

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 AP18/10 – Regulation R2 (Access and use) as applied by Regulation A7 (Application to alterations and extensions)

The proposed works

The appellant is proposing to fit-out an existing building and includes the provision of a mezzanine floor.

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 - Provide passenger lift.”

The appellant's grounds for the appeal

The appeal outlined the grounds to support the case that the proposals meet the requirements of Regulation R2. The appeal noted that –

- the ground floor is approximately 933 m² and contains public retailing space, stockroom and ancillary accommodation
- a mezzanine floor has been provided ... this floor has a gross area of 240 m²
- access to the mezzanine level initially will be provided by a stair
- members of the public and customers will not have access to the mezzanine level
- only staff will be permitted access to the upper level
- generally there will be two people employed on the mezzanine level and the maximum number of people on the mezzanine level at any one time is estimated to be 10
- the client ensures that any new stores are designed to allow for adaptation should a lifting device be required at a later date
- Acceptance of similar schemes in other district council areas

The appellant notes that the mezzanine floor will be trimmed out to accommodate the future installation of a lifting device.

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.

Presently, there is no requirement in Part R to make future provision for access. Regulation R2 (Access and use) will be complied with when reasonable provision for access, in this case vertical access within a building, is demonstrated.

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, as all staff accommodation is located on the mezzanine level, there is potential for a member of staff to be disadvantaged in his/her use of the upper floor areas if a stair is the sole means of access to the mezzanine level.

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.