

Date: 09/08/99

Ref: 45/1/182

*Note: The following letter 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 16(10)(a)**

### **Determination of compliance with Requirement B1 (Means of escape) of the Building Regulations 1991 (as amended) in respect of a loft conversion**

3. In making the following determination, the Secretary of State has not considered whether the plan conforms to any other requirements.

### **The proposed work**

4. The property to which the proposed building work relates is an existing two storey, three bedroom semi-detached house.

5. You propose to construct an additional habitable room and bathroom in the roof space accessed by a new stair from the first floor. A roof-light will be provided on the front elevation, and two dormer windows to the rear serving the bedroom and bathroom. The bedroom dormer is to contain a side hung escape window and will be positioned less than 1.7m up the roof slope. The sill of this dormer will be 900mm above the level of the floor to the bedroom but will result in an external vertical face to the dormer below the sill of 700 - 800 mm above the roof slope.

6. The new bedroom will be separated from the new stair by a 30 minute fire resisting door. The drawing also indicates that 30 minute fire resisting doors are to be provided to all habitable rooms at ground and first floor levels; although it is understood that your clients do not wish to make such provision.

7. These proposals were the subject of full plans application which was rejected by the Borough Council on the grounds of non-compliance with Requirement B1 (Means of escape) of the Building Regulations 1991. They considered that because the sill of the dormer window is raised above the roof slope the resulting additional direct distance from the eaves to the sill was unacceptable for escape purposes. However, you consider that your proposals provide adequate provision for escape from the new loft room in terms of Requirement B1 and it is in respect of this question that you have applied for a determination.

## **The applicant's case**

8. You point out that because of the existing ceiling/roof arrangement at first floor level you have not been able to construct a dormer window which complies with *Diagram 4 of Approved Document B (Fire safety)*. The drawing shows that this has resulted in an external vertical upstand between the existing roof and the new sill of between 700 and 800mm and a direct distance from eaves to sill of between 2m and 2.2m.

9. You consider that the design of the dormer window is adequate for the purposes of an escape window for the loft conversion and you imply that if the critical dimension is along the slope of the roof to the start of the upstand then your window complies with the guidance given in *Approved Document B*. You accept however that the window is not exactly as shown in the diagram because of the upstand, but you argue that the diagram is indicative only and that the intentions behind the diagram have been satisfied.

10. Should your proposals not be found reasonable you accept that the existing doors in the property would have to be replaced or upgraded to 30 minutes fire resistance so as to provide a protected stair.

## **The Borough Council's case**

11. The Borough Council consider that the dormer window is not adequate for the purposes of an escape window for the loft conversion. They argue that the direct distance from the eaves to the raised window sill is 2.2m which exceeds the recommended maximum dimension of 1.7m shown in *Diagram 4 of Approved Document B*.

12. The Council take the view that if the escape window from the new loft room is not to be correctly located then the existing doors on the ground and first floor of the property should be replaced or upgraded so that they achieve 30 minutes fire resistance. The effect of this will be to provide a fully protected stair as could be expected in a new three storey house so that the need for an escape window is negated.

## **The Department's view**

13. The Department accepts that *Diagram 4 of Approved Document B* gives a recommendation that the distance between the eaves and the bottom of the dormer window opening, when measured along the roof surface, should not exceed 1.7m. The Department also agrees with the Borough Council that the direct distance from the eaves to the sill of the dormer window opening is approximately 2.2m.

14. However, the location of the dormer sill is located above the slope of the roof in this particular instance, and is therefore different to the guidance shown in *Diagram 4 of Approved Document B*. The result is that although the distance along the roof slope does not exceed 1.7m there is an upstand to the bottom of the dormer window opening. However, as you point out, the guidance given in the diagram is indicative and cannot be considered as being mandatory. What therefore needs to be considered is whether the window, as proposed, could reasonably be used for the purposes of escape or rescue.

15. In this particular case the Department has considered the location of the bottom of the window opening and the effect which this will have on ladder assisted escape or rescue. The Department is of the opinion that when a ladder is pitched against the eaves, the horizontal distance from the bottom of the window opening to the ladder would be no worse than if the guidance given in *Approved Document B* had been strictly followed. In this particular instance because the window sill is higher than if it had been level with the roof line, the horizontal distance from the sill to the ladder would be reduced. This could assist safe rescue or escape. In some rescue or escape situations, where the location of the window follows the guidance given in *Diagram 4 of Approved Document B*, it is possible that use could be made of the existing roof as an aid to negotiating the gap between the sill and the ladder. The Department would not expect the proposed upstand between the roof and sill to be detrimental in using the roof for assistance in the same way, should the opportunity arise.

16. It is the Department's view therefore that as long as suitable access is available to the rear of the property to facilitate external rescue, then the dormer window you propose is considered to be satisfactory and in compliance with Requirement B1.

### **The determination**

17. The Secretary of State has given careful consideration to the particular circumstances of this case and the arguments advanced by both parties. He has concluded and hereby determines that your proposals comply with Requirement B1 (Means of escape) of Schedule 1 to the Building Regulations 1991 (as amended).