

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 AP04/10 – Regulation R2 (Access and use) as applied by Regulation A7 (Application to alterations and extensions)

The proposed work

The appellant is proposing to alter and extend a building.

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.

The council's decision

The district council rejected the plans as, in their opinion, the submission did not demonstrate that the requirements of regulation R2 were satisfied. The Council's Notice of rejection of plans stated "Reasonable provision not made for access to first floor extension in accordance with R2."

The appellant's grounds for the appeal

The appellant's letter of appeal outlined the grounds to support the case that the proposals met the requirements of Regulation R2. The grounds are précised as follows –

- The existing building is a three storey mid terrace office building.....
- There are planning restrictions to the front elevation.... The rear and sides of the building are landlocked....
- The application....was for approval to carry out internal alterations to the ground floor, plus extend the ground floor by 11.5 m² to provide universal access to the ground floor facilities. The application also includes a first floor extension of 69.9 m²....to accommodate three new offices.
- The second floor remains unchanged.

- The complete ground floor will become universally accessible....via the existing front door.
- Site restrictions can only facilitate wheelchair access via the existing front entrance door....Consequently, 10% of the ground floor area will be sacrificed to lower the internal floor area....to accommodate an internal wheelchair ramp....The addition of a passenger lift and associated manoeuvring space....would further reduce the ground floor office space by....4%. This would mean that approximately 14% of the ground floor usable office space will be sacrificed and reduce the potential output from the building.
- The staff dining and kitchen facility, and universal sanitary accommodation are all provided on the ground floor. Therefore no member of staff or visitor to the building will be disadvantaged in their use of the building or the facilities provided within the building.
- The layout of the proposed design can readily accommodate any future employee who may require the use of a wheelchair. Those members of staff can be accommodated in the universally accessible ground floor office facilities and will not be disadvantaged in their use of the building or the facilities within the building.

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 cases submitted by both the district council and the appellant;
- the plans indicating 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 proposals for access between storeys is by either of 2 separate stairs –

- stair #1 contains a winder flight. The geometry of this existing stair (scaled from the drawings) suggests that it similar to a private stair found in a dwelling; and
- stair #2 comprises a single straight flight. The geometry of this existing stair (scaled from the drawings) suggests that it similar to a private stair found in a dwelling.

In the circumstances of this case and the application of Part A and Part R, vertical circulation by means of the existing stairs cannot be seen as a reasonable provision for access.

Decision

The detailed examination and consideration of this case has determined that the drawings fail to demonstrate that reasonable provision for access within the building (specifically vertical circulation to the first floor of the extension) has been provided.

