

Viewpoint

Removal of a WC from the ground floor of a dwelling

Building Regulation 3; Approved Document M

Introduction

The Building Regulations Part M requires the installation of a WC in the entrance storey of a new dwelling. This may be in a bathroom or separate accommodation providing the storey contains a habitable area. Where the entrance storey does not contain habitable rooms it may be located in that storey or the principal storey, the objective being to access the WC without the need to negotiate stairs to reach it from habitable rooms in that storey.

Where a proposal is received to remove the WC this is considered to be 'building work' as defined in Building Regulation 3 and is judged to be a 'material alteration'. If a proposal is received to remove the WC this is also a material alteration as it is the removal of a controlled service or fitting as set out in regulation 3 (2).

However, when looking at Approved Document M 'Limits on Application' it states 'The requirements of this Part (Parts M1, M2, M3, M4) do not apply' to an extension of or material alteration to a dwelling. Whereas Section 0 - General Guidance in the Approved Document paragraph

0.4, Example 1 advises the removal of a WC on the ground storey of a dwelling is not permitted unless suitable alternative arrangements are put in place.

Therefore, we have a situation where the statutory requirement "Limits on Application" states the work is not controlled but the advisory text gives an example implying it is controlled. It seems clear that although the work cannot be controlled DCLG would wish to prevent removal of facilities in a building once they have been installed.

LABC Viewpoint

LABC takes the view that the intention is to control the removal of a WC in the circumstances described and that, where possible, agents and home owners should be encouraged to retain such facilities. However, until such time as Part M is reviewed and amended, LAs do not appear to have the power to enforce this requirement where a material alteration takes place to a dwelling.