

Date: 20/08/99

Ref: 45/1/179

Note: The following letter which has had personal details edited out was issued by our former department, the Department for Environment, Transport and the Regions (DETR). DETR is now Communities and Local Government - all references in the text to DETR now refer to Communities and Local Government.

Building Act 1984 - Section 16(10)(a)

Determination of compliance with Requirements B1 (Means of Escape) and K1 (Stairs, Ladders and Ramps) of the Building Regulations 1991 (as amended) in respect of a proposed installation of two stair-lifts in a three storey block of flats.

3. In making the following determination, the Secretary of State has not considered whether the plan conforms to any other relevant requirements.

The proposed work

4. The building to which the proposed work relates consists of a three storey block of six flats. You state that there are two flats on each of the ground, first and second floors and that each of the upstairs flats have three outside doors - one door to the stairs, one door to the private front balcony, and one door to the back balcony which is shared with the adjacent neighbour. The width of the existing staircase is indicated as 1040mm wide. The proposed work is to install two straight stair-lifts for access to your flat on the second floor. The stair lift will be installed on the flight connecting ground to first floor and on the flight connecting first floor to second floor. Your sketch plan does not indicate the position of any existing handrails.

5. Your plans were the subject of a full plans application which was rejected on the grounds of non-compliance with Requirements B1 (Means of escape) and K1 (Stairs, ladders and ramps) of the Building Regulations 1991. However, in this particular case, in terms of the degree of obstruction and limited usage of the stair-lifts, you take the view that compliance should not be affected and that the Building Regulations have not been applied with sufficient flexibility by the district council. It is in respect of this question that you have applied for a determination.

The applicant's case

6. For health reasons you have difficulty in climbing the two flights of stairs to your flat where you have been resident for years. You therefore wish to install a stairlift on each of the flights of stairs.

7. You state that similar stairlifts to the one you propose have been installed within other blocks of flats in the area, and that the stairs in question are in fact slightly wider than these other situations. You claim that there is ample space to store the folded stairlift at the bottom of each of the two flights.

8. You point out that the lighting provided within the staircase enclosure is permanently on, both day and night. You state that the time delay lighting operation switches were removed a number of years ago, and this is accepted to be the case by the district council.

9. You point out within your letter of that at that particular time the block housed a total of 10 people - 3 people on each of the ground and first floors, and 4 people on the second floor.

The district council's case

10. The district council state that the width of the existing staircase, measured between walls, is indicated on the drawings that were submitted with the application, as 1040mm. The stairlift track reduces this width to 785mm; and when the chair is in use the downfolded footplate further reduces the width to 475mm. The seat when parked and folded projects 330mm from the wall, albeit that this obstruction will only occur at landings.

11. The district council state that *paragraph 2.30 of Approved Document B (Fire Safety)* suggests a minimum staircase width of 1000mm, and it considers that the reduction of the effective width to a maximum of 785mm, and at worst 475mm, is not acceptable. The district council also point out that they understand there to be deficiencies with the existing building when compared with present standards. They contend therefore that the reduction in width of the staircase is further exacerbated by the following two deficiencies:

(i) the layout of the flats and the single staircase enclosure are not in accordance with *paragraphs 2.18 and 2.19 of Approved Document B*; and

(ii) the artificial lighting within the staircase enclosure is of a low intensity.

12. The district council state that *paragraph 1.8 of Approved Document K (Protection from falling, collision and impact)* indicates that steps should have level treads. The District Council therefore consider, because of the obstruction to one side of the stair created by the stairlift track, that level treads will not be available throughout the width of the stair. The district council also point out that *paragraph 1.16 of the Approved Document K* suggests that landings should be clear of permanent obstructions, and so they

consider that the parked seat will cause an obstruction of the landings. The district council conclude that the stairlift and its associated track would therefore constitute a hazard to the building users, not only at times of emergency but during the daily life of the building.

The department's view

13. The department considers that the question for determination is whether or not the installation of a stairlift system as described, to two separate flights of stairs within a three storey block flats, would meet the requirements of B1 (Means of escape) and K1 (Stairs, ladders and ramps) of Schedule 1 of the Building Regulations 1991. It has been treated as a material alteration because of the implications for safe escape. The new work must therefore satisfy Requirement B1, and must not make compliance with the other relevant requirements of Schedule 1 less satisfactory than before. In this situation, Requirement K1 is therefore a relevant requirement.

14. The department notes that the sketch plan you supplied shows the installation of the stairlift between the ground and first floor and it indicates that the folded lift will project into the ground floor landing. You have stated that a low number of persons (only 7 or 8) will be affected by this obstruction, and the parked chair will be to the side of the main route to/from the stair. The department takes the view therefore that this will not constitute a significant hazard.

15. At the first floor level, although you have not provided a drawing, you state again that a low number (4 persons) will be affected. You also point out that the layout is identical to the lower floor. Assuming this to be the case, or even if the obstruction is slightly more prominent, the department would come to the same conclusion as stated in paragraph 14 above.

16. The department notes the district councils point that level treads will not be available across the width of the stair because of the stairlift track. However, the department considers that this misconstrues the guidance which relates to the need for the alignment of a stair tread to be level. The proposed stairlift track would be the equivalent of effectively narrowing the stair width; and as stair width is not controlled under Part K, this reduction in width is considered to be acceptable.

17. The department notes that the guidance within *paragraph 2.30 of Approved Document B* suggests a minimum width of 1000mm for stairs in blocks of flats. However, it is the department's view that it is what is reasonable in the circumstances which should be considered. You state that up to seven people will utilise the stair(s) and when the stairlift is parked the effective width of the stair, allowing for its track, would be 785mm. Considering the low number of people who would use the stairs it is the department's view that this width would not be unreasonable in this particular circumstance. Although it is noted that when the stairlift is in use the effective width of the stair is reduced to only 475mm, the Department does not feel that this would cause any problems in a non-emergency, general, daily use

context. In these circumstances some people would still be able to pass the stairlift on the stair; whilst others could simply wait for the short time which it would take the stairlift to rise or descend the single flight.

18. However, the district council are concerned that in an emergency situation the stairlift could cause a problem if it were in operation. It is the department's opinion that the chances of this happening simultaneously would be extremely low. Unless it is their own flat which is on fire, and on the assumption that there is adequate compartmentation provided, then the expectation is that persons will be able to safely stay in their flat if there is a fire. In such a circumstance the department does not consider that the stairlift will present a hazard to persons escaping or being rescued. However, in reaching this conclusion the department assumes that adequate handrails to the stairs exist and will be retained after installation of the stairlift.

19. Whilst the Department also notes the district council's comments with regard to the non-provision of emergency lighting and the availability of only low intensity permanent lighting within the staircase, the department remains of the view that the installation of the stairlift facility would meet with the requirements of B1 and K1 of Schedule 1 of the Building Regulations 1991.

The determination

20. The Secretary of State has given careful consideration to the particular circumstances of this case and the arguments presented by both parties. He has concluded, and hereby determines, that your proposal to install two straight stairlifts to provide access to the second floor level of the block of flats complies with Requirement B1 (Means of escape) and Requirement K1 (Stairs, ladders and ramps) of Schedule 1 to the Building Regulations 1991 (as amended).