

Date: 11/11/03

Ref: 45/3/160

Note: The following letter which has had personal details edited out was issued by our former department, the Office of the Deputy Prime Minister (ODPM). ODPM became Communities and Local Government on 5 May 2006 - all references in the text to ODPM now refer to Communities and Local Government.

Building Act 1984 - Section 39

Appeal against refusal by the Borough Council to relax Requirement K1 (Stairs, ladders and ramps) of the Building Regulations 2000 (as amended) in respect of a stair, forming part of completed building work at a visitors centre

The appeal

3. This appeal relates to completed building work and the design of what is described as an 'accommodation stair' in a Visitors' Centre. The centre is approximately 27m x 18.5m in plan area and comprises five storeys - a small basement area, and ground, mezzanine, first, and second floors. The centre is described as mixed use with public access to the ground and mezzanine floors, and private access to the first and second floors. The building has been occupied since July 2002.

4. The plans indicate that the ground floor comprises a main entrance reception area approximately 18.5m x 7.5m running across the front (ie south side) of the building which includes office accommodation, a servery and café area, and a store. The reception area also contains a lift lobby connecting to the first and second floors. The reception area leads into the main body of the building the centre of which is designated as the main exhibition room with archive, lecture and toilet accommodation on either side.

5. The mezzanine floor traverses the rear of the building and is approximately one third of the ground floor area. It comprises a gallery running across the full width of the building and giving access to a large study, reception room, toilets and a disabled person's refuge. The first floor is of the same area as the ground floor and comprises archive area down the centre of the floor with office accommodation and toilet facilities to the side and rear. The second floor comprises approximately one third of the building area and is located to the front of the building.

6. There are three stairs connecting the ground floor to the upper floors of the building. The subject of this appeal is the stair marked SG.03 on the ground floor plan, which is located in the north east corner (ie to the rear of the building) and gives access from the ground floor to the mezzanine and first floors. Adjacent to stair SG.03 is a lobby with a passenger lift giving access to the mezzanine and first floor. The other two stairs are marked SG. 01 and SG. 02 on the ground floor plan and are designated as fire escape stairs. SG.01 is located in the north west corner of the building and gives access from the ground floor to the mezzanine and first floors. SG.02 is located in the south west corner of the building adjacent to the office reception at the front of the building on the ground floor. It gives access to the first and second floors.

7. These proposals were the subject of a full plans application which was approved subject to various conditions, including the submission of details of the stairway and "including rise, going, headroom, handrails, guarding and width".

8. As submitted and approved stair SG.03 was to be 980mm in width. As constructed it is 1050mm in width, with a handrail provided only on the inside face of the stair. However, the Borough Council takes the view that because the stair as constructed is wider than 999mm, and that the stair is the obvious main one for visitors/members of the public and employees to use to access the mezzanine and first floors, there should be a handrail on both faces of the stair. The Council is also concerned about the open tread design of the stair and the design of the handrail itself.

9. The Borough Council has therefore refused to issue a completion certificate. However, you take the view that the stair is in accordance with the guidance in *Approved Document K (Protection from falling, collision and impact)* - the width of the stair being only 5 per cent greater than that given in the guidance. You therefore applied for a relaxation of Requirement K1 to the Council which was refused. It is against that refusal that you appealed to the Secretary of State.

The appellant's case

10. You have provided a lengthy statement in support of your appeal and also responded to the Borough Council's representations to the Secretary of State. The main points of your case are summarised as follows:

(i) the stair in question is not intended to be used by ambulant disabled people and as such, the rise and going do not reflect a stair for such areas. The lift, which is immediately adjacent to the stair, affords sufficient access for such persons

(ii) the stair is classed as an accommodation stair for access to the mezzanine and first floor offices. Whilst the general public and members of staff may use this stair for general access, it is not intended to be used as a means of escape stair and has not been signed for this purpose

(iii) it is accepted that visitors and staff will use the stair to gain access to upper levels within the building, but not in periods of panic or when there is a need to push past another person. People using the building are intended to move around viewing the displays in a controlled and leisurely fashion. When they wish to visit upper levels, they are likely to wait for the lift because they have time. In any event, the flights are short, which makes it easier for all persons to use, with rest positions provided at the short intervals

(iv) each flight between landings is relatively short with a maximum of seven rises per flight. There is good lighting and adequate areas for passing are provided on the landings. The landings are significantly wider than the stairs at 1390mm

(v) the width of the construction of the stair exceeds the practical guidance given in *Approved Document K* by a nominal 50mm, ie only 5 per cent more than the guidance. In your opinion, this dimension is insignificant in respect of safe use of the stair

(vi) in conclusion, you acknowledge that the guidance within *Approved Document K* suggests that stairs whose widths are greater than 1000mm should be provided with a suitable handrail on both sides. However, you draw attention to the fact that it is guidance and not the regulations. In your opinion, the compensatory features identified above demonstrate that the stair provides reasonable compliance with Requirement K1 in that it is safe for people to move between different levels in and about the building.

The Borough Council's case

11. The Borough Council states that the stair in question is the obvious main one to enable visitors, employees, exhibitors, students and all members of the public, including the aged and children, to travel between the ground, mezzanine and first floors. The Council considers the stair to be poorly designed for this purpose for a number of reasons, including the open rise treads, and the existing handrail which is of flat metal design and which abruptly stops and starts on the landing flights. However, this appeal concerns the need for provision of an additional handrail, and in this respect the Council's comments are as follows:

(i) the stair treads are constructed as 1050mm between strings, indicating that the actual width is wider and *Approved Document K* and *BS 5395-1:2000 (Stairs, ladders and walkways - Part 1: Code of practice for the design, construction and maintenance of straight stairs and winders)* require/recommend a handrail each side to be provided for stairs of 1m or more in width

(ii) a handrail both sides of a stairway in a public building would assist not only stroke victims who may wish to use the stair, but able bodied persons who trip and cannot reach the single hand rail resulting in possibly crushing a child or breaking a limb

(iii) the drawings submitted as part of your appeal, specifically refer to the stair as a "Visitor Stair" which indicates unfamiliarity and occasional use.

The Secretary of State's consideration

12. Falls on stairs are a very common type of accident resulting in about 650 deaths per year, of which about 100 occur outside the home, and many thousands of injuries. The Secretary of State therefore considers that good stair design makes an essential contribution to life safety.

13. He accepts the appellant's view that visitors to the centre will move around in a leisurely fashion, and that the stair in question has not been signed as an escape stair. However, he feels that people, particularly children, do not always behave as expected and so stairs should be designed to be as safe as is practical.

14. The Secretary of State shares the Borough Council's view that provision of two handrails would ensure that users have the opportunity to grasp a handrail in the event of a trip whether they are ascending or descending, and regardless of whether they have one arm which is stronger than the other. For this reason he feels that all stairs should have two handrails where they are wide enough for the handrails not to present an obstruction when loads are being carried. This width is taken as 1m (or more) in both *Approved Document K* and *BS 5395*.

15. In this case there appear to be no design constraints on the provision of handrails on both sides of the stair, and the compensatory features to which you refer do not in the Secretary of State's opinion nullify the desirability of installing a second handrail. Therefore, although the stair in question is only slightly over 1m in width, and is likely to be only lightly used, the Secretary of State cannot see sufficient reasons for not following the guidance. It follows that in all the circumstances of this case, the Secretary of State considers that there are no extenuating reasons for relaxing Requirement K1 so as to permit the provision of only one, rather than two, handrails to the stair. In addition, he is very mindful of the fact that the stair is to be used by members of the public, the majority of whom are likely to be occasional visitors and unfamiliar with it.

The Secretary of State's decision

16. The Secretary of State has given careful consideration to the facts of this case and the arguments put forward by both parties. As indicated in paragraph 12 above, he considers that compliance with Requirement K1, in terms of good stair design, makes an essential contribution to life safety and as such he would not normally consider it appropriate to relax it, except in exceptional circumstances. He has concluded that there are no extenuating circumstances in this case which would justify a relaxation of Requirement K1 (Stairs, ladders and ramps) of Schedule 1 to the Building Regulations 2000 (as amended) and that the Borough Council therefore came to the correct decision in refusing to relax this requirement. Accordingly, he dismisses your appeal.