

# Requirement K1

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

Department for Communities and Local Government  
Eland House  
Bressenden Place  
London SW1E 5DU  
Telephone: 020 7944 4400  
Website: [www.communities.gov.uk](http://www.communities.gov.uk)

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## Front Cover

*Text of ODPM 'appeal' letter dated 6 February 2004 (Reference 45/3/161)*

*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 building work to form a habitable room in the roof space*

## The appeal

3. The building work to which this appeal relates comprises the conversion of the roof space of a three bedroom, semi-detached, two storey house into a bedroom and wc compartment (i.e. a loft conversion). The plan area of the house is irregular but approximately 5m in width x 10m in depth; and the dimensions of the new second floor room (including the wc compartment) are approximately 5m x 4m. The house has a pitched roof with the ridge running straight from the party wall to the top of the flank wall. The new room is to be created by breaking open the entire rear pitch from sill height and installing a flat roof dormer structure level within the existing height of the ridge. A roof light is to be installed in the retained front pitch and is shown as suitable for escape.

4. The new floor is to be accessed by converting the small front bedroom into an additional landing which will be separated from the existing landing by a fire door. From this additional landing a new stair will rise above the existing ground to first floor stair in a straight flight to a 'drop landing' which in turn will give access to the new room by a 90° turn and a final single additional step to the level of the new floor. The height of the new dormer ceiling above the new floor is 1.85m.

5. These proposals were the subject of a full plans application which was rejected by the Borough Council on the grounds that the headroom above the new stair at the top landing and step did not comply with Requirement K1. However, in your view the limited amount of accommodation involved and its open plan design means that any occupant would soon become accustomed to the restricted headroom. You therefore applied to the Borough Council for a relaxation of Requirement K1 which was formally refused. It is against that refusal that you have appealed to the Secretary of State.

## The appellant's case

6. You have made the following points to support your case

- (i) The configuration of the stair is such that it will be open plan at the top and as such any user of the stair will be aware of the reduced headroom as they approach.
- (ii) The proposed stair serves only one bedroom, and the occupant of the room will be aware of

the reduced headroom and will soon become accustomed to it.

### The Borough Council's case

7. The Borough Council refers to the guidance in Approved Document 'K' ("Protection from falling, collision and impact") to support its case. In this, a stair is defined as: "*A succession of steps and landings that makes it possible to pass on foot to other levels*". Paragraph 1.15 of Approved Document 'K' recommends that: "*Landings should be provided at the top and bottom of every flight*" and "*The landing may include part of the floor of the building*". Paragraph 1.10 of the document suggests that headroom of 2m is adequate.

8. In the light of the above guidance, the Borough Council views the stair, drop landing, single step, and upper landing (i.e. the initial part of the proposed bedroom floor), as part of the same flight and considers that the headroom should be at least 2m throughout.

9. The headroom in the proposed new bedroom is 1.85m and, as the floor of this bedroom provides the upper landing of the proposed new flight, the Borough Council considers that it should be 2m. The Council therefore argues that it is not in accordance with the guidance in Approved Document 'K' and does not comply with Requirement K1, which 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 Secretary of State's consideration

10. 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.

11. 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. He shares the Borough Council's view that the single additional step and the top landing should be regarded as part of the stair, and in assessing compliance he has considered the likely risk of an accident and the consequences. The hazard in this case is the low headroom above the single step on the side of the drop landing. The risk is that a person ascending the stair will bump his/her head, fall back down the stair, and possibly suffer injury. The risk is lower for people descending the stair because they will be moving out of the area of lower headroom.

12. The guidance in Approved Document 'K' recognises that the suggested headroom of 2m on the access between levels cannot always be achieved in conversions, and paragraph 1.10 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*". The floor to ceiling height of the top landing (i.e. the bedroom floor) in this case is 1.85m. This is significantly below the recommended 2m, and is also below the suggested 1.9m. However, over 90% of men and a higher percentage of women are below this height, so the number of persons at risk is still relatively small. Furthermore, the ceiling is a

flat surface and so presents less of a hazard than, for example, a downstand beam.

13. In the Secretary of State's opinion the fact that the single additional step up to the new floor level is at right angles to the landing is important in that it should minimise the 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.

14. The Secretary of State has also noted that the length of the drop landing is approximately 0.6m in length. As a general principle he takes the view that where it is practically feasible to do so, the length of such drop landings in this type of design should be sufficient to enable the 90° turn and step up to be made some distance away from the top of the stair flight, thus maximising the chances of any person who falls being retained within the safety of the drop landing area.

15. The Secretary of State accepts that loft conversions can present constraints on stair design, particularly in terms of headroom. This is acknowledged in Approved Document 'K'. Thus, although the Secretary of State considers that there may be potential to further improve the safety of this particular stair he considers that the risk of harm to 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 proposed complies with Requirement K1, and that it follows that it would be neither appropriate nor necessary to relax Requirement K1 in order to secure the compliance of the proposed stair.

### **The Secretary of State's decision**

16. The Secretary of State has given careful consideration to the facts of this case and the arguments put forward by both parties. Paragraphs 10-15 above have considered and given the Secretary of State's view on the compliance of the proposed stair, having regard to the circumstances of this particular case.

17. 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 proposed 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.

