

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 AP07/09 – Regulation R2: Access and use (specifically provision of a lift)

The proposed work

The appellant is proposing to extend an existing office building to provide two independent office units.

The drawings show that after completion each office unit will consist of –

Ground floor – office area and toilet accommodation

First floor – storage

Regulation R2 Access and use

Regulation R2, as applied in the circumstances of the work by Regulation A7: Application to alterations and extensions, states –

Reasonable provision shall be made for people to have access to, into, within and to use a building and its facilities:

Provided that in a dwelling this requirement shall be limited to the entrance storey or, where that storey contains no habitable room, to the principal storey.

The council's decision

The district council rejected the plans as, in their opinion, the submission did not demonstrate that the requirements of regulation R2 were satisfied. The Council's Notice of rejection of plans stated "A suitable passenger lift is required to facilitate access to the storey(s) above (and below) the principal entrance storey."

The appellant's grounds for the appeal

The appellant, to support the case that the proposals meet the requirements of Regulation R2, provided the following information -

- The raised tie roof detail would restrict height to the perimeter walls on both sides of the storage area allowing only the central area for operation
- The central area on the ground floor would not allow the lift car and required manoeuvring space plus desks and stairs etc to give unrestricted travel distance to external doors
- The ground floor envisaged requirement is for 2no. persons per unit
- upper area is for storage only

- the ground floor area is to be suitable for wheelchair accessible use, including GF toilets

Department's consideration of the appeal

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

- the application of Regulation A7 (Application to extensions and alterations) – therefore the application of Part R to the proposals
- the cases submitted by both the district council and the appellant
- the plans indicating the development proposals

Conclusion

Regulation R2 requires reasonable provision for people to have access to, into, within and to use a building and its facilities. The regulation is focused on all people and not solely disabled people.

- There are physical site restrictions associated with the external provision of a lifting device
- Space within each of the proposed units is limited
- Providing a lifting device may spatially reduce the output potential of the building
- There is no apparent disadvantage to members of the public in the use of this building
- The anticipated frequency of use of a lifting device, if installed within the circumstances of this building, will be negligible
- There are no apparent practical difficulties associated with the provision of a lifting device
- A member of staff who has a mobility difficulty, either temporary or permanent, may be disadvantaged in his/her use of the upper floor area if a lifting device is not installed
- By installing a lifting device in this building there will be limited benefits to the staff/others requiring access

Decision

The detailed examination and consideration of this case has established that vertical circulation within the building by means of a stair satisfies the requirements of Regulation R2.