

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 AP06/09 – Regulation R2: Access and use (specifically provision of a lift)

The proposed work

The appellant is proposing to fit-out an existing industrial type building including the installation of an upper (mezzanine) floor.

The drawings show that the building, after completion, will be an industrial unit; the main purpose of which is storage (warehouse). The building will consist of –

Ground floor – storage, sales, reception, and toilets

First floor – offices, meeting/board room, kitchen, and 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 requested specification for a wheelchair accessible lift.

The appellant's grounds for the appeal

The appellant, in support of the appeal, provided the following information -

- small family business
- two full time staff with "freelance" staff as and when required
- 90% of time spent away from premises
- staff, by the nature of the work, must be able bodied
- currently no office staff are employed

- provision for a future lift is made however, its location could raise safety issues
- if the lift cannot be used in the case of a fire how does a disabled person escape when on their own in the premises
- disabled facilities are provided on the ground floor including additional catering facilities
- in the current financial climate £15K to £20K will put a strain on our finances

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 submitted plans and the appellant's Access Statement

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 no obvious external or internal physical site restrictions or practical difficulties associated with the provision of a lifting device.

Providing a lifting device will not spatially reduce the output potential of the building.

A member of the public may be disadvantaged in using the building by being excluded from the meeting room/board room on the first floor if a lifting device is not provided.

By installing a lifting device in this building there will be limited benefits to the staff/others (who are not members of the public) requiring access.

Decision

As the plans demonstrate the possibility of public access to the first floor then vertical circulation to this storey by a stair cannot be considered a reasonable provision for access to meet the requirements of Regulation R2.

The Department therefore upholds the decision of the district council to reject the plans.