

Date: 24/08/99

Ref: 45/1/173

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 proposed south aisle extension and associated alterations at a Church

3. In making the following determination, the Secretary of State has not considered whether the plans conform to any other relevant requirements

The proposed work

4. The building work to which this application relates comprises the extension of a Grade II listed church and associated alterations. The extension comprises the removal of the southern wall of the church and the construction of a new wall further out and aligned to the existing southern wall of the choir robing room. The extension is shown to be approximately 17.5m in length by 4.5m in width. As a result of the additional seating capacity the District Council estimate that the total occupancy of the building will be approximately 300 people. This occupancy estimate by the District Council, which you do not dispute, is based on 245 seats and includes an allowance for members of the choir and persons standing in the aisles etc.

5. There are two existing, double width door, entrances which are to be retained. One is on the West elevation and aligned to the central aisle. The other is on the North elevation, 6m from the West elevation, and gives access to the aisle from behind the northern aisle seating. Both entrances are therefore, and respectively, at the rear or near to the rear of the church; and the resulting exit points leading to the final exit doors are approximately 5m apart when measured as a direct distance.

6. You propose to incorporate a new 800mm wide fire exit door in the East wall, located between the organ bay and the altar apse. The new fire exit door opens onto a new external stone stair which consists of five steps and handrailing, which in turn give access to existing pathways.

7. These proposals were the subject of a full plans application which was rejected by the District Council on the basis of non-compliance with Requirement B1 (Means of escape) of the Building Regulations 1991. The Council considered that the exit width of the proposed new fire exit door was inadequate, having regard to the occupancy capacity. However, you consider that the structural and listed building constraints are such as to make the restricted fire exit door the only feasible option and it is in respect of the question of its compliance in the particular circumstances of this case, that you have applied to the Secretary of State for a determination.

The applicants case

8. By way of background you point out that the proposals have been developed as a result of extensive consultations over a period of three and a half years and have had to meet the Diocesan Advisory Committees detailed requirements. You state that it was also necessary to incorporate the views of English Heritage after which there was a commissary Court hearing and Judgement Granting Faculty. You also state that you have consulted the Fire Safety Officer of Dover Fire Brigade who advised that an alternative escape would be required and cited the acceptable location options. From the note of the telephone conversation it appears that he gave the proposed location on the East elevation as his second choice but you do not state whether he was content with the 800mm width of the new fire exit door.

9. You state that you have fully explained and discussed the restrictions with regard to the new fire exit width with the District Council and that whilst they are fully appreciative of the situation they have been obliged to reject your proposal on the basis that they have no scope to grant a relaxation. In your view the 800mm fire exit width should be considered acceptable and you make the following points in support of this:

(i) the church is Grade II listed

(ii) the southern aisle extension is intended to ease congestion at an increasing number of services and it is intended to serve a congregation who currently have no second means of escape

(iii) the only possible position where an opening can be formed for an escape door is as proposed which is between the organ bay and the apse. The full width of available space will be used but it is not possible to increase the door width because of the position of the organ bay wall and the apse wall which must remain. The organ bay area is completely filled with the organ mechanisms and associated equipment and is not therefore a suitable option for the provision of an escape route

(iv) you state that there are no other positions around the perimeter of the church which are suitable for the provision of a door. A new door on the southern elevation would have construction restrictions because of the graveyard which is at a higher level than the new extension. You also state that a door in this wall is ruled out due to the unacceptable visual impact to the principal elevation of the listed church

(v) the proposed location of the new fire exit door is particularly suitable because it leads to existing pathways and will offer an improved situation to that which currently exists.

The District Council's case

10. The District Council point out that the fundamental principle of safe escape in fire is that a person should be able to turn away from the fire to make their escape. In this case if a fire were to occur in the rear of the building then the concern of the Council is that the close proximity of both existing entrance doors, i.e. on the North and West elevations, could render both exits unusable. This could mean that the entire congregation would have to make their escape through the new fire exit door and down the associated steps.

11. The District Council have made reference to both *Approved Document B (Fire Safety)* and *BS 5588: Part 6 - Code of Practice for Assembly Buildings for guidance on the size of escape widths*. Table 5 of *Approved Document B* and Table 4 of the *British Standard* recommend that for 300 people an escape width of 1500mm is necessary. If the two main entrance doors are discounted, then the sole remaining exit for all the congregation is the new fire exit door which, in the Council's view, should be 1500mm wide in accordance with the guidance. In reaching this conclusion the District Council have assumed that the building could contain elderly persons, parents with young children and disabled persons.

12. The District Council appreciate that the existing means of escape does not conform to the guidance on safe escape in terms of the siting and number of exits. However they still consider it to be inappropriate to increase the overall occupancy without the provision of a satisfactory alternative escape route. They also fully understand the need to maintain the visual appearance of the church but feel that this should not prejudice the safe means of escape from the building in fire.

The Department's view

13. The Department acknowledges that the District Council have classified the building correctly in terms of its purpose group and the likely occupancy profile of the building; and that they have also correctly interpreted the guidance on escape widths given in both *Approved Document B* and *BS 5588: Part 6*. The Department also acknowledges that there could be up to 300 persons in the church.

14. However the Department takes the view that what needs to be considered is the threat to life safety if this guidance is not followed, after taking account of the individual circumstances of the case which would include the general fire risk and the existing means of escape. In terms of fire risk, the Department's view is that this will be relatively small because the building fabric will mainly be of non-combustible materials. The highest fire load is likely to be the church seating but the Department considers that the possibility of this forming the basis of a major conflagration without persons becoming aware of the situation is low. The Fire Research Station is contracted to monitor for the Department fires which have a Building Regulations involvement, and churches are considered to be in the low risk category.

15. The Department accepts that the two main entrances, each with double width doors, are not ideally located - however, they are separate and located on different elevations of the building. The Department considers that it would be unlikely for a fire to occur in the open plan situation of a church, without persons being immediately aware of the fire. In such a fire situation the Department considers that a substantial number of persons would be able to use one or other, if not both, of the existing main entrances.

16. In the particular circumstances of this case the Department considers that the proposed 800mm fire exit door on the East elevation will provide a satisfactory alternative escape route in fire. In reaching this conclusion the Department has taken full account of the likely occupant profile of the building and the fact that the building is listed.

The determination

17. The Secretary of State has given careful consideration to the particular circumstances of this case, including the constraints imposed by the listed building status of the building. He has concluded, having regard to the relatively low fire risk pertaining to the building, that the fire exit door as proposed on the East elevation will provide a satisfactory alternative escape route in fire. He therefore determines that your proposals comply with Requirement B1 of Schedule 1 to the Building Regulations 1991 (as amended).