

Date: 24/08/00

Ref: 45/3/144

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 39

Appeal against refusal by the Borough Council to relax or dispense with Requirement K1 (Stairs, Ladders and Ramps) of the Building Regulations 1991 (as amended) in respect of the need to provide intermediate handrails to the principal access stairs as part of building work at a National Museum.

The appeal

3. The proposed building to which this specific building work relates, comprises the erection of a new eight storey (including basement plant room) building at a national museum to store specimens and accommodate research. The first floor constitutes the principal floor. This floor will ultimately be linked by a bridge with the main museum complex, but for planning and aesthetic reasons it has been designed with grand entrance access doors on the western side. The principal floor will be used for public exhibitions, special events and possible corporate entertaining; and will also contain a large store. The principal floor also forms the base of two atria which rise to the top floor. The ground, second and other upper floors will primarily be used for specimen storage with surrounding offices, laboratories and study areas.

4. All floors - including the principal one - are served by escape stairs in each of the four corners of the building. The principal floor is so served because it is anticipated that the ground entrance doors will normally be locked. During the period before the bridge is constructed it is proposed to provide staff access, including disabled access, from the eastern end of the building. It is understood that the public will not be admitted to the building until the bridge is provided.

5. The grand entrance doors to the principal floor are approached externally by two flights of stairs set at right angles to each other and containing a landing of about 1.1m in depth. The widths of the two flights are about 12.5m and 7m at the foot, tapering to about 7m and 2m at the head. The total rise is about 2m. A wheelchair access ramp curves up to the principal entrance on one side of the stairs. For aesthetic reasons, and because it is anticipated that they will be little used, your client does not wish to add intermediate handrails to the specifications recommended in *Approved Document K (Protection from*

falling, collision and impact).

6. The Borough Council was unable to accept your proposals with respect to the omission of intermediate stair handrails and passed your full plans application subject to the condition, inter alia, that the principal access stairs should be sub-divided by additional handrails so as to divide the stairs into flights which are no wider than 1800mm. However, for the reasons stated above you considered that there was a case for relaxing or dispensing with Requirement K1 and applied to the Borough Council in this respect. The Borough Council refused your application and it is against that refusal that you have appealed to the Secretary of State.

The appellant's case

7. You have made the following points to support your case:

(i) the museum has incorporated the western entrance at the request of the Borough Councils planning department and English Heritage who required it for aesthetic reasons. You believe that the effect of this will be compromised by the clutter of handrails required by the Borough Councils building control department

(ii) the museum has no plans to use the entrance for public access, and can only envisage its use in a limited manner. If this policy was to change then the museum would be happy to fit the railings if required

(iii) the museums records show that an undivided stair at the main entrance has not caused any accidents to date

(iv) due to the proportional difference in width between the main entrance doors and the overall width of the stairs, any person using the stairs would move to the side if they required a handrail.

8. In addition, you developed for discussion with the Borough Councils alternatives to sub-dividing the stairs into channels no wider than 1800mm (drawing option A). These are channels nominally 2400mm wide (drawing option B), and a single handrail at 4800mm from the left hand end (drawing option C).

The Borough Council's case

9. The Borough Council has made the following points to support their case:

(i) the stairs gives access to the building and so is part of the building, rather than landscaping, and so falls to be controlled under Part K. The guidance in *Approved Document K (paragraph 1.12)* is that a stair in a public building which is wider than 1800mm should be divided into flights which are not more than 1800 mm wide

(ii) although the stairs will not be used on a daily basis to gain access to the museum, they will be used as an escape route for special events and possible corporate entertaining

(iii) the argument that there have been no recorded accidents on the stair at the main entrance is irrelevant because most visitors use the ramped approach

(iv) while accepting that people who need a handrail will move to those available, there is also a need for handrails to be near enough to be grasped by people who lose their balance.

10. The Borough Council has consulted other documents to see if there was an alternative approach, but has been unable to find one. In view of the large number of accidents on stairs the Council has concluded that there is no case to relax or dispense with Requirement K1, and so the guidance in *Approved Document K* should be implemented in full.

The Secretary of State's consideration

11. Requirement K1 (Stairs, ladders and ramps) states that:

Stairs, ramps and ladders shall be so designed, constructed and installed as to be safe for people moving between different levels in or about the building.

12. The Approved Documents are intended to provide guidance for some of the more common building situations. However, there may well be alternative ways of achieving compliance with the requirements. As indicated by the Borough Council, in the case of *Approved Document K* paragraph 1.12 recommends that a stair in a public building which is wider than 1800mm should be divided into flights which are not wider than 1800mm. The Secretary of State takes the view that although this refers to a stair in a public building, it would be appropriate to apply it to stairs which are part of the building, as in this case.

13. The Secretary of State accepts that the stairs to the principal floor of the building will have only occasional use. However, on those occasions a large number of people may use the stairs at the same time - for example at the end of a function or in the event of a fire and these events may take place in winter conditions when the stair treads could be wet and have reduced slip resistance. The Secretary of State therefore accepts the Borough Council's judgement on the need for the provision of intermediate handrails.

14. However, the Secretary of State is also sensitive to the appellants view that dividing the stairs into 1800mm channels as recommended in *Approved Document K* will give them a cluttered appearance. Taking account of the intended occasional use only and the relatively short distance between landings, the Secretary of State considers that although in his view intermediate handrails are necessary for safety, it would be reasonable in this case to reduce the number of these handrails by increasing the spacing

between them - for example to about 2400mm on the lines suggested in your drawing option B.

The Secretary of State's decision

15. The Secretary of State has given careful consideration to the facts of this case and the arguments put forward by both parties. Paragraphs 11 to 14 above have considered, and given the Secretary of State's view on, the issue of achieving compliance with Requirement K1 having regard to the guidance given in *Approved Document K* and the circumstances of this particular case.

16. However, you have appealed to the Secretary of State in respect of the refusal by the Borough Council to relax or dispense with Requirement K1. The Secretary of State considers that compliance with Requirement K1 can be a life safety matter and as such would not normally consider it appropriate to dispense with it; and would not lightly consider relaxing it except in exceptional circumstances. He has concluded that there are no extenuating circumstances in this case which would justify either a relaxation or dispensation of Requirement K1 (Stairs, ladders and ramps) of Schedule 1 to the Building Regulations 1991 (as amended). Accordingly, he dismisses your appeal.