

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 AP17/10 – Regulation R2 (Access and use) as applied by Regulation A7 (Application to alterations and extensions)

The proposed works

The appellant is proposing to extend an existing office building.

The council's decision

In relation to the appeal issue, the District Council's Notice of Rejection dated 3rd September 2010 explains that its decision is based on a contravention of Part R of the Building Regulations (NI) 2000 (as amended). It determined that the proposed works would contravene the Building Regulations as follows –

“Part R Access and use

A suitable passenger lift is required to facilitate access to the storeys above the principal entrance storey.”

The appellant's grounds for the appeal

The following grounds for appeal are extracted from –

the appellant's letter of appeal –

“this proposal (to provide a suitable passenger lift) is contrary to the (the company) principle of low energy consumption...”

the appellant's Accessibility statement –

“The extension proposed is required to be larger than the original office building, accommodating an additional 40 staff.

We have made the deliberate decision to provide all primary accommodation and facilities at ground level.

In this particular case we have been constrained by both the size of the site and the need to provide accommodation for our growing staff.we have ensured that there is no public access on the upper floors... We have provided stairs which are of ambulant disabled standard....”

Regulation R2 Access and use

Regulation R2, as applied in the circumstances of the work by Regulation A7, 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.

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 R to the proposals);
- the case submitted by 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.

In the circumstances of this case which are –

- this is a substantial extension to an existing building
- there are no practical difficulties or internal space restrictions with the provision of a lifting device.
- Providing a lifting device will not spatially reduce the output potential of the building.
- By installing a lifting device in this building there will be benefits to the staff/others requiring access.

Decision

The detailed examination of the plans and consideration of this case determined that the drawings failed to demonstrate that reasonable provision for people to have access within a building (specifically vertical circulation) had been made.