



BUILDING REGULATIONS

PART R - Access to and use of buildings

Lifting devices in buildings other than dwellings

DEMONSTRATING COMPLIANCE WITH REGULATION R2 TO THE DISTRICT COUNCIL (AND ON APPEAL TO THE DEPARTMENT)

PURPOSE

The purpose of this paper is to remind designers of the matters to consider when designing a building other than a dwelling which is more than one storey high and under Part R, must have reasonable provision for access (including vertical circulation).

The intention is to highlight matters that are relevant to the requirements of Regulation R2 – **not to provide a comprehensive guide to the provision of a lifting device.**

The question that should always be asked is “within the circumstances of my building what is reasonable provision for access”.

This paper considers demonstrating compliance with regulation R2 in two ways:

1. [Following the deemed-to-satisfy provisions given in Technical Booklet R.](#)
2. [Complying by other means.](#)

BACKGROUND

Requirement of Regulation R2 (Access and use)

The requirement of Regulation R2 is for reasonable provision to be made for people to have access to, into, within and to use a building and its facilities.

In line with Government policy this regulation is fully inclusive and embraces all people e.g. wheelchair users, those with mobility difficulties, parents with pushchairs, older people, etc.

Appropriate solutions to vertical access may vary depending on the size, scale, nature and intended use of the building, particularly when applied to existing buildings where constraints of structure and context may make generic solutions impracticable.

Deemed-to-satisfy

The Department has established that the methods and standards given in Technical Booklet R are reasonable levels of provision for the majority of buildings.

Following the provisions of Technical Booklet R (the deemed-to-satisfy route) gives certainty of satisfying the requirements of the Regulations it supports.

The deemed-to-satisfy route is not mandatory (see Regulation A3 of the Building Regulations) and this therefore infers that there may be other ways of satisfying the requirements of the Regulations.

FOLLOWING TECHNICAL BOOKLET R (THE DEEMED-TO-SATISFY ROUTE)

[Technical Booklet R](#)

The deemed-to-satisfy for Regulation R2 is Technical Booklet R: 2006.

Circulation within a building

To facilitate the movement of people, a building should have sufficient space for manoeuvring, convenient ways of travelling from one storey to another and include features that help people move safely and conveniently through it.

The provisions within Technical Booklet R are, in the main, based on spacial planning requirements that allows wheelchair manoeuvre and design features that make it possible for people to travel independently up to, into and within a building and also enjoy the use of the facilities that are in the building.

Paragraph 4.19 of Technical Booklet R states that “Vertical circulation to any storey above or below the principal entrance storey shall be provided by means of a passenger lift ..”. The Technical Booklet relaxes this where the space within a building is severely restricted by site constraints or the installation of a

passenger lift would severely affect the existing accommodation or an existing accessible feature of the building. In these circumstances, the Technical Booklet recognises that a lifting platform, although not equivalent to a passenger lift, may be considered as an alternative option to a passenger lift to provide inter storey access for wheelchair users or people with impaired mobility, either independently or with their companions.

Illustrations

Severely restricted by site constraints

This could include an infill site where the installation of a passenger lift would severely reduce the usable floor area and therefore, a lifting platform may be considered.

Severely affect the existing accommodation

If the space demand of a passenger lift and its associated landings is disproportionate to the existing accommodation then a lifting platform may be considered.

Severely affect an existing accessible feature of the building

If the provision of a passenger lift would impinge on, for example, an accessible corridor, accessible toilet accommodation etc., then a lifting platform may be considered.

Justification for the provision of a lifting platform

When a designer decides that the solution to vertical access, within the circumstances of their application, is the provision of a lifting platform, the designer must justify to the District Council, through reasoned and evidence-based argument, the rationale for its provision in lieu of a passenger lift.

COMPLYING BY OTHER MEANS

The requirement of Regulation R2 is that there shall be reasonable provision for access within the building (this includes vertical circulation). The District Council will judge what is reasonable provision for access based on the circumstances of the individual case, and there may be cases where the provision of any kind of lifting device may not be reasonable.

Justification of access solution by applicant

It is important that designers working outside the deemed-to-satisfy route, demonstrate to the District Council through reasoned and evidence-based argument, that either –

- the solution offered is at least equivalent to the generic solutions of Technical Booklet R
- the circumstances of their building does not allow the full application of the provisions within the Technical Booklet R
- full accessibility is not reasonable within the circumstances of the building

Equivalent solutions

Designers may show that their solution to vertical access is at least equivalent to the generic solutions of Technical Booklet R by demonstrating that all storeys above and below the principal storey are accessible by all people.

Circumstances of building precluding full access

The onus is always on the applicant to justify to the District Council any circumstances which preclude full access. This would best be done in an Access Statement¹. The provision of an Access Statement cannot, in itself, be taken as justification for non-provision of full access but will provide a convenient vehicle by which particular design decisions, that do not follow the provisions of Technical Booklet R, may be reasoned and evidenced thus demonstrating that those design decisions still meet the reasonable provision requirements of the Regulations.

As an indication of the sorts of factors that might be relevant to such a justification, applicants may wish to demonstrate that, for example –

Listed buildings

- the building is listed or otherwise of historical interest and restrictions have been placed on the project by a statutory body
- a statutory body has indicated that the installation of a lifting device will be to the detriment of the character or otherwise of the building

¹ The Disability Rights Commission (DRC) in GB has produced a guide to Access Statements which may be found at [the DRC Website](#)

Site restrictions

- the site is restricted to an extent that the accommodation is severely constrained e.g. facilities would be reduced or already limited space be lost by the installation of a lifting device and would reduce the potential for providing an overall quality service for all people
- the site restrictions impose practical difficulties for providing full access

Proposals for access

- what, if any, alternative solutions to access have been considered
- where the access is existing, what, if any, proposals are there to improve its accessibility

Size/space demand

- the space demand of the lifting device and associated landings and in certain cases, access routes, are disproportionate to the accommodation provided
- alternative locations for a lifting device, to reduce the impact that the provision will have, have been explored

Facilities in the building

- the facilities will be available for use by all people
- no person will be disadvantaged in their use of the facilities provided

Who will use the building

- who the main users of the building will be
- the extent of access the public will have to the building
- members of the public or staff are not disadvantaged in their use of the building

Please note that the above list is by no means exhaustive and demonstrating any, all or a combination of circumstances may not necessarily satisfy the District Council that the circumstances of the building precludes full access.

SUMMARY

In summary, the Department would draw your attention to the following points –

- Following the provisions of Technical Booklet R (the deemed-to-satisfy route) gives certainty of satisfying the requirements of Regulation R2.
- For designers working outside the deemed-to-satisfy route, it is important to show, through convincing, reasoned and evidence-based argument, that the solution offered is appropriate to the circumstances of their building.

OTHER MATTERS TO CONSIDER

Although not part of the scope of this paper the following information may be of benefit to designers –

Building Regulations Appeals

The Building Regulations (NI) Order 1979 currently offers four types of appeal against particular decisions of your district council. In all cases, except on a point of law, the Department is the Appeals Body and our decision is final. More information on appeals may be found on the Department's website at - [Building Regulations - Appeals](#)

Disability Discrimination Act

The Disability Discrimination Act (DDA), and its supporting regulations sets out, amongst other things, a duty for employers and service providers not to discriminate against disabled people.

It is for the applicant to consider any duties he may have under the DDA and determine how his duties under that legislation are to be met. If, in meeting those duties, structural alterations to the building are required, those structural alterations are to meet the requirements of the Building Regulations and are to be detailed on the plans deposited with the district councils.

Future alterations, extensions or material change of use

For a present-day building regulations application, a District Council may consider that the provision of a lifting device is not reasonable given the circumstances of that application. However,

in any future building regulations application made as a consequence of an alteration or extension to, or material change of use of, that building, the District Council will, at that time, consider if those changed circumstances make the installation of a lifting device a reasonable provision to meet the requirements of Regulation R2. The cost of installing a lifting device retrospectively after the initial works have been carried out could raise any primary installation costs by a substantial amount. This could be as a result of consequential alterations to the plan layout if adequate provision for the installation of a lift at a later date, should it be required, is not considered at design stage.

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