

# Viewpoint

## Loft conversions - when can they be considered as habitable?

### Building Regulation 3

#### Introduction

When does work to the roof space of an existing dwelling of two or more storeys lead to it being subject to control under the Building Regulations?. It is accepted that the provision of a new floor does constitute a new storey, but in particular, is it always reasonable to apply the full requirements of Approved Document B for means of escape if the roof space is to be used for storage purposes only?

To help local authorities decide how they should deal with an application for work to the roof space of a dwelling, the following guidance has been prepared by LABC's technical and policy team.

The Building Regulations apply in any situation where a material alteration takes place. A material alteration is defined in Regulation 3 (2) 'Meaning of building work' as any work that is carried out, or any part of it, would at any stage result in:

- (a) a building or controlled service or fitting not

complying with a relevant requirement where previously it did; or

- (b) in a building or controlled service or fitting which before the work commenced did not comply with a relevant requirement, being more unsatisfactory in relation to such a requirement.

A typical situation often encountered is where the use of the roof space is stated by the applicant to be non-habitable. The works that are proposed often comprise the upgrading of the structure, provision of thermal insulation, new wall finishes and natural light with, in some instances, access being by the provision of a new fixed staircase. In ordinary circumstances a ladder would not be an acceptable means of access to a room used for habitable use.

If it can be established the space is genuinely for storage only, compliance could be limited to ensuring that the structural suitability of the new floor or the proper installation of the new roof lights and where applicable thermal and stair construction have been met. The need to comply with the full provisions for adequate means of escape in case of fire would only be triggered if the new 'loft area' is to be used for habitable purposes.

#### Determination 45/1/224

Building Regulation Approved Document B volume 1 Appendix E states that a roof is classed as a storey in a building unless it is accessible only for maintenance and

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repair. This definition allows the use of a material alteration (see above - Regulation 3) to be brought in where works are carried out to the structure even if the end use is stated to be storage. It is then for the local authority to determine whether the extent of works will cause that roof space to be considered as habitable or not.

In 2006, the Secretary of State made a determination (reference number is 45/1/224) that can help local authorities decide what the use is likely to be where alterations to a roof space are carried out. In this case it was argued by the applicant that the work to upgrade the roof structure, thermal insulation, wall finishes and provide natural light was solely to provide a clean and light environment in which to store the applicant's property.

The Secretary of State determined that in this case it was reasonable to assume the roof space was likely to be used for more than just storage purposes. It therefore did not meet the functional requirements of the Building Regulations with respect to Requirement B1 relating to means of escape and so could pose a threat to the occupants or future occupants.

The Secretary of State made the point that "It is important to note that the Building Regulations cannot control the use to which rooms in dwellings are put once building work has been completed. As the provisions in Part B (Fire Safety) are designed to ensure the health and safety of people, the likely use of the roof space (eg by future

occupants) has to be taken into account."

This decision, although not conclusive, is a good general guide as to how the building regulations can be applied when considering alterations to roof spaces.

## LABC Viewpoint

LABC is of the view that for a roof space to be considered as a storage area only, any new work should be limited to the installation of thermal insulation, laying of boards to spread the load of items being stored and the provision of natural and/or artificial lighting. A ladder would not generally define the roof space as being habitable unless other works have been carried out as described below.

It should be noted the installation of a rooflight and/or thermal insulation\* is work subject to the building regulations, regardless of whether the roof space is considered to be habitable.

The fixing of any form of rigid lining to the underside of the roof will cause that space to be considered as being used for habitable purposes and so must meet Building Regulation requirements for means of escape in case of fire.

\*Except in the case of the installation of thermal insulation meeting criteria of Building Regulations Schedule 4 (m) – i.e. installation of thermal insulation in a roof space or loft space where;

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(i) The work consists solely of the installation of such insulation, and

(ii) The work is not carried out in order to comply with any requirement of these regulations.