

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 AP022/08 –

- 1. Regulation H3: Stairs ladders, ramps and landings**
- 2. Regulation R2: Access and use**

The proposed work

The appellant is proposing to vertically extend two partially completed single storey buildings. When completed it is proposed that each building will consist of four two storey storage units.

The drawings indicate the overall floor area of each storage unit is –

- for 7 no. units - approximately 96 sq. m., 48 sq. m. of which is at first floor level
- for 1 no. unit - approximately 192 sq. m., 96 sq. m. of which is at first floor level.

1. Part H

Regulation H3: Stairs, ladders, ramps and landings

“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.”*

The council's decision

The Council's Notice of rejection of plans stated -

“Amended and/or additional information requested in letters to show compliance with regulations H3 (stairs between levels within a building – in particular number of rises in flight, height of rise, width of stairs, provision of continuous handrails extending beyond top and bottom of flight and going of landings)”.

The appellant's grounds for the appeal

The appellant, in support of this aspect of the appeal, put forward the following –

“the existing buildings are storage with the first floor slab erected constant with adjacent buildings recently constructed, the installation of stairs ... will substantially reduce the first floor storage area to the detriment of the buildings operational efficiency. Also the stairs will be privately used by the occupant and leads to only a storage area”.

The appellant, as part of the appeal rationale, investigated the provision of stairs whose design follows the standards and methods of Technical Booklet H 2006 (the deemed-to-satisfy route) and concluded that the space requirements was disproportionate to the accommodation provided.

Department's consideration of the appeal

In coming to a decision on this Appeal, the Department considered the cases submitted by both the district council and the appellant and reviewed the development proposals.

Conclusion

In this case the plans contained inadequate and conflicting information and failed to demonstrate that, insofar as it relates to the stair, the proposed works would not contravene Regulation H3.

Decision

As the drawings were defective the Department confirmed the decision of the district council to reject the plans.

2. Part R

Regulation R2: Access and use

“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 Council's Notice of rejection of plans stated -

“R2 (reasonable provision to be made for people to have access within the building – in particular the non-provision of a suitable lift between storeys) of the Building Regulations (NI) 2000 (as amended) has not been received”.

The appellant's grounds for the appeal

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

“the existing buildings are storage with the first floor slab erected constant with adjacent buildings recently constructed, the installation of a lift is an unnecessary inconsistent and unduly onerous. It will substantially reduce the first floor storage area to the detriment of the buildings operational efficiency”.

The appellant, as part of the appeal rationale, investigated the installation of a lifting device and concluded that the space requirements was disproportionate to the accommodation provided.

Department's consideration of the appeal

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

- the cases submitted by both the district council and the appellant and reviewed the development proposals
- the use of the building
- the practical difficulties associated with the provision of a lifting device and how/if that device would affect the proposed accommodation

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 building the Department's view is –

- the installation of a lifting device was disproportionate to the accommodation provided
- No member of the public would be disadvantaged in their use of the building
- By installing a lifting device in this building there would be limited benefits to the staff/others requiring access
- The anticipated frequency of use of a lifting device, if installed within the circumstances of this building, would be negligible

Decision

In relation to vertical access, the drawings demonstrated that there was no contravention of Regulation R2 therefore the Department revoked the decision of the district council to reject the plans.

