

Date: 07/08/98

Ref: 45/1/167

*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 B4(2) (External Fire Spread) of the Building Regulations 1991 (as amended) in respect of a two storey side extension**

3. Because of the nature of this proposal the district council consulted adjoining occupiers. The owner of the nearest property objected in a letter to which your client responded. Both letters have been taken into account.

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

#### **The proposed work**

5. The building to which the proposed building work relates is an existing detached two storey house with a thatched roof. The building work is to comprise a part single and a part two storey extension to the side of the house to accommodate a dining room and utility room on the ground floor and a dressing room/bathroom on the first floor (front part only). The extension is to be roofed in thatch to the front elevation and is to be tiled at the rear. The distance to the boundary of the nearest neighbouring property, which is also a two storey house with thatched roof - is at present 12m. The distance between the two properties is 19m.

6. The extension will increase the thatched roof area of the dwelling by about 20 per cent and reduce the distances to the neighbouring boundary to 5m; and to the neighbouring property itself to 12m. You state that the thatched roof on the extension will be treated with a proprietary fire retardant which tests from fire laboratories show achieves an AA rating. The roof will also be protected by two layers of 50mm Thatchbatts positioned between the rafters which according to the manufacturers will provide 60 minutes fire resistance irrespective of the contribution of ceilings.

7. These proposals were the subject of a full plans application which was rejected by the district council on grounds of non-compliance with Requirement B4(2). The district council considered that the continued fire retarding treatment of the thatched roof could not be assured.

8. You then applied to the district council for a relaxation of Requirement B4(2) which was rejected on the grounds that the operation of the requirement in this instance was not considered unreasonable. You then took the view that your proposals did in fact comply with the Requirements B4(2) and it is in respect of this question that you have applied for this determination.

### **The applicant's case**

9. You consider that you have taken adequate precautions to avoid the risk of fire spread and you give the following points in support of this:

- i) The chimney on the property does not serve a class 1 appliance and you have provided a part tiled roof to the extension to reduce the proximity of thatch to the common boundary.
- ii) You are prepared to provide a ceiling to the extension that will achieve 30 minutes fire resistance, and you are also prepared to install a smoke detection system on the ground and first floors and in the roof void.
- iii) The thatch will be laid over Thatchbatts with barrier foil and the thatch will be treated with a fire retardant which has been shown by test to provide an AA rating in accordance with paragraph A6 of *Appendix A of Approved Document B (Fire safety)*.

10. You have also provided information supporting your case from the following sources:

- a).....
- b).....
- c).....
- d) An information sheet on thatched buildings produced by the local authorities in conjunction with others.

### **The district council's case**

11. The district council refer to Requirement B4 (External fire spread) and in particular to the guidance given in *Table 17 on page 81 of Approved Document B* which suggests that a thatched roof should be sited at least 12m from a boundary. In this case the extension will cause the distance to the thatch and the boundary to be reduced from 12m to 5m, and the distance between the two thatched properties from 19m to 12m. Taking Regulation 7 of the Building Regulations into account, and in particular Section 1 (Materials) of the *Approved Document (Materials and workmanship)* to that regulation, they consider that the extended thatch roof as proposed will not resist the spread of fire over the roof and from one building to another.

12. The district council accept that certificates have been provided from fire test laboratories which show that the treated thatch will achieve an AA rating and they also accept that this rating will permit the thatch to be sited less than 6m from the boundary. However they have expressed concern over the possible life span of the treatment and after discussing this with experts believe that an inspection and possible re-treatment will be required every five years. They point out that there is no ongoing control of residential property to ensure that such continued treatment of the thatch as may be necessary is carried out.

13. The district council have consulted with the local Fire Authority who support their rejection of the proposals. The council have also consulted with adjoining occupiers, one of whom has objected to the proposals.

### **The Department's view**

14. In considering this case the Department has to take account of Requirement B4(2) which states: "The roof of the building shall resist the spread of fire over the roof and from one building to another, having regard to the use and position of the building". The Department accepts that Approved Document B suggests that thatch roofs should be sited at least 12m from the boundary. However, it must be recognised that Approved Documents provide guidance only and that there may be other ways of achieving compliance with Requirement B4(2).

15. In this case you have proposed the following precautions which are additional to the recommendations given in Approved Document B and which the Department considers to be essential to preventing fire spread between buildings if your proposals are to be considered acceptable:

- i) Laying the thatch over Thatchbatts to achieve 60 minutes fire resistance. This will help prevent fire spread from the dwelling into the thatch and will therefore tend to limit fire spread to other properties. It will also help prevent external fire spread to the new thatch becoming a life safety threat to the occupants of the dwelling.
- ii) The provision of an automatic mains operated smoke detection system with detectors located in ground and first floor circulation spaces and in the roof space. This will give early warning of fire to the building occupants and the possibility of an earlier call to the fire brigade.
- iii) The provision of a 30 minute fire resisting ceiling at first floor level to prevent fire spread into the roof space thereby giving extra protection to the thatch if fire occurred in the dwelling.

16. You are proposing to treat the thatch with a fire retardant but the district council consider this to be unsuitable in the long term because there is no ongoing control for dwellings and in this connection they have made reference to Regulation 7. The Department accepts the district council view that there is no guarantee that the thatch treatment will be renewed but it does not see this

as a reason, in respect of Regulation 7, for dismissing the potential for re-treatment or for resisting the use of thatch in the location you propose. In the Department's view the treatment of the thatch in this particular case would be of benefit with regard to preventing fire spread but is not crucial given the other precautions that you have proposed.

17. The Department has considered all aspects of the case and is of the opinion that provided the provisions set out in paragraph 15 above are incorporated into your proposals, then the proposed siting of the thatched extension will satisfy Requirement B4(2).

### **The determination**

18. The Secretary of State has given careful consideration to the facts of this case and the arguments put forward by both parties. He has concluded and hereby determines that provided the additional provisions set out in paragraph 15 above are incorporated into your proposals then the latter will be in compliance with Requirement B4(2) of Schedule 1 to the Building Regulations 1991.