

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 AP036/08 –

- 1. Regulation H3: Stairs, ladders, ramps and landings**
- 2. Regulation V3: Transparent glazing**

The proposed work

The appellant is proposing to fit-out two existing shop units as one unit, within an existing building.

The plans show that, on completion, the proposed accommodation will provide sales areas on both the ground floor and the first floor levels.

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 -

“H – Specify handrails to comply with paragraphs 2.35 to 2.40 and Diagram 2.10 of Technical Booklet H, in all respects. NB The square handrail does not comply – amend.”

The appellant's grounds for the appeal

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

- the handrail, as shown on the drawings, is easily gripped, comfortable to touch and provides good forearm support
- the handrail complies with the BS8300 description of a suitable handrail

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 users of the building
- the alternative solutions to the provisions in Technical Booklet H proposed by the appellant

Conclusion

Regulation H3 requires a stair to offer reasonable safety to people using it.

In the circumstances of this building, the Department's view is the handrail that is also the top of the guarding protecting the open side of the stair will not allow for a stair user to form a secure grip around it.

Decision

In relation to the handrail at the top of the guarding protecting the open side of the stair, the drawings demonstrated that there was a contravention of Regulation H3 and therefore the Department confirmed the decision of the district council to reject the plans.

2. Part V

Regulation V3: Transparent glazing

“Transparent glazing, of which people may otherwise be unaware and with which they are likely to collide while in passage in or about a building, shall incorporate features which make it apparent.”

The council's decision

The Council's Notice of rejection of plans stated -

“V3 – Provide permanent manifestation on doors and large uninterrupted areas of transparent glazing to comply with Section 3 of Technical Booklet V (as amended August 2006). Manifestation should be distinguishable through suitable visual contrast from the background seen through the glazing. NB There are two zones of manifestation, between 850 mm – 1000 mm and 1400 mm – 1600 mm above finished floor level. This will be applicable to the glazing to the shop windows. Indicate on Drawings.”

The appellant's grounds for the appeal

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

- specific manifestation is not necessary for the shop windows due to the displays and graphics employed in these areas

- display beds adjacent to the shop front are usually 1500 mm deep with a stud partition back wall
- window displays have stall risers 150 mm high and comprise of a grey ceramic tile
- the stall riser would give a visual warning of where the display bed is thus preventing accidents

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 users of the building

Conclusion

The aim of Regulation V3 is to reduce the risk of collision with transparent glazing and as a consequence reduce the risk of injury to people.

In the circumstances of this building, the Department's view is that the risk of collision with this glazing is as low as is reasonably practicable.

Decision

In relation to the glazing to the shopfronts, the drawings demonstrated that there was no contravention of Regulation V3 and therefore the Department revoked the decision of the district council to reject the plans.

