is another bedroom served by this corridor and that Condition No.2 will be implemented. Accordingly, the issue raised by the BCA in their response to the grounds of the appeal, whereby the BCA contends that the alternative escape from the bedroom is not served by a protected corridor, is considered no longer relevant by the applicant.

I concur with the applicant that it will be necessary to implement Condition No.2 which clearly hasn't been appealed. I am satisfied based on my inspection that this is achievable. In that context, a protected corridor would be provided to serve the second bedroom from the first floor and this would in my view fully address this aspect of the reasoning behind the attachment of Condition No.6 submitted in response to the grounds of the appeal.

Overall, I concur with the first party who submit that the existing escape routes have not changed as a result of the material alterations and that no new or greater contravention to the existing safety standard has occurred

as a result. I consider that occupants of the hotel would not be exposed to a greater risk of fire, having regard to the hotel (a protected structure) being in place prior to the coming into force of the Building Regulations and also the previous grant of FSCs for work carried out in the 1990s. While accepting that it would be desirable to provide a protected corridor by enclosing the lobby area in 30 minute fire resisting construction, I am cognisant that Fire Safety legislation cannot be applied retrospectively in the Irish context and measures in a building do not have to be upgraded to comply with current building regulations.

It is important to also note that the building is an existing hotel which is a protected structure. TGD:B recognises that the adoption of the guidance in its strictest sense may not be appropriate in all circumstances, stating: *'Buildings of architectural or historic interest are especially likely to give rise to such circumstances'*. (TGD: P.2 Existing Buildings). TGD:B also recognises that existing buildings may present constraints which would not exist in new buildings and that variations of the provisions set out in TGD:B may be appropriate. (Section 0.1.5 TGD:2006 – Existing Buildings).

In conclusion, I am satisfied that the material alterations carried out do not reduce the standard of safety which existed prior to the carrying out of the material alterations either in and around the front escape stairs or the wider hotel premises. I consider that no new or greater contravention of the existing fire safety occurs in the hotel as a direct result of the material alterations. There is no statutory requirement to comply with Part B of the Building Regulations to upgrade the lobby area to provide a protected corridor when no new or greater contravention of the existing fire safety standards has resulted. I also consider that the issues raised by the BCA and the responses provided by the applicant during the regularisation certificate assessment serve to improve the fire safety standards of the hotel, primarily in terms of improving means of escape. I consider these added measures would increase the safety of occupants of the hotel in the event of a fire.

Based on the conclusions of my assessment above, I consider that Condition No.6 should be removed.

## **10.0 CONCLUSIONS AND RECOMMENDATION**

I recommend that the Building Control Authority should be directed to remove Condition No.6 from the Regularisation certificate application.

## REASONS AND CONSIDERATIONS

Having considered the submissions made with the Regularisation Certificate application and the appeal, the extent and nature of the material alterations carried out and the form and layout of the existing building, the Board considers that no new or greater contravention of the Building Regulations arises as a direct result of the material alterations in this instance and, therefore, condition No.6 is not necessary to achieve compliance with the requirements of Part B1 (Means of Escape in Case of Fire) of the Second Schedule of the Building Regulations 1997-2014. The Board consider that the appeal against condition No.6 should be upheld.

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Patricia Calleary  
Senior Planning Inspector  
18 May 2016

### **Appendix:**

Extract from TGD: B: 2006

Extracts from DoE Guide to Fire Precautions in existing hotels, guesthouses and similar premises.