

Report to An Bord Pleanála

on

Appeal against Conditions No's 1 and 2

on

Regularisation Certificate (Reg Ref No. FS/16/23R)

by

Donegal County Council

for

**Alterations to Internal layout of Old school Layout to new
Playgroup Layout**

at

Drumcabit, Malin, Lifford P.O., Co Donegal

CLIENT	:	AN BORD PLEANALA
AN BORD PLEANALA REF NO	:	FG05G.FG0171
BCA REF No.	:	FS/16/23R
OUR REF.	:	17001_ FG05G.FG0171
DATE	:	10 November 2017

1.0 Introduction

1.1 Subject Matter of Appeal

This report sets out my findings and recommendations on the appeal submitted by Doherty Building Surveying [hereafter referenced as DBS] on behalf of their Client, Mr Gerard Mc Laughlin, against Conditions No's 1 and 2 attached to the Regularization Certificate (BCA Reg. Reference No. FS/16/23R) granted by Donegal County Council [hereafter referenced as DCC] in respect of an application identified in the Grant of Certificate as follows:

Alterations to Internal layout of Old school Layout to new Playgroup Layout

It is noted that the premises comprises a single storey building accommodating a single classroom, playroom and some small ancillary rooms.

The conditions being appealed are as follows:

Condition 1

To acknowledge the age profile of occupants, prevent an over reliance on the common escape route at ground floor level and generally to expedite escape in the event of emergency, direct exits should be provided from both the "Play Room" and "Class Room" areas

Condition 2

Both entrance doors should be hung to open in the direction of escape in accordance with Clause 1.4.3.3 of Technical Guidance Document B

Reason: To ameliorate fire safety aspects

Having reviewed the documents on the appeal file I am satisfied that the determination by the Board of this application as if it had been made the Board in the first instance would not be warranted. Accordingly I consider that it would be appropriate to use the provisions on Article 40(2) of the Building Control Regulations 1997-2015 in this instance.

1.2 Documents Reviewed

1.2.1 Fire Safety Certificate Application and Supporting Documentation submitted by DBS on behalf of their Client

1.2.2 Appeal submission to An Bord Pleanala by DBS dated 22.06.2017.

1.2.3 DCC Fire Officer recommendation dated 10.05.2017.

2.0 Condition 1

“To acknowledge the age profile of occupants, prevent an over reliance on the common escape route at ground floor level and generally to expedite escape in the event of emergency, direct exits should be provided from both the “Play Room” and “Class Room” areas”

DBS contend that this requirement is unwarranted and exceeds the requirements of Technical Guidance Document B which formed the basis for compliance in their FSC submission.

I have reviewed TGD-B and note that the threshold set in TGD-B for rooms served by single exits is 50 persons which it is noted is far in excess of the population identified in the FSC application for the 2 rooms in question i.e. 14 persons each.

It is possible that the Fire Officers may have had regard to the Guide published by the Department of Environment and Local Government in 1999 titled *“Fire-Safety-In-Preschools”*. This guide recommends, in Section 3.3.3, that an alternative exit be provided from rooms in which the travel distance exceeds 18m for “active children” (which threshold is not exceeded in this instance) or in instances where the number of children in any room/area exceeds 20. Again the latter threshold is not exceeded in this instance i.e. 14 children per room

Furthermore it is noted that the corridor in this instance is being treated as a *“protected corridor”* (i.e. enclosed with fire rated walls and fire rated doors) thus protecting the common means of escape to a standard in excess of TGD-B requirements.

Accordingly I conclude that the condition is not warranted and should be removed

2.0 Condition 2

“Both entrance doors should be hung to open in the direction of escape in accordance with Clause 1.4.3.3 of Technical Guidance Document B”

DBS contend that this requirement is unwarranted and exceeds the requirements of Technical Guidance Document B – in this regard DBS note that the threshold for outward opening doors in 1.4.3.3 of TGD-B is 60 persons in the case of school classrooms and therefore in this instance, where the entire building population is taken to be 28 persons, DBS contend that the final exit doors can open inwards.

I have also reviewed the requirements of the Department of Environment and Local Government publication *“Fire-Safety-In-Preschools”* in this regard and find there to be no specific threshold set for the direction of opening of doors on escape routes.

Accordingly I concur with the DBS position that the condition is unwarranted.

3.0 Recommendations

Having considered the submissions made I consider that the BCA should be directed to remove Conditions 1 and 2 from the Regularisation Certificate

MAURICE JOHNSON

Managing Director | Chartered Engineer | BE(Hons), CEng., MStructE, MIEI, MSFPE

Date : _____