

Viewpoint

Is a detached canopy a building?

Building Act 1984 S121 & Building Regulations 2 & 9

Introduction

Can a detached canopy be classed as a building for the purposes of the Building Regulations? This is a question often asked of LABC. The Oxford English dictionary states a canopy is a roof-like projection or shelter. This definition does, in the view of LABC, make it reasonable to presume a canopy could be considered a building.

For the purpose of this guidance a detached canopy is considered to be an open-sided structure intended to be in place for more than 28 days. It can be any size (over 30m²) and the roofing material can be of a stretched skin type or rigid. The location of the canopy is not considered as this will be a factor when considering issues with regards to Part B of the Building Regulations and external fire spread. In the preparation of this document LABC consulted the national LABC Technical Working Group and the Building Control Alliance.

Discussion

Section 121 of the Building Act sets out what a building is and in subsection (2) it states a “*structure or erection*”

includes a vehicle, vessel, hovercraft, aircraft or other movable object of any kind in such circumstances as may be prescribed by the Secretary of State. A building is not one of these ‘structures’ and so a canopy does not have to be specifically prescribed to be considered a building for the purposes of the Building Regulations.

The [Schools Building Bulletin 100](#) also offers a view in section 7.3.3.4 Canopies where it states “*Some canopy structures would be exempt from the application of the Building Regulations by falling within Class VI or Class VII of Schedule 2 to the Regulations (Exempt buildings and works). Many others may not meet the exemption criteria and in such cases the provisions in this section about limits of unprotected areas could be onerous.*” This, again, by inference advises canopies should be construed as buildings.

The Building Regulations state in Regulation 2 (Interpretation) that a “building” means any permanent or temporary building, but not any other kind of structure or erection. A reference to a building includes a reference to part of a building. This accords with the view of LABC that a canopy is a building and so applicable to the requirements of the Building Regulations.

To further support the case that a canopy is a building the regulations do make a number of references to a canopy.

1. Regulation 9 (Exempt buildings and work) confirms the regulations do not apply to a building described in

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Schedule 2 Class 7 where the extension of a building by the addition at ground level of a conservatory, porch, covered yard or covered way and has a floor area that does not exceed 30m². Therefore a building or canopy over 30m² would be a building subject to the regulations.

2. Regulation 21 which deals with energy efficiency requirements states a building must be a roofed construction with walls. So it would be reasonable to assume there are some types of building that do not have either a roof or walls.

3. Approved Document B Vol. 1 section 9.10 advises some canopies may be exempt by virtue of Schedule 2, and that many others (canopies) may not meet the exemption criteria, and so the provisions on unprotected areas may be onerous

4. Approved Document B Vol. 2 section 13.11 also makes the same statement as (3) above, but goes further in stating certain free standing canopies (over petrol pumps) could legitimately have open sides providing they are more than 1000mm from a boundary.

specifically exempted from the requirement to comply under Schedule 2 of the regulations.

It is for local authorities to determine the extent of regulations that should be applied in each case. As a guide, key areas for compliance may be; Part A to prevent collapse and adverse effects from wind; Part B if the canopy is large; Part H3 if there are likely to be large concentrations of rain water run-off; Parts K and M if the canopy does not have level access.

LABC Viewpoint

LABC is of the view there is sufficient weight of evidence to indicate a free standing canopy can be considered a building that is subject to the requirements of the Building Regulations. The only exception is where a canopy is