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Report 3412

An Bord Pleanála Appeal regarding the attachment of Condition by Donegal County Council to grant of Fire Safety Certificate for proposed refurbishment and change of use of existing four storey army barracks for use as a function venue with guest accommodation at Rockhill House, Letterkenny, Co. Donegal.

Client: An Bord Pleanála,
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BUILDING CONTROL ACT, 1990 – APPEAL

**FIRE SAFETY CERTIFICATE APPLICATION
FOR PROPOSED REFURBISHMENT AND CHANGE OF USE OF EXISTING
FOUR STOREY ARMY BARRACKS FOR USE AS A FUNCTION VENUE WITH
GUEST ACCOMMODATION AT ROCKHILL HOUSE, LETTERKENNY, CO.
DONEGAL.**

**APPEAL AGAINST THE ATTACHMENT OF CONDITION NO. 5
TO FIRE SAFETY CERTIFICATE (REF. 16/67) ON 4th AUGUST 2017**

AN BORD PLEANÁLA APPEAL REFERENCE 05G.FS0570

Local Authority: Donegal County Council

Appellant: Rockhill House Estate Limited c/o Jeremy Gardner Associates

RECOMMENDATION

In my opinion, the Board may rely on Article 40(2) of the Building Control Regulations and consider the subject appeal on the basis of Conditions only. It is recommended that this appeal be upheld. Subject Condition No. 5 as attached to the Fire Safety Certificate granted by Donegal County Council (under Reference 16/67) on 4th August 2017 should be removed.

The remaining 6 no. Conditions (Conditions No.'s 1, 2, 3, 4, 6 and 7) attached to the granted Fire Safety Certificate are not subject of this appeal and should remain. The granted Fire Safety Certificate should therefore be subject of 6 no. Conditions.

Dr. Raymond J Connolly

BE, PhD, CEng, MIEI, MIFireE, MSFPE

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1. RELEVANT INFORMATION

- i. Application for Fire Safety Certificate by Rockhill House Estate Limited to Donegal County Council dated 11th May 2016.
- ii. Compliance Report ZG/371/R1 Issue 3 (dated 16th June 2017) by Jeremy Gardner Associates and associated drawings. Previous versions of report and drawings dating from May 2016 also reviewed.
- iii. Letter of additional information from Jeremy Gardner Associates on behalf of Rockhill House Estate Limited to Donegal County Council dated 30th March 2017.
- iv. Letter from Donegal County Council requesting additional information to Jeremy Gardner Associates dated 10th April 2017.
- v. Letter of additional information from Jeremy Gardner Associates on behalf of Rockhill House Estate Limited to Donegal County Council dated 25th April 2017.
- vi. Letter from Donegal County Council requesting additional information to Jeremy Gardner Associates dated 16th May 2017.
- vii. Letter of additional information from Jeremy Gardner Associates on behalf of Rockhill House Estate Limited to Donegal County Council dated 21st June 2017.
- viii. Letter from Donegal County Council requesting additional information to Jeremy Gardner Associates dated 10th July 2017.
- ix. Letter of additional information from Vincent Hannon Architects on behalf of Rockhill House Estate Limited to Donegal County Council dated 19th July 2017.
- x. Fire Safety Certificate (FS/16/67) granted by Donegal County Council issued on 4th August 2017 (subject of 7 no. Conditions).
- xi. Letter of appeal from Jeremy Gardner Associates on behalf of Rockhill House Estate Limited to An Bord Pleanála dated 1st December 2017.

2. BACKGROUND

Jeremy Gardner Associates on behalf of Rockhill House Estate Limited made an application to Donegal County Council for a Fire Safety Certificate for proposed refurbishment and change of use of existing four storey army barracks for use as a function venue with guest accommodation at Rockhill House, Letterkenny, Co. Donegal. The Fire Safety Certificate was granted by Donegal County Council (under Reference 16/67 on 4th August 2017 subject of 7 no. Conditions including *inter-alia*:-

Condition No. 5

Within the enclosure of the protected escape Stair 2 the cloaks cupboards at Lower Ground Floor level and Ground Floor level and the Linen Room at Second Floor level should be omitted and removed from the design layout in accordance with Clause 1.3.6.5 of Technical Guidance Document Part B, 2006.

Reason:

To ameliorate fire safety aspects.

On 1st September 2017, Jeremy Gardner Associates on behalf of Rockhill House Estate Limited appealed to An Bord Pleanála against the attachment of Condition No. 5 to the Fire Safety Certificate. The residual Conditions (Conditions No.'s 1, 2, 3, 4, 6 and 7) are not subject of the current appeal.

3. REPRISE OF APPEAL (AS PRESENTED)

The subject works comprise the refurbishment and change of use of existing four storey army barracks for use as a function venue with guest accommodation. The existing building is stated as being a listed structure and is proposed to be modified to comprise lounge, dining and ancillary facilities at lower ground and ground floor levels, with 19 no. residential bedrooms at first and second floor levels.

The appellant argues that Clause 1.3.6.5(c) of technical Guidance Document B (2006) permits cupboards enclosed in fire-resisting construction within protected stairs in buildings that include not less than a single escape stairway. The proposed cupboards are less than 5 m² in area and are located within the stairways on lower ground, ground and second floor levels. The cupboards are to be used for the storage of linen and cloaks and are to be enclosed in 30 minutes fire-resisting construction and to be fitted with self-closing fire-resisting doorsets (stated to be locked shut when not in use).

The appellant rejects the assertion that the cupboards comprise rooms in the context of Building Regulation B1. The appellant compares the risk arising from the cupboards favourably with the equivalent risk from inclusion of a 10m² open reception desk - as would be permitted to be included within the stairway by Clause 1.3.6.5(c). The risk also compares favourably to the risk from a fire in the lower ground floor lounge which also opens directly via a single fire door into the stairway.

The provision of dedicated fire-resisting storage cupboard is stated by the appellant to reduce the risk of casual storage of combustible materials within the stair enclosure.

The compliance of the design with Clause 1.3.6.5(c) of Technical Guidance Document B is also in line with guidance contained in Clause 17.6 of BS999 and Clause 4.38 of Approved Document B (England and Wales).

The loss of tenability within stair 2 due to a fire involving one of the subject cupboards will not cause persons within any location or level of the building to become trapped. All locations have alternative escape routes that are independent of stairway 2. These routes are adequate in size and number to serve the anticipated occupant demand.

The Fire Authority does not offer any comment regarding the appeal.

4. CONSIDERATION

The appeal may be considered as presented and no new issues arise as would demand a *de novo* consideration.

The subject stairway no. 2 serves second floor bedrooms, first floor bedrooms, ground level meeting room and lounge and exits at lower ground level, where the stair also serves as an alternative exit from the main function room areas. In all instances the stair offers an alternative exit route as opposed to the sole or single exit route. Accordingly, the provisions of Clause 1.3.6.5(c) of Technical Guidance Document B (2006) offer appropriate design guidance including that "*cupboards enclosed with fire-resisting construction may also be included in such a protected stairway*". It is noted that the guidance relates to cupboards in the plural without restriction.

It is observed from the project drawings that the subject cupboards do not obstruct the clear escape route within the stairway to less than the appropriate 1200 mm stated clear width incorporated in the design. It is further noted that Appendices A1 and B1 of Technical Guidance Document B would offer a reasonable basis for determining the appropriate fire resistance rating required of the walls to be 30 minutes with FD30S fire doors. The appellant's undertaking to provide both self-closing devices and locks to all cupboards is noted. The requirements for fire safety signage outlined in Appendix B of Technical Guidance Document B are also relevant in this regard.

The basis of the appeal is valid and the appeal should be upheld.

5. CONCLUSION

In my opinion, the Board may rely on Article 40(2) of the Building Control Regulations and consider the subject appeal on the basis of Conditions only.

It is recommended that this appeal be upheld. Subject Condition No. 5 as attached to the Fire Safety Certificate granted by Donegal County Council (under Reference 16/67) on 4th August 2017 should be removed.

The remaining 6 no. Conditions (Conditions No.'s 1, 2, 3, 4, 6 and 7) attached to the granted Fire Safety Certificate are not subject of this appeal and should remain. The granted Fire Safety Certificate should therefore be subject of 6 no. Conditions.

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