

Building Regulations (Northern Ireland) 2000 (as amended)

Appeal against the serving of a contravention notice

The following is a summary of the Department's determination of an appeal against the serving of a contravention notice made under Article 18B of the Building Regulations (Northern Ireland) Order 1979 (as amended).

Appeal AP05/11 – Regulation R2 (Access and use) as applied by Regulation A7 (Application to alterations and extensions)

The work

The work consisted of structural alterations to an existing shop which includes the provision of a new shop front.

The council's decision

The district council, under Article 18 of the Building Regulations (Northern Ireland) Order 1979 (as amended), served a Contravention Notice as it believed that work to which Building Regulations apply, contravened those regulations.

Regulation

Nature of Contravention

R2 Access and use

The regulation requires reasonable provision to be made for people to access the building.

Technical Booklet R suggests that "When manually operated entrance doors are installed, the area immediately in front of the entrance doors, shall be protected from inclement weather."

Neither automatic doors nor a canopy have been installed in conjunction with the new access doors to the shop.

The council contended –

- Access provision does not meet the requirements of regulation R2
- there are two means of complying, provide shelter or automatic doors
- issue was raised at design stage
- the approved plans show automatic door opener

The appellant's grounds for the appeal

The appellants appeal documents do not contain any rationale as to why they believe the work as completed, complies with the requirements of regulation R2.

There is note of conversation and debate with the District Council in relation to the provision and size of weather protection (a canopy) to the principal entrance. Safety concerns in relation to such a canopy were also expressed.

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.

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 grounds submitted by the appellant;
- the Councils' representations;
- the information obtained on site.

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 –

The council had the power to serve the contravention notice as –

1. the work, in relation to the principal entrance, had not been executed in accordance with the approved plans; and
2. the council believed that a contravention of the building regulations existed.

Part R applies to the work through regulation A7 therefore, the work is work to which the Building Regulations apply.

The work, as completed, demonstrates that regulation R2 as applied by regulation A7, has not been complied with.

Decision

The detailed examination of the evidence and consideration of this case determined that reasonable provision for people to have access into a building had not been made.