

Building Regulations (Northern Ireland) 2000 (as amended)

Appeal against the issue of a contravention notice

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

Appeal AP11/09 – Regulation R2: Access and use (specifically provision of a lift)

The work

The building is a recently completed industrial unit and includes office/ancillary accommodation.

Regulation R2 Access and use

Regulation R2, as applied in the circumstances of the work by Regulation A6: Application to erection of buildings, 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, under Article 18 of the Building Regulations (Northern Ireland) Order 1979 (as amended), served a Contravention Notice on the owner of this development within which it believed that work to which Building Regulations apply, contravened those regulations.

The appellant's grounds for the appeal

The appellant, to support the case that the proposals meet the requirements of Regulation R2, provided the following information -

- the first floor has only one room, measuring an area of 50.00m²
- the space will be used as file storage
- there will be no occupants working on the first floor
- the storage area will be used by company workforce or those that are familiar with the building
- there is an internal staircase leading to the first floor and an external escape staircase also
- the ground floor office and first floor storage areas are small, the inclusion of a lift would severely restrict the available space
- ambulant disabled can still use the staircase
- tea making facilities that were fitted have now been removed from the first floor

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 R to the proposals
- the cases submitted by both the district council and the appellant
- the information gained from the site inspection

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 this case –

- The anticipated frequency of use of a lifting device, if installed within the circumstances of this building, will be negligible.
- A lifting device will provide limited benefit to members of staff.
- No member of the public will be disadvantaged in his/her use of the building.

Decision

The detailed examination and consideration of this case has established that vertical circulation within the building by means of a stair satisfies the requirements of Regulation R2 and therefore the Department directed the district council to withdraw the Contravention Notice.