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Our ref: QTO 2/4
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Dear Building Standards Managers

Alteration & Extension of Dwellings - Applying Guidance on Improving Accessibility.

The 2007 Domestic Technical Handbook makes significant changes to the functional standards and supporting guidance on accessibility of buildings. This includes advice on spaces and facilities to make dwellings more accessible. In response to queries from Verifiers and designers, the following information clarifies the rationale behind these changes as they apply to alterations and extensions.

1. To what degree must the functional standards be met when altering a dwelling?

It is the functional standards, not published guidance, which must be met. Guidance identifies issues that are relevant for the functional standard to be met. An application may follow published guidance or propose an alternate solution which the Verifier will assess. Whatever the solution, the functional standards must still be met.

However, when altering a dwelling, guidance to standards 3.11, 3.12 & 4.2 identifies certain issues relating to space and facilities which may be addressed as far as is reasonably practicable. Limitations inherent in the building, such as available space, structure or the disproportionate cost of enabling works may mean that the level of amenity recommended in guidance is not always achievable.

As a dwelling can still be improved even where aspects of the functional standards are not fully realised, this permits such work to take place where the Verifier is satisfied that proposals represent what is reasonably practicable in the circumstances. An applicant should be prepared to provide evidence in support of this to the Verifier.

Example:

Creating a toilet on the entrance storey of a typical house, where there is not currently such a facility, will generally improve facilities on that level. Manoeuvring and activity space to enable use by less mobile occupants, such as recommended in clause 3.12.3, should be provided where this is reasonably practicable.

The extent to which this can be achieved might be limited by space available or the practicality of necessary alterations. If spaces are reduced, the overall benefit from the facility may also be reduced but the toilet will still be usable by most people, to the general benefit of the household.

2. Is there flexibility where maintaining current recommendations prevents new work?

The need to maintain compliance with the functional standards will place limits on what can be considered acceptable work. Occasionally, published guidance on space and facilities in standards 3.11, 3.12 & 4.2 may be seen to prevent new work which might otherwise improve a building.

Under section 10 of the Building (Scotland) Act 2003, a Verifier must refuse a warrant if it is considered that work will cause a building to fail to meet the regulations or, if not already meeting current regulations, fail to a greater degree. However, there may be situations where the manner in which the building meets the functional standards may be affected without a Verifier having to consider this as a failure in meeting the building regulations.

Standards and guidance in the 2007 Technical Handbook are written to improve both the immediate accessibility and future adaptability of dwellings. Application of recommendations to existing buildings is not intended to prevent work that may offer such improvement by other means. For example, where proposed work removes an element presently identified in guidance but will result in an overall improvement in compliance with the relevant functional standard, a Verifier might consider failure has not occurred. It is therefore important not to assess such an issue in isolation but as part of the overall work.

Example:

Access to a proposed ground floor extension is only possible by forming a doorway which removes clear space at the foot of a stair which, under clause 4.2.8, presently would allow a stairlift to be installed - a common adaptation to improve amenity in a dwelling.

However, extending a dwelling or converting adjacent garage space to give more accommodation is also a common adaptation. Providing additional accommodation on an accessible level might be considered a reasonable and convenient alternative means of improvement. It should also be established that it is not reasonably practicable to maintain provision for future access to the upper floor in another way.

The element proposed for removal has to be assessed in context. For example, in a building which also meets recommendations on circulation areas on the upper floor (clause 4.2.6), more justification of benefit might be required.

Summary

The building standards system relies upon the experience and professionalism of the Verifier to determine whether an alternative solution will meet the functional standards and, when altering or extending a dwelling, the extent to which:

- it is reasonable practicable to meet the functional standards where such an option is identified in guidance; or
- proposals adversely affecting issues identified by guidance can be considered and accepted.

Assessment will depend upon the circumstances detailed in each application. A decision made on one property need not, therefore, set a precedent though the manner in which proposals are considered should assist in developing a consistent policy on the assessment of such works.

Yours faithfully

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