

Date: 26/01/98

Ref: 45/1/157

Note: The following letter which has had personal details edited out 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 (Fire Safety - Means of escape) of the Building Regulations 1991 (as amended) in respect of the extension and conversion of an existing roof at a Doctors Surgery

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 to which the proposed building work relates is a large two storey semi-detached dwelling which was converted in 1991 into a Doctors Surgery and accordingly incorporates 30 minute fire doors throughout. There is a single stairway leading from the first floor to the ground floor where the stair is open to the records office, reception area and waiting space. The ground floor also contains two consulting rooms which are separated from the stairway by single fire doors. The first floor comprises a treatment room, health visitors room and staff areas. You state that the typical occupancy of each room is 2-3 people, with the exception of the waiting area which is more heavily populated.

5. The proposed building work comprises an extension to and conversion of the existing roof space to provide additional accommodation space on a new second floor. This additional accommodation space is to comprise three offices and a toilet and will be used for secretarial and general administrative purposes - it is not intended that there should be access by members of the public. The second floor is to be accessed by a continuation of the present stairwell with no lobby protection to the new second floor landing. You propose to upgrade the existing fire doors throughout the building with the provision of smoke seals and intumescent strips. You also propose to install a fire alarm to BS 5839: Part 1: 1988 to an L1 standard. However, you do not propose to install lobby protection by way of a partition enclosure at ground floor level and lobby doors on the first floor landing.

6. These proposals were the subject of a full plans application which was rejected by the Borough Council on the grounds of non-compliance with Requirement B1 (Means of escape). The Borough Council were not prepared to accept that the installation of a fire alarm, as specified above, in lieu of ground and first floor stairway separation, would be in compliance with Requirement B1. However, you believe that this would be in compliance and it is in respect of this question that you have applied for this determination.

The applicant's case

7. You state that the Borough Council were not prepared to accept your proposals because the single staircase will not have two door protection at ground and first floor level. You consider that their requirement for a partition enclosure at ground floor level and the provision of lobby doors at first floor level to be excessive in terms of both the risk and the alternative provisions proposed. In this respect you point to your proposal to upgrade the existing fire doors throughout with smoke seals and intumescent strips, and your proposal to install a smoke detection systems to BS 5839 (L1 standard).

8. You advise that the building will only be occupied by members of the public when staff are in the building and will often be accompanied by members of staff for the purposes of treatment. You consider that the additional doors and lobbies that the Borough Council wishes to be installed will prove awkward both in terms of general use and circulation within the building. You also consider that they will have a negative effect on the aesthetics of the building.

9. You understand that the Borough Council's main concern is smoke logging of the stairwell. However you point out that the number of persons occupying each room will be relatively low and therefore in your view the quantity of smoke likely to escape into the stairwell, whilst occupants vacate the room via the single door protection, will be minimal. In response to the argument put forward by the Borough Council that the fire protection could be removed at first floor level you contend that this problem could be accentuated if lobby doors were to be installed.

The Borough Council's case

10. The Borough Council are not prepared to accept your proposals. They consider that they do not show compliance with Requirement B1 (Means of escape) of the Building Regulations 1991 for the following reasons:

(i) lobby protection has not been shown to the stairway at ground and first floor level

(ii) the number of storey exits opening onto the stairway enclosure at ground and first floor level is excessive

(iii) there is a danger that at first floor level the fire protection to the stairway could be removed due to communication between the different rooms, particularly during the summer months

(iv) the records office, reception and waiting space should not be incorporated within the stairway enclosure

(v) with regard to the proposed automatic fire detection system, the Borough Council are of the opinion that this will not be an adequate compensating factor for the omission of physical fire protection to the stairway enclosure at ground floor level.

The Department's view

11. The Department considers that it is the safety of persons using the new second floor office accommodation which has to be considered if they should need to escape in fire. The Borough Council are requesting that lobby protection should be provided at first and second floor levels and the Department understands the concerns expressed by the Borough Council. However the Department notes that a full detection system is being proposed and is of the opinion that this will give sufficient early warning, when the upgrading of the doors is taken into account, for persons to escape safely without lobby protection. In reaching this conclusion the Department has taken account also of the low numbers of persons stated to be using the premises and the level of management cover.

12. The Borough Council has raised two further issues, one being that the first floor protection to the stair could be prejudiced and the other being the amount of accommodation open to the stair at ground floor level. With regard to the first issue the Department considers that maintaining the fire separation by making sure that fire doors are properly shut is a management issue. To ask for double door protection in this case on the basis that management is possibly going to fail in its duty to keep the doors shut would, in the Departments view, be unreasonable.

13. With regard to the stair being open to the ground floor accommodation the Department accepts the Borough Councils judgement on this issue and considers that this could be a fire hazard. *Paragraph 4.31 of Approved Document B (Fire safety)* suggests that the facilities incorporated in a protected stairway should be limited to a reception desk or enquiry office area providing it is not the only stair serving the building. In this case the single stair is open to the record office, reception area and waiting space. The Department considers this to be inappropriate.

The determination

14. The Secretary of State has given careful consideration to the facts and the particular circumstances of this case. He has concluded that the proposed open stair with no lobby protection to any of the three floors is acceptable. However, your proposals at ground floor level incorporate the present arrangements whereby the ground floor records office, reception area and waiting area are incorporated into the single stairway. The Secretary of State has concluded, and hereby determines, that this arrangement will not comply with Requirement B1 of Schedule 1 to the Building Regulations 1991 (as amended).