

Requirement K1

On 5th May 2006 the responsibilities of the Office of the Deputy Prime Minister (ODPM) transferred to the Department for Communities and Local Government.

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Front Cover

Text of ODPM 'appeal' letter dated 6 February 2004 (Reference 45/3/165)

Building Act 1984 - Section 39

Appeal against refusal by the Borough Council to relax Requirement K1 ("Stairs, Ladders and Ramps") of the Building Regulations 2000 (as amended) in respect of the headroom of a stair, as part of completed building work to form a habitable room in the roof space

The appeal

3. This appeal relates to completed building work to create a 31.5m² bedroom with integral ensuite shower and wc in the roof space of a 4 bedroom (previously two storey) detached house approximately 8m x 6m in area (i.e. a loft conversion). The roof is of pitched, single ridge construction running between the flank walls; and the new second floor room has been created by breaking open approximately three quarters of the length of the rear pitch from eaves level and constructing a dormer framework containing three separate windows, the centre one of which is designated as an escape window.

4. Access to the new room is by a timber stair installed over the ground to first floor stair. At the foot of the new stair are two winders and at the top there is a quarter 'drop landing' giving access via an additional step, facing the stair, to the new room. The room is protected by an inward opening fire door located on the top of the additional step.

5. These proposals were the subject of a full plans application which was conditionally approved. This included a condition to ensure a 2m minimum headroom at the head of the stair. However, it is understood that the floor and dormer roof were not built to the levels indicated on the approved plan with the result that the Borough Council considers that the headroom for the stair at the top (i.e. additional) step is not in compliance with Requirement K1.

6. However, you took the view that Requirement K1 should not be applied to the question of headroom from this additional step up from the 'drop landing' into the new room. You therefore applied to the Borough Council for a relaxation of Requirement K1 which was refused. The Council then issued a notice of contravention in respect of Requirement K1 requiring corrective works within 28 days. It is against the refusal to relax Requirement K1 that you appealed to the Secretary of State.

The appellant's case

7. You consider that the stair to the new second floor room comprises of the main flight and the drop landing, and that you have provided approximately 2m head room throughout. You argue that the headroom from the additional step at the door into the new room should not be taken

into consideration because it is not part of the flight.

8. You also state that you have discussed the form of construction with an adjacent Borough Council's building control division who consider that your proposals comply with the current Building Regulations.

The Borough Council's case

9. The Borough Council has considered the definition of a 'stair' given in Approved Document 'K' ("Protection from falling, collision and impact"), which is: "*a succession of steps and landings that makes it possible to pass on foot to other levels*". The Council regards the landing, the additional step at the doorway to the new second floor room, and the doorway itself as forming part of the stair. The Council points out that the headroom under the doorway is approximately 1.76m and is approximately 1.86m under the ridge in the new room. Given that Approved Document 'K' recommends that 2m is adequate headroom, the Council does not consider that Requirement K1 has been complied with.

10. The Borough Council also considers that the door sweeping across what it regards as the upper landing contravenes the guidance in paragraph 1.16 of Approved Document 'K', which says that: "*To afford safe passage landings should be clear of permanent obstruction*".

11. To support its case the Borough Council has enclosed a copy of an appeal decision by the Secretary of State in a case involving headroom which he issued in 1996.

The Secretary of State's consideration

12. Falls on stairs in dwellings are a very common type of accident resulting in about 500 deaths per year and many thousands of injuries. The Secretary of State therefore considers that good stair design makes an essential contribution to life safety.

13. In considering this appeal the Secretary of State has first considered to what degree the proposed stair may fall short of compliance with Requirement K1, thereby potentially warranting a relaxation of this requirement.

14. Requirement K1 says that: "*Stairs, ladders and ramps shall be so designed, constructed and installed as to be safe for people moving between different levels in or about the building*". The guidance in Approved Document 'K' gives solutions for common situations, but loft conversions often present particular problems which have to be considered on their individual merits. The overriding consideration is the safety of the stair user.

15. For the purposes of Part K ("Protection from falling, collision and impact"), a stair is defined as: "*A succession of steps and landings that makes it possible to pass on foot to other levels*". You and the Borough Council disagree as to whether the stair ends at the foot of the additional step and new door, or continues into the proposed new second floor room. In the Secretary of State's view, if there was no door, then the stair should be considered to include the single additional step together with the landing beyond formed by the adjacent part of the floor of the new room. However, in this case there is a door, and the Secretary of State considers that it is

reasonable to regard the stair as ending at that door, even though this landing is not strictly at the upper level. This is because the door provides a clear barrier to progress, which requires the user to stop and open it before proceeding. The door also provides a clear marker for the change in level at the single additional step.

16. The guidance on "Performance" on page 5 of Approved Document 'K' makes it clear that Requirement K1 will only be applicable to differences in level of more than 600mm. Given that it is the Secretary of State's view that the stair ends at the additional step and the door, it follows that the step is not required to comply with Requirement K1 of the Building Regulations because the difference in levels here is less than 600mm. It also follows that because the floor area of this part of the new room cannot be considered to be a landing, the room height of this part of the room is not subject to the Building Regulations.

17. The Secretary of State has also noted the Borough Council's reference to a previous appeal decision made in 1996, which the Council contend supports its case. However, the Secretary of State is required to consider all cases on their individual merits. He considers that loft conversion cases can pose different questions, and issues specific to previous cases will not necessarily be relevant to subsequent ones.

18. In a more general context than the precise application of the Building Regulations (paragraphs 15 & 16 above), the Secretary of State recognises that the overall concern of the Borough Council is the safety of those using the stair. Although there is adequate headroom to the stair itself, the Council's concern is with the limited headroom of 1.76m under the doorway and approximately 1.86m under the ridge in the new room. These figures are in contrast to the figure of 2m which is defined as adequate headroom on the access between levels in paragraph 1.10 of Approved Document 'K'. However, paragraph 1.10 recognises the constraints which may exist in loft conversions and says: "*For loft conversions where there is not enough space to achieve this height, the headroom will be satisfactory if the height measured at the centre of the stair width is 1.9m reducing to 1.8m at the side....*".

19. Although the Borough Council's concerns over the limited headroom relate to construction elements which in the Secretary of State's view do not fall to be controlled under the Building Regulations (i.e. room height), he does consider it appropriate to comment as follows. As a general principle he takes the view that where it is necessary to use a drop landing, an additional step - or additional step and door - should preferably be at right angles to the direction of the main stair flight, and that the length of the drop landing should be of sufficient length to enable the 90° turn to ascend the step to be made some distance away from the top of the main flight. Such a design principle should minimise any hazard and risk of falling. When ascending the additional step any person who did bump their head is likely to do so in a position of 90° to the flight, thus increasing the chances of regaining their balance on the drop landing as opposed to falling back down the stair flight.

20. Notwithstanding the above general comments (paragraph 19) regarding optimum design for life safety, the Secretary of State does accept that loft conversions can present constraints on stair design, particularly in terms of headroom. As noted above, this is acknowledged in Approved Document 'K'. Thus although the Secretary of State considers that there may be potential to further improve the design safety of this particular stair, he considers that the risk of harm to the users of the stair is acceptably small, given that they will generally be familiar with the layout. He therefore takes the view that the stair as constructed offers a reasonable level of

safety and therefore complies with Requirement K1. It follows that he considers it would be neither appropriate nor necessary to relax Requirement K1 in order to secure the compliance of the existing stair.

The Secretary of State's decision

21. The Secretary of State has given careful consideration to the facts of this case and the arguments put forward by both parties. Paragraphs 12-20 above have considered and given the Secretary of State's view on the compliance of the stair as presently installed, having regard to the circumstances of this particular case.

22. However, you have appealed to the Secretary of State in respect of the refusal by the Borough Council to relax Requirement K1. The Secretary of State considers that compliance with Requirement K1 makes an essential contribution to life safety and as such he would not normally consider it appropriate to relax it, except in exceptional circumstances. Moreover, because in the particular circumstances of this case he considers that your building work complies with Requirement K1, there would appear to be no prima facie case to relax the requirement in any event. Therefore, taking these factors into account, the Secretary of State has concluded that it would not be appropriate to relax Requirement K1 ("Stairs, ladders and ramps") of Schedule 1 to the Building Regulations 2000 (as amended). Accordingly he dismisses your appeal.

