

Report for An Bord Pleanala

on

**Appeal against Condition 6 to Fire Safety Certificate
(FSC2313/17/7D)**

for

New Medical Surgery Building (single storey)

at

Site to Rear of 115 Morehampton Road, Donnybrook, Dublin 4

Client: An Bord Pleanala
An Bord Pleanala Ref: 29B.FS0568
Our Ref: ABP_R001_Issue 2
Date: 13th November 2017

1.0 Introduction

This report sets out my findings and recommendations on the appeal submitted by O’Dea and Moore Architects, on behalf of their client Dr Ian O’Grady against Condition 6 to Fire Safety Certificate (FSC2313/17/7D) by Dublin City Council in respect of an application for works related to the proposed New Medical Surgery Building (single storey) on the site to the rear of 115 Morehampton Road, Donnybrook, Dublin 4.

It is noted that having regard to the nature of the Conditions under appeal, it is considered that the appeal can be adjudicated upon without consideration of the entire of the application.

1.1 Subject of Appeal

Condition 6 of the Fire Safety Certificate (FSC2313/17) granted by Dublin City Council is as follows: -

Condition 6:

The final exit doors shall be free from impeding fastenings and be ideally fitted with panic bolts complying with IS EN 1125 2008 and shall open in the direction of escape or be held open at all material times.

Reason:

To comply with Part B1 of the Second Schedule of the Building Regulations, 1997 to 2017.

2.0 Documentation Reviewed

- 2.1 Fire Safety Certificate (7 Day Notice) Application (application form, compliance report and fire safety drawings) submitted by O’Dea and Moore Architects on behalf of Dr Ian O’Grady on 9th February 2017.
- 2.2 Report on Assessment of Fire Safety Certificate Application by Mr Keith Brunkard, Senior Executive Fire Prevention Officer recommending that a Fire Safety Certificate is granted with 6 conditions attached dated 12th July 2017.
- 2.3 Granted Fire Safety Certificate No. FSC2313/17/7D from Dublin City Council dated 12th July 2017.
- 2.4 Letter of Appeal from O’Dea and Moore Architects received by An Bord Pleanála on 4th August 2017, with following attached: -
 - copy of Fire Safety Certificate granted document with conditions 1-6
 - copy of Drawing ‘Appeal 1’ showing compliance with Condition 5
- 2.5 Fire Officer’s report on Fire Safety Certificate Appeal dated 15th August 2017 to An Bord Pleanála giving comments in relation to Condition 6.

3.0 Building Control Authority's Case

The decision of the Building Control Authority to impose Condition 6 is on the following basis: -

- 3.1 The final and most likely means of escape from the premises shall not offer any impediment to escape, thus it was felt the condition was necessary.
- 3.2 This is consistent with legislation.

4.0 Appellant's Case

The appellant's case for removing Condition 6 is as follows: -

- 4.1 The appellants proposal was for the main entrance / exit door to open inwards and to be free from fastenings (an electric magnetic lock would control access, but would be connected to the fire alarm to ensure that it would open freely in a fire).
- 4.2 The appellant request that they are allowed keep the door inward opening without any holding devises or panic bolts.
- 4.3 The total occupancy of the building is 19 as set out on page 2 of their compliance report. Section 1.4.3.3 of TGD-B 2006 states in relation to the direction of opening of escape doors that 'in the case of small rooms or buildings, this may not be practical or indeed necessary ... but must always be hung to open in the direction of escape ... in the case of any other premises if more than 50 people are expected to use them'.

Therefore, the building could have up to 50 people and the door could still open inwards, accordingly the appellant considers the condition 6 to be inappropriate.

4.0 Consideration

There are two parts to Condition 6: -

- *The final exit doors shall be free from impeding fastenings and be ideally fitted with panic bolts complying with IS EN 1125 2008.*
- *The final exit doors shall open in the direction of escape or be held open at all material times.*

Section 1.4.3.2 of TGD-B 2006 states the following: -

1.4.3.2 Door fastenings - In general, doors on escape routes, whether or not the doors are fire doors, should either not be fitted with lock, latch or bolt fastenings, or they should only be fitted with simple fastenings that can be readily operated in the direction of escape without the use of a key.

The appellant does not propose to fit the final exit with a latch or bolt fastening, however an electromagnetic lock is proposed. It is noted that use of these devices are wide spread. As a precaution the device should be failsafe open and a Green Break Glass Unit should be provided to provide an override in the event the Fire Detection and Alarm system fails to open the door. Any electrically controlled locking system should be installed in compliance with BS 7273-4 'Code of Practice for the operation of fire protection measures. Actuation of release mechanisms for doors'.

Section 1.4.3.3 of TGD-B 2006 states the following: -

1.4.3.3 Direction of opening - Doors on escape routes should be hung so that they open in the direction of escape. In the case of small rooms or buildings, this may not be practical or indeed necessary, but in the following situations doors on escape routes must always be hung to open in the direction of escape:

- (a) from a place of special fire risk, or
- (b) in the case of premises comprising an industrial, storage or assembly and recreation use if more than 20 people are expected to use them, or
- (c) in the case of any other premises if more than 50 people are expected to use them.

The proposed building is neither a place of special fire risk or a premises comprising an industrial, storage or assembly and recreation use, therefore, clause (c) is the appropriate clause. Therefore as the occupancy is less than 50 persons the exit can open inwards (i.e. against the direction of escape).

It is noted that this very clear and the Building Control have offered no reasons as to why their view is 'consistent with legislation'.

6.0 Recommendation

On the basis of my findings and conclusions I recommend that An Bord Pleanála should direct the Building Control Authority to replace Condition 6 with the following: -

Condition 6:

The electromagnetic lock provide on the final exit shall be failsafe open and be provided with a manual override (i.e. Green Break Glass Unit). The lock shall be installed in compliance with BS 7273-4 'Code of Practice for the operation of fire protection measures. Actuation of release mechanisms for doors'.

Reason:

To comply with Part B1 of the Second Schedule of the Building Regulations, 1997 to 2017.

Signed by:

Des Fortune.

MSc(Fire Eng), BSc(Eng), CEng MIEI, MIFireE

Date: **13th November 2017**