

Appeal AP09/09 – Regulation E2 (Fire safety). Consideration of compliance in respect of a roof space conversion to a two storey dwellinghouse.

Appeal to the Department of Finance and Personnel against a Rejection of Plans

1. The following is a summary of the Department's determination of an appeal made under Article 17 of the Building Regulations (Northern Ireland) Order 1979 (as amended) against a rejection of plans.

2. The determination was in respect of compliance with the requirements of Regulation E2 as applied by Regulation A7 of the Building Regulations (Northern Ireland) 2000 (as amended). The appeal was specifically about the provision of an emergency egress window to serve a proposed new roof space storey to a dwellinghouse.

The proposed work

3. The drawings illustrated a roof space conversion comprising a bedroom and study which would extend the two storey dwellinghouse to three storeys. An opening dormer window was shown in each of the two habitable rooms and a new stairway and enclosure, as a continuation of the existing stairway, was proposed to serve the new storey.

The District Council's decision

4. The District Council's decision to reject the plans was based on its view that neither of the opening dormer windows, shown on the plans, could be accepted as an emergency egress window to serve the roof space storey. The District Council was specifically concerned with safe ladder access to the windows. This was mainly about the location of the openings with relation to the adjacent eaves which were part of the roof below the roof space storey. The District Council drew attention to the provisions shown on Diagram 1.1 of Technical Booklet E which gives a direct distance between window openings and the eaves of the roof of the room which contains them.

The appellant's grounds for the appeal

5. The appellant expressed the view that Diagram 1.1 of Technical Booklet E was indicative and that the opening dormer window in the Study met all the critical points regarding the location of an emergency egress window. The appellant felt that the distance from the edge of the window opening measured at right angles to the adjacent eaves of the roof below complied and that the eaves were accessible by ladder placed on the adjoining driveway. Reference was also made to the shallow pitch of the roof onto which the window would discharge.

Department's consideration of the appeal

6. In reaching a decision the Department considered —

- the appellant's grounds and the District Councils representations; and

- the proposals as shown on the rejected plans specifically –
 - the proposed use of the opening dormer window in the Study as an emergency egress window from the new storey;
 - the hinging of the window and the location of the window opening in relation to the adjacent eaves of the lower roof onto which it would discharge;
 - access to the eaves to facilitate rescue by ladder from the driveway belonging to the dwellinghouse; and
 - the proposals for the primary means of escape from the roof space storey including the provision of half hour fire-resisting self-closing doors to the stairway enclosure.

Conclusion

7. As a result of its considerations the Department determined that the dormer opening window in the Study was suitably located to fulfill its function as an emergency egress window from the proposed roof space storey. In this respect it concluded that the arrangement of the window, as indicated on the drawings, did not show a contravention of Regulation E2(c).

Decision

8. The Department upheld the appeal and consequently revoked the decision of the District Council to reject the plans.