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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 removal of a central stairway

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 proposed building work relates to the removal of the ground floor section of one of five protected stairs in the above premises in order to open up the surrounding accommodation.

5. The premises comprise an old four storey building containing function rooms, a board room and other offices on the first floor, together with an extension built in 1990. The extension comprises a North and East wing each being approximately 34 metres in length and at right angles to each other. The junction of the wings is in the North East corner of, and attached to the side of, the original premises.

6. The ground floor level of the East wing contains the entrance hall, lift, restaurant and cocktail bar. The first floor of this wing contains 9 bedrooms and is virtually at the same level of the first floor of the original building. The ground floor of the North wing contains a kitchen and ancillary accommodation, and the first and second floors of this wing each contain 13 bedrooms. The two upper floors of the North wing are at a half level below and above the first floor levels of the East wing and the original building.

7. There are five protected stairs (numbers 1-5) serving the building, in addition to two accommodation stairs. Stair number 1 is at the far end of the original building; Stair number 2 is adjacent to the reception area, as is one of the accommodation stairs which rises from the ground to the first floor of the original building; Stair number 3 is at the junction of the two wings where the corridor lobbies lead into the original building and links all floors via half landings, finally discharging in the entrance hall; and stair numbers 4 and 5 are at the extreme end of the North and East wings respectively. The other accommodation stair is centred on the first floor of the building and positioned Northeast of stair number 3. It comprises two flights - one giving access

upwards to the second floor of the North wing, and the second flight giving access down to the first floor of the North wing.

8. The proposed building work involves the removal of the ground to first floor section of stair number 3 in order to open up the present entrance hall/stairway area into the cocktail bar and restaurant area to form one combined zone. It is proposed to separate the existing lift, at the ground floor level, from this new bar and restaurant area by providing an enclosing partition arrangement. Access to the lift will then be via the area at the rear of the main reception. It is also proposed to separate the upper section of stair number 3 from part of the general circulation route at the end of the East wing first floor by means of a fire rated door and screen.

9. 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 took the view that the second floor of the North wing constitutes a floor in its own right and removal of the protected access to ground floor level and open air via stair number 3 would result in the second floor having excess travel to stair number 4. The Borough have discounted the availability of stair number 3 because of the half floor level difference which would result in escape being down a flight of stairs to reach the first floor corridor of the East Wing. They consider the second floor of the North wing to be a dead-end situation as a result of this.

The applicant's case

11. In support of your case you contend that while stair number 3 is convenient for the occupiers for accommodation purposes, it is not essential for escape purposes. You state that as the building is a mixture of old and new construction a stepped route, via a half landing change in level, is acceptable and all other relevant stairs are within the required travel distances.

12. You state that with the section of stair number 3 between ground and first floors removed occupiers of bedrooms in the East and North wings will have the following escape routes:

- i) East Wing - Horizontally to stair number 5 and stair number 2, or via a half level change at Stair number 3 either to the first or second floor of the North wing and from either of these floors to stair number 4.
- ii) North Wing - Horizontally along either the first or second floor to stair No 4, or via a half level change at Stair number 3 to the first floor of the East wing and from there to stair number 5. You also contend that a route exists to stair number 2 via the accommodation stair positioned at the southern end of the North wing. You do not consider that access to stair number 2 is complicated, and you state that the stair could be protected to a greater extent than currently exists if required.

13. You confirm that the Borough Council consider that the southern part of the second floor of the North wing is considered to be a dead-end condition making the use of stair number 3 essential to achieve the travel distances needed. Although the point has not been made by the Borough Council you further state that by definition the same area of the first floor of this wing would also fall into the dead-end category. You therefore argue that as a stepped escape would appear acceptable to the Borough Council on the first floor, by the very fact that they have not raised it as an issue, than it should also be allowable on the second floor.

The Borough Council's case

14. The Borough Council state that in considering the original application to build the new section onto the original building, stair numbers 3, 4 and 5 were accepted as the primary protected means of escape routes. The Borough Council did not consider stair number 2 to be suitable because access is complicated, not easy to protect, and escape is in fact via a flight of accommodation stairs.

15. The Borough Council consider that the issue is one of interpretation and relates to whether a change of level via not less than eight steps constitutes a change of floor level in its own right or merely an extension of the floor below. It is the Borough Council's opinion that the second floor of the North wing is a floor in its own right.

16. The Borough Council consulted the London Fire and Civil Defence Authority who are in agreement with them and also consider that the removal of the existing ground to first floor section of the protected stair number 3 would not comply with Requirement B1. The Borough Council point out that this is because a dead-end situation would occur on the second floor of the existing building (as it is not considered that the route back into the original building is a satisfactory alternative) and that, because of the change in level (at least eight steps) between the two floors, the two extreme staircases are not in themselves adequate even though the horizontally measured travel distance is within accepted limits.

The Department's view

17. The Department considers that it is the safety of the bedroom occupants located within the southern end of the two upper floors of the North wing which has to be considered if they should need to escape in a fire. The Department notes that the Borough Council have only raised the second floor of the North wing as an issue. However, you contend that by applying the Borough Council's reasoning, the same scenario also would apply to the first floor of the North wing.

18. The Department notes the comments made by the Borough Council in which they say that the removal of the ground to first floor flight of stairs from stair number 3 would mean that the second floor of the North wing would be in a dead-end condition. The Borough Council consider this to be the case because the escape route back into the original part of the building (via stair number 2) is not acceptable due to the change in level (at least eight steps) between the two floors and because the two extreme staircases are not in themselves adequate. The Borough Council have however confirmed that the measured travel distances between these extreme staircases are within accepted limits.

19. The Department notes that your client proposes to separate the upper section of stair number 3 from part of the general circulation route at the western end of the East wing first floor level by means of a fire rated door and screen. This would allow movement between both the first and the second floor corridors of the North wing and the first floor corridor of the East wing via a flight of protected stairs. The Department notes that in addition to stair number 4 you also offer stair numbers 5 and 2 as possible escape routes for the occupants of the first and second floor of the North wing. Access to stair number 5 would then be available via a half level change to the first floor corridor of the East wing and from there along to stair number 5. Access to stair number 2 would also be available via the existing accommodation stair at the southern end of the North wing.

20. The Department agrees with the Borough Council's opinion that a dead-end situation exists to the southern end of the second floor of the North wing (and in the Department's opinion the first floor as well) but only as far as the first three bedrooms to the southwest of the point of entry into stair number 3. The Department notes that the Borough Council did not consider the route utilising stair number 2 within the original application for the extension and therefore assumes that dead end conditions already prevail in these instances for that reason.

21. The Department notes the particular circumstances of this building and considers that the proposed escape routes from the North wing, via the stepped half level change (stair number 3), are acceptable. In reaching this conclusion the Department has taken into consideration all the relevant facts of the case, and in particular the fact that:

- i) the horizontal distances of travel between stair numbers 4 and 5 are within accepted limits
- ii) a protected enclosure is to be maintained to the upper flights of stair number 3
- iii) movement between differing levels is only by means of a single flight of stairs

iv) the proposals relate to an existing property which has undergone alterations and extensions and where as a result changes of level are therefore to be expected

v) separation is shown to be provided between the various escape routes available.

22. The Department also notes the comments made by the Borough Council with reference to stair number 2 and accepts that stair numbers 3, 4 and 5 would have been viewed originally as the primary escape routes. However, in the event of the ground to first floor flight of stairs being removed from stair number 3, the Department considers that if a fire did occur within the North wing (or even the East wing) then those people who were so positioned would be able to turn their back on the fire and use the route to stair number 2 in appropriate safety.

The determination

23. The Secretary of State has given careful consideration to all the relevant facts, the particular circumstances of this case, and the arguments put forward by both parties regarding the acceptability of the proposed escape routes which would incorporate stepped changes in level. He has concluded that your proposal to remove the ground to first floor staircase of stair number 3 will not materially affect the availability of alternative protected escape routes. He therefore determines that your proposals are in compliance with Requirement B1 of Schedule 1 to the Building Regulations 1991 (as amended).