Guidance on application of Part L to conservatories attached to existing dwellings

Technical guidance for building control surveyors, designers and installers

LABC
Delivering building control through local authorities

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Introduction

This best practice note is intended to provide guidance that will promote a consistent approach to defining what a conservatory is for the purposes of being considered exempt as outlined in Schedule 2 Class 7 of the Building Regulations. The introduction of Part L 2010 caused building control bodies and industry difficulties in deciding what constitutes a conservatory in order to be exempt from making a building regulations application. This followed the removal of the definition of a conservatory previously contained in the 2006 edition of Approved Document L1 B.

What is a conservatory?

Building Regulation 9 (2))b) (ii) states the regulations do not apply to the extension of a building that falls within Class 7 of Schedule 2, subject to control of any water (G1 cold water supply; G3 (2) and (3) hot water systems) or electrical supply (P1 electrical safety) that is shared with the house to which it is attached.

To fall within Class 7 of Schedule 2, it must be a conservatory:

- situated at ground level
- not exceed 30m^2 floor area
- have glazing that meets Part N in critical zones.

The regulations do not offer a definition of what constitutes a conservatory. Dictionary definitions offer a number of possible uses with a common factor being a glazed structure often used for growing plants, and it being an extension. But in no instance is there an indication as to the amount of glazing needed for it to be considered a conservatory.

In the vast majority of situations, these structures are built as an extension to the living space in homes with, in many instances, ancillary heating provided for when it is occupied.

The definition of a conservatory contained in the superseded Approved Document L1B 2006 still gives a valid basis for a definition. LABC guidance is that to be considered exempt the conservatory should:

- have at least 50% of its external wall area formed from translucent materials (not including walls within one metre of boundary*)
- have at least 75% of its roof area formed from translucent materials
- be at ground level
- be effectively thermally separated from the main part of the dwelling**
- Heating should either be completely independent of the dwelling or be provided with effective controls to operate and isolate the heating from the dwelling***.

Approved Document L1B

If the heating system from the dwelling is extended into the conservatory the exemption status for conservatories is removed by virtue of Paragraph 3.16 of Approved Document L1B.

Heating should be independent of the main dwelling's system

The loss of exemption only applies in relation to Regulation L1 – Conservation of fuel and power, where any application would be restricted to demonstrating compliance with Part L only.

The extent of control under the regulations will depend on whether the conservatory's heating system has independent temperature and on/off controls. If it has, there is no limit on the area of glazing, but all glazed and solid elements should meet the thermal performance specified in Tables 1 and 2 to L1B and the heating system should comply with the Domestic Services Compliance Guide 2010.

If independent control is not provided, then the limits on glazed area in Approved Document L1B section 4 will apply.

Conclusion

In the absence of definition in the Building Regulations of what a conservatory is, the adoption of this guidance will serve to promote a consistent national approach when dealing with conservatories.

Key Points to consider

1. The use and purpose to which a conservatory is put is the choice of the occupier

2. The permitted area of glazing to roofs and external walls is as described above
3. To be considered exempt, the conservatory must be separated from the dwelling
4. To be considered exempt, the heating system must be capable of being controlled and isolated from the dwelling's heating system.

Notes

* There is a potential for excessive unprotected areas where external walls are close to a boundary. Where a solid wall has been constructed adjacent to a boundary to prevent the spread of fire, this should not adversely impact on the necessary area of glazing to enable the structure to be considered a conservatory. It is considered that where external walls to conservatories are within one metre of an adjacent boundary, it is more important to achieve reasonable fire separation than to insist upon a minimum level of glazing to achieve exemption status.

** Effective thermal separation means that walls, doors and windows between the dwelling and the extension are insulated and draft-proofed to at least the same extent as the existing dwelling's external elements.

*** Independent temperature and on off control could typically be achieved using thermostatic radiator valves within the conservatory.

Further guides and useful links

Building Regulation 9 (2))b) (ii)
http://www.legislation.gov.uk/uksi/2010/2214/pdfs/uksi_20102214_en.pdf

Approved Document L1B
http://www.planningportal.gov.uk/uploads/br/BR_PDF_AD_L1B_2011.pdf

Domestic Services Compliance Guide 2010
http://www.planningportal.gov.uk/uploads/br/domestic_building_compliance_guide_2010.pdf

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