

Building regulation requirements applicable to the conversion of dwellings into multiple residences

28


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**Regulation:
Conversions -
multiple
residences**



Building Control Alliance

Subject Area | BCA Technical Guidance Note 28

		R3, 5+6	Conversion of dwellings
Regulation	Dwellings/Residences	Regulations 3, 5 and 6	Dwellings to multiple residences

Introduction | BCA Technical Guidance Note 28

At the time of publishing this document there had been an increase in the number of construction schemes where existing dwelling houses are adapted to form multiple residential units. In some cases these are clearly independent dwellings and thus constitute a change of use to form flats. In other cases the accommodation comprises private rooms with shared facilities such as bathrooms, kitchens or lounges. It is in this latter case where there has been a level of inconsistency between **Building Control Bodies (BCB's)** on the application of requirements relating to issues such as fire safety and sound insulation.

The convenient and much used generic term for this arrangement is a '**house in multiple occupation**' or '**HMO**'. This term comes from the **Housing Act 2004** with its associated legislation and is not used within this guidance to avoid any confusion with the various requirements or defining criteria in this other Act. This guide focuses on **Building Act** legislation and Building Regulations requirements only.

Key Issues | BCA Technical Guidance Note 28

The degree to which the regulations apply to this type of scheme and whether it is a **material change of use** is largely determined by whether created residences comprise 'rooms for residential purposes'. These are defined in Regulation 2 as :-

'a room, or a suite of rooms, which is not a dwelling-house or a flat and which is used by one or more persons to live and sleep and includes a room in a hostel, an hotel, a boarding house, a hall of residence or a residential home, but does not include a room in a hospital, or other similar establishment, used for patient accommodation.'

Guidance | BCA Technical Guidance Note 28

As can be seen, the above definition excludes rooms in a 'dwelling house'. So it is necessary to establish whether the altered building remains such. The definitions for 'Dwelling' and 'Dwelling House' in regulation 2 are of little use in this context and the only useful and relevant definition for dwelling is contained in Appendix A of **ADBv1** or **ADBv2** as below;

'NOTE: A dwelling is a unit where one or more people live (whether or not as a sole or main residence) in either of the following situations.

- A single person or people living together as a family.*
- A maximum of six people living together as a single household, including where care is provided for residents.'*

The appendix has a head note stating that definitions are only applicable to Part B, however, in the absence of any better definition in any Building Regulations documents it is reasonable to use this when considering implications for a change of use. If the building is no longer a dwelling then the rooms in it should be regarded as rooms for residential purposes invoking a change of use under case h of regulation 5. This requires application of the associated controls within regulation 6 that includes fire safety provisions, thermal upgrading and proper acoustic separation.

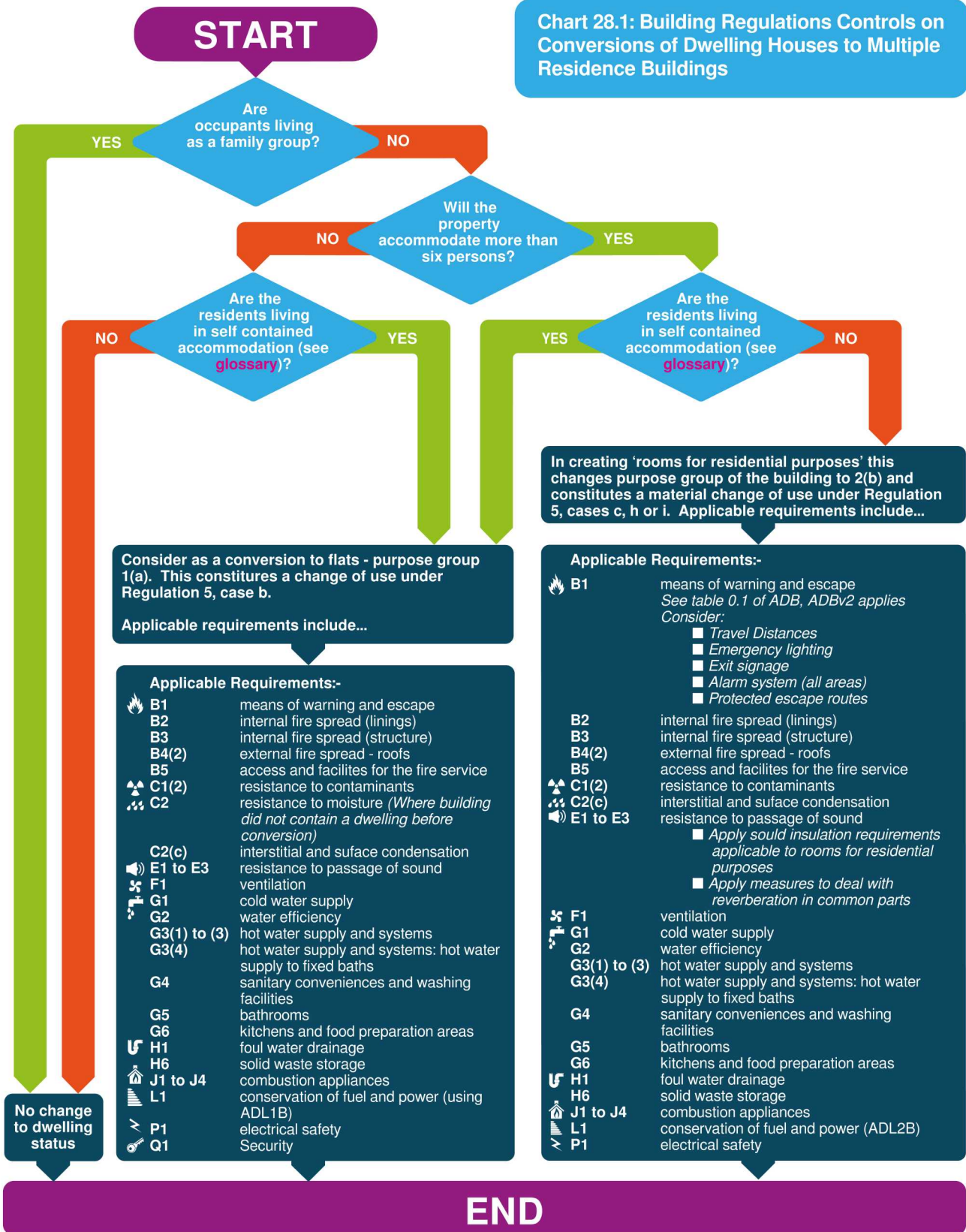
The above definition is relevant in considering implications for a material alteration to a building undergoing such a conversion. A building that is altered to accommodate more than 6 persons who are not a family group should no longer be classed as a 'dwelling' (purpose group 1(b)) and becomes 'residential / other' (purpose group 2(b)). This constitutes a material alteration and consideration of enhanced fire precautions detailed in volume 2 of approved document B (**ADBv2**) would be necessary.

Appendix A to this guidance note contains a flow diagram simplifying the above principles. For convenience it also lists the requirements that are applicable to the various conversion types.

Conclusion | BCA Technical Guidance Note 28

By adopting the principles in this guide, designers can be asked to make reasonable provision for the health and safety of the future occupants of these converted buildings. The regulations and associated published documents may not be entirely clear but it makes no sense for Building Control to dictate minimum standards of sound insulation to rooms in a conversion forming a hotel or hostel whilst ignoring such considerations for rooms where people will be living on a longer term basis as there is likely to be a far greater risk to health.

Chart 28.1: Building Regulations Controls on Conversions of Dwelling Houses to Multiple Residence Buildings



Notes

1. This chart does not cover conversions to residential (institutional) use
2. Strict accordance with legislation would suggest that other requirements may apply such as A1 to A3 - Structure (for conversions to boarding houses - case 5c) and M1 - access and use (ditto). It is for building control service providers to consider relevance of these in considering particular circumstances.

Glossary of Terms | BCA Technical Guidance Note 09

BCB or Building Control Body

Building Control Body; the organisation responsible for providing building regulation compliance services, either within Local Authority or private sector Approved Inspector.

Dwelling

Defined in The Buildings Regulations 2010, as amended (SI 2010/2214), Regulation 2 as: including a dwelling-house and a flat

Dwelling House

Defined in The Buildings Regulations 2010, as amended (SI 2010/2214), Regulation 2 as: not including a flat or a building containing a flat

House in multiple occupation or HMO

Defined within section 254 'meaning of house in multiple occupation' by The Housing Act 2004 meeting certain conditions.

Material change of use

Defined in The Buildings Regulations 2010, as amended (SI 2010/2214), Regulation 5 as: change in the purposes for which or the circumstances in which a building is used so that it is of a type listed in Regulation 5 of The Building Regulations.

Self-contained unit of accommodation

A self-contained unit of accommodation is one which has a kitchen (or cooking area), bathroom and toilet inside it for the exclusive use of the household living within the unit. If the occupiers need to leave the unit to gain access to any one of these amenities then that unit is not self contained

References | BCA Technical Guidance Note 09

Approved Document B, Volume 1 or ADBv1

HM Government (2019) Approved Document B Volume 1 – Dwellings: 2019 Edition. London: RIBA Books . Also Available from www.gov.uk.

Approved Document B, Volume 2 or ADBv2

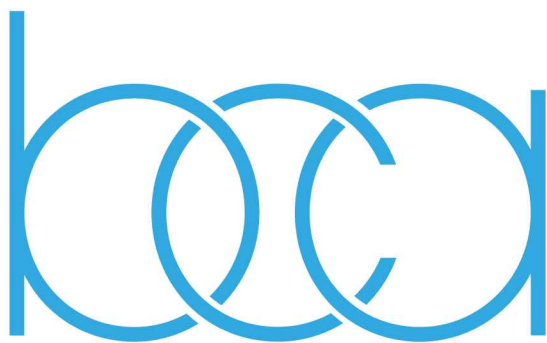
HM Government (2019) Approved Document B Volume 2 – Buildings other than dwellings: 2019 Edition. London: RIBA Books . Also Available from www.gov.uk.

Building Act

Building Act 1984, c. 50. Available at <https://www.legislation.gov.uk/ukpga/1984/55>

Housing Act 2004

Housing Act 2004, c. 34. Available at <https://www.legislation.gov.uk/ukpga/2004/34>



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- Chartered Institute of Building
- Chartered Association of Building Engineers
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and the professional associations promoting public and private sector building control –

- Local Authority Building Control
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