



An
Bord
Pleanála

Board Order
ABP-316907-23

Building Control Acts 1990 to 2014

Building Control Authority: Fingal County Council

Building Control Authority Register Reference Number: FSC/087/23

Appeal by Kevin Beary care of Eamon O'Boyle and Associates of 51 Cullenswood Road, The Triangle, Ranelagh, Dublin in relation to the decision made on the 17th day of April, 2023 by Fingal County Council to grant subject to conditions a fire safety certificate under section 6 (2)(a)(ii) of the Building Control Act, 1990, as amended by section 5(a) of the Building Control Act 2007 in respect of construction of nursing home at Church Road and the Broadmeadow River, Rowlestown Drive, Rowlestown, County Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to condition number 3 attached to the decision of the Building Control Authority:

AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the said condition, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act 1990 and by Article 40 (2) of the Building Control Regulations, 1997, and based on the reasons and considerations set out below, hereby directs the said authority to amend the said condition number 3 and the reason therefor to read as follows:

3. (a) Provide self-closing devices for bedroom fire door sets or equal equivalent (free swing closers or carefree plus closer or similar), and
- (b) provide smoke activated fire resisting dampers for ventilation ductwork in addition to being thermally activated where the ductwork penetrates compartment construction or fire resisting construction.

Reason: To comply with the provisions of Part B1 of the Second of the Building Regulations 1997, as amended.

Reasons and Considerations

Having regard to the presented design, to the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and to the report and recommendation of the reporting Inspector, it is considered that it has been demonstrated by the appellant that the inclusion of sprinklers is not a requirement that is necessary to demonstrate compliance with Technical Guidance Document B - Fire Safety (2006, reprinted 2022). Accordingly, the works proposed would, if otherwise carried out in accordance with the design (including the requirements of Parts 2 and 3 of condition number three), achieve an adequate level of fire safety that would comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997, as amended and there is no remaining justification or need for the attachment of Part 1 (a or b) of condition number three attached by the Building Control Authority.



Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 21st day of January 2025.