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

Issue 01.00
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Regulation: Conversions - multiple residences

Technical Guidance Note
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This guidance note is based upon information available at the time of issue and may be subject to change. The Approved Documents should be consulted for full details in any particular case.

### Status

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<td>10/2019</td>
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**Notes on issue status:**
A minor amendment is issued as an incremental point on the original and is in the form of 28.01.01, where the first number is the TGN number, the second is the issue and the third is the minor revision to the issue.

A major rework or change in guidance is given a new issue number, this would be in the form of 28.02.00 for a full re-issue.

Minor revisions are issued retaining the main issue number with a sequential revision number, this would be for updating standards or correction of errors. This would be in the form of 28.01.01 for the first minor revision to the first issue.

Always ensure you are using the most recent Guidance Note, these can be referenced at the BCA website:

**Conventions used within this document:**
- Websites and links are shown in dark **blue underlined bold text**.
- Standards and referenced documents are shown in **bold text**.
- Defined terms within the glossary are shown in **light blue bold text**.
- Section and diagram references are shown in **purple text**.
Introduction

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

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

START

Are occupants living as a family group?

YES

Will the property accommodate more than six persons?

YES

Are the residents living in self contained accommodation (see guidance)?

YES

In creating ‘rooms for residential purposes’ this changes purpose group of the building to 2(b) and constitutes a material change of use under Regulation 5, cases c, h or l. Applicable requirements include...

Applicable Requirements:
- B1 means of warning and escape
  - Travel Distances
  - Emergency lighting
  - Exit signage
  - Alarm system (all areas)
  - Protected escape routes
- B2 internal fire spread (lining)
- B3 internal fire spread (structure)
- B4(2) external fire spread - roofs
- B5 access and facilities for the fire service
- C1(2) resistance to contaminants
- C2 resistance to moisture (Where building did not contain a dwelling before conversion)
- C2(c) interstitial and surface condensation
- F1 resistance to passage of sound
- C1 water efficiency
- G1 cold water supply
- G2 water efficiency
- G3(1) to (3) hot water supply and systems: hot water supply to fixed baths
- G4 sanitary conveniences and washing facilities
- G5 bathrooms
- G6 kitchens and food preparation areas
- H1 foul water drainage
- H6 solid waste storage
- J1 to J4 combustion appliances
- L1 conservation of fuel and power (using ADL1B)
- P1 electrical safety
- Q1 Security

NO

END

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 Sc) and M1 - access and use (dfts). It is for building control service providers to consider relevance of these in considering particular circumstances.
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

Approved Document B, Volume 2 or ADBv2

Building Act

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