

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 AP05/10 – Regulation E2 (Means of escape) and Regulation R2 (Access and use)

The proposed work

The appellant is proposing to alter and substantially extend an existing two storey building (for building supplies).

The council's decision

The District Council's Notice of Rejection explained that its decision was based on contraventions of Parts E, K, L and R of the Building Regulations (NI) 2000 (as amended). The appeal was only in relation to the Part E and R issues. In this respect the District Council's reasons for rejection are given as follows –

- "Part E – Detail refuge areas at first floor level."
- "Part R – First floor requires lift access – provide details demonstrating compliance with Technical Booklet R, Section 4.19."

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

"Under R2 "Access and use of buildings" and following the guidance given in Technical Booklet R, Section 4.19 requested the appellant to demonstrate compliance."

No further information was given in this letter regarding the Council's decision in respect of Part E and the lack of detail to show the provision of refuges as part of the means of escape from the First Floor Storey.

The appellant's grounds for the appeal

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

"Under Technical Booklet R of the Building Control Regulations Northern Ireland Section 4.19;

"Vertical circulation to any storey above or below the principle entrance shall be provided by means of a passenger lift"

We formally seek formal relaxation of this regulation for the following reasons;

- Access to the first floor storage areas will not be afforded to the general public.
- First floor areas will be used for the storage of building materials only.
- The number of trained staff and employees, who will regularly use the first floor storage area will be less than 20 persons.
- There are ground floor storage and sales areas where, wheelchair bound employees can work.

In addition, we would seek formal relaxation for the need to provide refuge areas to the first floor stairwells if the requirement for a lift is relaxed. On this basis, there will be no wheelchair bound persons using the first floor area.”

The initial letter from the appellant to the Department asked for relaxations. However the appellant clarified by E-mail that an appeal against the rejection of plans was intended.

Regulation E2 (Means of escape)

Regulation E2(c), as applied in the circumstances of the work by Regulation A7, states –

A building shall be so designed and constructed that in the event of a fire there is -

- (d) where appropriate, adequate means of automatic detection;*
- (e) adequate means of giving warning; and*
- (f) adequate means of escape, which can be safely and effectively used at all material times.”*

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 E and Part R to the proposals;
- the cases submitted by both the district council and the appellant;
- the plans indicating the development proposals;

Conclusion

Regulation E2

In this case, regulation E2(c) requires adequate means of escape for all staff using the extension and existing building at first floor level.

The purpose of a refuge is to provide a safe place for disabled people to temporarily await assistance or rest before completing their evacuation. They are intended to be used by people whose abilities or impairments might result in them having difficulty with vertical means of escape. It is important to note that whilst a refuge needs to be of a sufficient size to accommodate a wheelchair it is not just for wheelchair users.

Regulation R2

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 an existing stair. It has not been demonstrated by either the plans or the grounds for appeal, that access to the first floor of the extension using the existing stair, is reasonable to satisfy the requirements of Regulation R2.

Decision

The detailed examination and consideration of this case has determined that –

- in relation to Regulation E2(c), the drawings fail to show adequate means of escape from the First Floor Storey for disabled people; and
- in relation to Regulation R2, the plans fail to demonstrate that reasonable provision for access within the building (specifically vertical circulation to the first floor of the extension) has been provided.

