

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 AP035/08 - Regulation R2: Access and use (specifically provision of suitable access to the upper storey of an industrial unit)

The proposed work

The appellant is proposing to erect a new building. This building will be used as an industrial unit and includes office accommodation.

The plans show that, on completion, the proposed accommodation will provide a workshop, office and staff facilities on the ground floor and a file store on the first floor.

The proposals do not include any means other than by a stair to access the upper floor

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 -

"R. Please provide details of vertical circulation (lift or lifting platform) in proposed office block."

The appellant's grounds for the appeal

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

- "the first floor has only one room, measuring an area of 50.00m²
- the space will be used as file storage
- there will be no occupants working on the first floor
- the storage area will be used by company workforce or those that are familiar with the building
- there is an internal staircase leading to the first floor and an external escape staircase also"

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

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 –

- there are no obvious physical site restrictions associated with the provision of a lifting device
- the installation of a lifting device is not disproportionate to the accommodation provided
- a member of staff who has a mobility difficulty, either temporary or permanent, may be disadvantaged in his/her use of the upper floor area if a lifting device is not installed
- by installing a lifting device in this building there will be some degree of benefit to all staff/others requiring access to the upper floor
- by not installing a lifting device in this building there will be disadvantages in the form of no/limited access to the first floor level for certain staff/others and lost opportunity for “inclusion” at the design stage

Decision

In relation to vertical access, the drawings demonstrated that there was a contravention of Regulation R2 therefore the Department confirmed the decision of the district council to reject the plans.