

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 AP08/10 – H3 Stairs, ladders, ramps and landings

The proposed work

The appellant is proposing to erect a dwelling having more than one storey.

The council's decision

The District Council's Notice of Rejection explained that its decision was based on a contravention of Part H of the Building Regulations (NI) 2000 (as amended). The District Council's reason for rejection is given as follows –

"H3 – The handrail to the wide side of the stair to the second floor does not appear to provide reasonable safety. Technical Booklet H requires a suitable handrail at a height of 900 – 1000 mm above the pitch line of the stair, to the wide side of a flight, which incorporates tapered treads."

In a letter in response to the Department's request for representations, the District Council included the following statement –

"It is the Council's opinion that the lack of a continuous handrail to the flight to the side of greatest going on the tapered treads does not 'offer reasonable safety to people using it...' and that a handrail to the side of the least going is not adequate to provide such safety."

The appellant's grounds for the appeal

The following grounds for appeal are extracted from the appellant's letter–

"We are appealing this decision because we disagree with the point of view that the stair will not be safe and we do not believe that it is necessary to put a handrail on both sides of a stair that is only 600 mm wide. We propose to have one continuous handrail on the outside at 900 mm high and it will be possible to reach and hold this handrail safely from the wider side of the stair."

I have attached the relevant sections of the Scottish Regulations and British Standards which apply to handrails. It would appear from the attached BS 5395-1:2000 that a second handrail would only be required if a minimum width of 800 mm can be maintained. The Scottish regulations also do not require that a handrail is provided to both sides of a stair with winders. The treads on the stair are also very wide and measure 170 mm wide on the narrow side and in our view do not constitute proper winders."

Regulation H3 Stairs, ladders, ramps and landings

Regulation H3, as applied in the circumstances of the work by Regulation A6, states –

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.

Department's consideration of the appeal

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

- the application of regulation A6 (Application to erection of buildings) – therefore the application of Part H to the proposals;
- the cases submitted by both the district council and the appellant;
- the plans indicating the development proposals;
- current standards (published since Technical Booklet H was published)

Conclusion

Stairs by their nature are dangerous hence Regulation H3 requires a stair to offer a reasonable level of safety to people using it. The safety of a stair is determined by a number of factors, for example, a suitably designed (in this case located) handrail can prevent users from losing their balance when on the stair. It can also help users to regain balance in the event of a fall, reducing the severity of the injuries that might result.

In the circumstances of this case and taking into consideration the recommendations of BS5395 Part 1:2010, the private stair serving the attic area coupled with the geometry of the stairs designed well beyond the minimum generic standard, the risk of incident/injury to a person using this stair is no greater with the handrail being located to the stairwell side of the flight as with the handrail being located to the outer side of the flight.

Decision

The detailed examination and consideration of this case determined that, in relation to Regulation H3 as applied by Regulation A6, the plans demonstrated that the proposed stair offers reasonable safety to users.