

## **Building Regulations (Northern Ireland) 2000 (as amended)**

### **Appeal against a Rejection of Plans**

The following is a summary of the Department's determination of an appeal against a rejection of plans made under Article 17 of the Building Regulations (Northern Ireland) Order 1979 (as amended).

### **Appeal AP19/11 – Regulation H3 (Stairs, ladders, ramps and landings) as applied by Regulation A7 (Application to alterations and extensions)**

#### **The proposed works**

The appellant is proposing to alter the existing entrance and provide a new stair to the balcony area of a public building.

#### **The council's decision**

In relation to the appeal issue, the District Council's Notice of Rejection 1<sup>st</sup> December 2011 explains that its decision was based on a contravention of Part H of the Building Regulations (NI) 2000 (as amended). The District Council determined that the building fails to satisfy regulation H3 Stairs, ladders, ramps and landings, namely –

*“Provide landing to bottom of staircase to comply with section 2.34.  
The number of risers exceed allowable, see section 2.34.”*

#### **The appellant's grounds for the appeal**

The appeal outlined the grounds to support the case. The appeal noted that –

“The maximum achievable standard that can be met is –

- The maximum landing achievable at the bottom of the stairs from the last nosing to the edge of the door jamb is 560 mm (scaled from the plans as 350 mm).
- The minimum number of risers required to achieve transfer from ground floor to balcony is 16.

The reasons why the regulations standard cannot be met –

- existing 1800's Grade B2 listed building
- previous proposal for front extension rejected by NIEA; all works to be carried out within the shell of the building
- new stair located due to the restricted nature of the building
- there is restricted width between entrance doors
- the proposals require the removal of two rows of seating
- existing stair is dilapidated and unsafe

The letter also pointed out that under Article 3A of the Building Regulations (NI) Order the District Council must take into account that the building is listed when accessing proposals.

HBU (part of the NIEA) have accessed the current proposals and accepted them.

The proposed stair –

- will be used by low numbers of able bodied people
- people with an ailment or disability can use the ground floor
- the width of the stairs is related to the number of people it serves
- stairs will be used by people who are familiar with the building
- the short landing at the bottom of the stair is a management issue, when the public building is open the doors can be attended and held in the open position

### **Regulation H3 Stairs, ladders, ramps and landings**

Regulation H3, as applied in the circumstances of the work by Regulation A7, states –  
*A stair, ladder and a ramp and its landings, shall offer reasonable safety to people using them to move between—*

*(a) levels within the building; and*

*(b) an entrance or exit of the building and the general ground level immediately outside that entrance or exit.*

### **Department's consideration of the appeal**

In coming to a decision on this appeal, the Department considered –

- the application of regulation A7 (Application to alterations and extensions)– therefore the application of Part H to the proposals;
- the case submitted by the appellant;
- the plans indicating the development proposals;

### **Conclusion**

The plans were deficient of evidence of any limitations placed on the development by the Northern Ireland Environment Agency.

In relation to the length of the landing at the bottom of the stair, the plans demonstrated that a landing with a length of 350 mm does not meet the provision of reasonable safety as required by regulation H3.

In relation to the number of rises in the single flight of the stair, the plans were deficient in that they did not contain adequate information to determine if the requirements of regulation H3 has been satisfied.

### **Decision**

The detailed examination of the plans and consideration of this case determined that –

- in relation to the length of the landing at the bottom of the stair, the plans demonstrate that a landing with a length of 350 mm does not meet the provision of reasonable safety as required by regulation H3; and
- in relation to the number of rises in the single flight of stairs, the plans are deficient in that they do not contain sufficient information to determine if the requirements of regulation H3 has been satisfied.