LOFT CONVERSIONS

second edition

JOHN GOUTTS

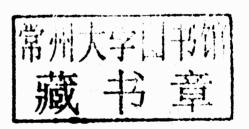


Loft Conversions

SECOND EDITION

John Coutts

MA (Oxon)



A John Wiley & Sons, Ltd., Publication

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Blackwell Publishing was acquired by John Wiley & Sons in February 2007. Blackwell's publishing program has been merged with Wiley's global Scientific, Technical and Medical business to form Wiley-Blackwell.

Registered Office

John Wiley & Sons, Ltd, The Atrium, Southern Gate, Chichester, West Sussex, PO19 8SQ, UK

Editorial Offices

9600 Garsington Road, Oxford, OX4 2DQ, UK The Atrium, Southern Gate, Chichester, West Sussex, PO19 8SQ, UK 2121 State Avenue, Ames. Iowa 50014-8300. USA

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Library of Congress Cataloging-in-Publication Data

Coutts, John, 1965-

Loft conversions / John Coutts. - 2nd ed.

p. cm

Includes bibliographical references and index.

ISBN 978-1-118-40004-3 (pbk.: alk. paper) 1. Lofts-Remodeling for other use. I. Title.

TH3000.L63C68 2012

728'.314-dc23

2012009293

A catalogue record for this book is available from the British Library.

Wiley also publishes its books in a variety of electronic formats. Some content that appears in print may not be available in electronic books.

Cover image courtesy of FreshPaint/www.Bigstock.com Cover design by Meaden Creative

Set in 10/12.5pt Minion by SPi Publisher Services, Pondicherry, India Printed and bound in Malaysia by Vivar Printing Sdn Bhd

Contents

Preface		xiii
Acknowledgements		
1	Planning and legal considerations	1
	Permitted development	1
	Permitted development law	1
	Commentary on permitted development provisions - England	4
	Permitted development restrictions	10
	Curtilage: raising party walls	10
	Conservation areas	10
	Article IV directions	11
	Planning conditions affecting permitted development	11
	Listed buildings	11
	Other conditions affecting development	12
	Restrictive covenants	12
	Mortgage lenders	12
	Buildings and contents insurance	12
	Tree preservation orders	12
	Bats	12
	Lawful Development Certificate	13
	Planning permission	13
	Planning applications	13
	Sources of planning guidance	15
	Supplementary planning guidance	16
	Supplementary planning documents	16
	Design guides	16
	Design codes	16
	Local Development Framework	16
	Unitary Development Plan	16
	The Party Wall etc. Act 1996	16
	Procedure	17
	Disputes	18
2	The Building Regulations and building control	19
	The Building Act 1984	19
	The Building Regulations	19
	Approved Document guidance	20
	Compliance guides	21
	Relationship between the Building Regulations and the	21
	Approved Documents	21
	The state of the s	21

	Building control	21
	Local authority building control	22
	Full plans	22
	Building notice	24
	Notification and inspection of work	25
	Resolving Building Regulations disputes	26
	Electronic building control applications	28
	Approved inspector building control	28
3	External forms	30
	Primary influences on form	30
	Planning considerations	30
	Pitch, plan and headroom	31
	Stair access	31
	Shallow-pitched roofs	31
	Existing roof type	31
	Conversion forms	33
	Roof space only conversion	33
	Box dormer conversion	33
	Front box dormer conversion	34
	Hip-to-gable conversion	34
	Side dormer conversion	35
	Full-width dormer with masonry flanks	35
	Mansard conversion	36
	Lean-to conversion	38
	Half dormer	38
	Existing attic rooms	38
	Galleries and platforms	39
	Traditional dormer forms	39
	Gabled dormer	40
	Hipped dormer	40
	Flat dormer (small)	40
	Cat slide dormer	42
	Recessed dormer	42
	Eyebrow dormer	42
	Arched dormer	42
	Segmental dormer Pedimented dormer	42
	Canted bay dormer	42
		43
	Design considerations Fenestration	43
	Roof detail	43
	Vertical cladding and roofing materials	43
	Chimney positions	44
	Drainage	45
	Dramage	45

4	Fire safety	47
	Regulatory framework	47
	Main changes to Approved Document B (2006)	47
	Fire resistance: basic requirements	49
	Warning and escape	50
	Floor height rules	51
	Storey and floor numbering rules	51
	Fire safety: common configurations – floor not more than	
	4.5 m above lowest ground level	52
	Means of warning	52
	Means of escape	52
	One floor more than 4.5 m above ground level	54
	Means of warning	54
	First floor fire resistance	54
	New floor (conversion)	54
	Escape windows	54
	Means of escape	55
	More than one floor over 4.5 m above ground level	59
	Galleries	59
	Elements and terminology	62
	Access room	62
	AFD	62
	Air circulation systems	62
	Alternative escape route	62
	Automatic self-closing devices (self closers)	63
	Balconies and flat roofs	63
	Cavity barriers	63
	Doors – glazing in final exit	63
	Emergency egress (escape) windows and external doors	64
	Escape route	64
	Final exit	64
	Fire curtains	65
	Fire detection and fire alarm systems	65
	Fire doors	67
	Fire stopping and the protection of openings	67
	Habitable room	69
	Inner room	69
	Inner inner room	69
	Loft conversion	69
	Modified 30-minute protection	69
	Open plan layouts	70
	Passenger lifts	71
	Sprinkler systems	71
	Storey exit	71
	Storey height measurement	71
	Fire safety in context	72

5	Conversion survey	73
	Survey procedure	73
	Outline of survey elements	74
	Survey elements in detail	76
	Age of the building	76
	Headroom and floor-to-ceiling height	76
	External relationships	77
	Internal layout	77
	Roof form	77
	Roof structure	77
	Roof condition	79
	Walls	80
	Foundations	82
	Internal walls and partitions	83
	Floor and ceiling structure	84
	Strength of existing timber elements	85
	Water tanks	85
	Drainage and services	86
	Chimneys	87
6	Beams and primary structure	88
	Approved Document guidance	88
	Beam position relative to existing structure	88
	Beam characteristics	89
	Common structural steel sections	89
	Engineered timber beams	91
	Fire resistance of beams	94
	Beam bearings	94
	Mild steel bearing plates	95
	Padstones	96
	Beam penetration	98
	Beam splices	98
	Flange and web plate splice	98
	End plate beam splices	99
	Splice box	99
	Inline box	99
	PFC bearing	100
	Beam-to-beam connections	101
	Bolted connections	101
	Grade 4.6 bolts	103
	Grade 8.8 'high-strength' bolts	103
	HSFG bolt assemblies	104
	Toothed plate connectors	105
	Timber to masonry connections	105
	Tension straps	105

		Contents ix
	Expansion bolts	105
	Chemical anchoring	107
	Disproportionate collapse	107
7	Floor structure	109
	Role of the conversion floor	109
	Elements of loft conversion floor design	110
	Room height in the conversion (headroom)	111
	Methods of support for floors	111
	Beam-supported floors	112
	Wall-supported floors	115
	Floor joist selection	117
	Joist spacing	117
	Timber supplies	118
	Machined (regularised) joist sections	118
	Holes and notches in joists	119
	Binders	119
	New floor joist/existing ceiling clearance	122
	Strutting	122
	Trimming	123
	Lateral support by floors	125
	Floor fire resistance	128
	Conversion floor (fire and sound resistance)	128
	Floor materials and fixing	129
	Conditioning	130
	Staggered joints	130
	Moisture and sound resistance	130
	Fixing	131
	T&G floor panels Timber floorboards	131
	Stairs	131
	Headroom	131
	Landings	131 132
	Stair configuration	132
	Structural implications	136
	Stair provision: practical aspects	136
_	TATE III	150
8	Wall structure	138
	External stud walls	138
	Stud arrangement and spacing Elements of stud wall construction	138
		141
	Terminology Openings	141
	Supporting structural steel in stud walls	146
	Vertical cladding	146
	Fire resistance of dormer stud walls	146
	The resistance of dornier stud wans	148

	Masonry walls (external)	149
	Hip-to-gable conversion	150
	Safety considerations during construction	151
	Lateral restraint of flank gable walls	151
	Brick selection and size	151
	Solid blockwork	153
	Mortar and brickwork	154
	Parapet walls in loft conversions	155
	Integrating new and old	155
	Chimney cowls	159
	Compartment (party) walls	159
	Internal partitions	160
	Window and door safety	160
	Windows	161
	Juliet balconies and balustrades	161
	Glazing requirements for doors	162
	Cleaning	162
	Replacement windows	162
9	Roof structure	163
	Roof types	163
	The cut roof (common to about 1950)	163
	The TDA roof truss (common 1947–1980)	163
	Trussed rafter roofs (1965 to present)	165
	Cut roof: structural forms	165
	Single roofs	165
	Double roofs	166
	Cut roof: structural elements	167
	Purlin	167
	Ridge and rafters	170
	Wall plates	172
	Ceiling joists and collars	172
	Cut roof: common conversion alterations	172
	Modification of the roof structure	172
	Reasons to remove a purlin	174
	Replacement support for purlins	174
	Rafters	176
	Trimming	176
	Sizing and loading of rafters	183
	Hip-to-gable conversion	183
	Notches and holes	184
	Lateral support for gables	184
	Replacement roof coverings	185
	Flat roof: basic structure	186
	Flat roof – warm deck (unventilated)	188
	Flat roof – cold deck (ventilated)	189
	Flat roof – hybrid warm roof (unventilated)	189

	Roof ventilation	189
	Continuity of airflow around roof windows	191
	Ventilation – possible exemptions from the requirement	191
	Approved Document guidance	192
	Attic trusses	192
10	Energy performance	195
	Methods of compliance	195
	The reference method (elemental approach)	195
	Area-weighted U-value method (optional approach)	196
	Whole dwelling calculation method (optional approach)	197
	Walls and roofs – performance requirements	197
	U-values for new thermal elements	198
	U-values for retained thermal elements	198
	Standards for replacement thermal elements in an	
	existing dwelling	199
	Standards for renovation of thermal elements	199
	Energy conservation - practical approaches	200
	Insulation materials	200
	Fixing internal insulation	201
	Airtightness	203
	Thermal bridging	204
	Insulation for wall and roof elements	204
	Existing (retained) solid brick masonry walls	204
	New solid brick masonry walls	205
	New solid blockwork walls	205
	Existing (retained) cavity masonry walls	206
	New cavity masonry walls	207
	New tile hung stud walls	208
	Existing (retained) or new pitched roof	208
	New flat warm roof	209
	New flat cold deck	210
	Windows and other openings	210
	Area of windows	213
	Risks associated with insulation	213
	Surface condensation	213
	Interstitial condensation – all elements	214
	Spalling risk – masonry walls	214
	Electric lighting	214
	Practical implications	214
	Heating and hot water systems	215
	Providing information about energy efficiency	216
	Loft insulation when a loft is not converted	216
	Ventilation for occupants	216
	Background ventilation	217
	Purge (rapid) ventilation	217
	Extract ventilation	218

	Ventilati	on – practical measures	218
	All ro	-	218
	Habit	able room (with external wall)	219
		able room (with no external wall)	219
		oom (with external wall)	219
		oom (with no external wall)	219
		with external wall)	220
	WC (with no external wall)	220
	Provid	ling information about ventilation	220
11	Lofts in	context	221
	Why con	nvert?	221
	Loft con	version statistics	222
	Underly	ing trends	222
	The nati	are of the housing stock	222
	Practica	sustainability	223
	Renev	vable energy	223
	Reduc	cing solar gain	224
	Green	roofs	225
	Water	conservation	225
	Reduc	cing construction waste and re-using materials	226
	Energy l	Performance Certificates (EPCs) and insulating to a higher standard	227
	Towards	zero carbon	228
	The Z	ero Carbon Loft	229
Apj	oendix A	Specification	233
App	oendix B	The Building Regulations: appeals and determinations	239
App	pendix C	Planning and curtilage	249
Glo	ssary		252
Bib	liography i	and useful contacts	260
Ind	ex		264

A colour plate section falls between pages 162 and 163

Preface

The purpose of this book is to provide technical, regulatory and practical guidance on loft conversions in single-family dwellings. It is the most comprehensive book of its sort and is the result of extensive research and consultation with regulatory bodies and practitioners.

Since the publication of the first edition in 2006, *Loft conversions* has become established as the definitive source of guidance for architects, builders, surveyors and others professionally involved in the process of loft conversions.

This extensively-updated second edition takes into account significant changes to Building Regulations and planning law that have taken place since the first edition was published. It also contains a new section on sustainability and zero carbon approaches to loft conversions.

John Coutts October 2012

Acknowledgements

I would like to thank the following organisations and businesses for their invaluable co-operation and assistance in the preparation of this book: the Building Research Establishment (BRE), British Woodworking Federation (BWF), British Standards Institution (BSI), Cooper & Turner Ltd, Coopers Fire Ltd, Department for Communities and Local Government (DCLG), Denmay Steel, Economic and Social Data Service (ESDS), Energy Saving Trust (EST), English Heritage, Euroform Products Ltd, Federation of Master Builders (FMB), Green Structures, Local Authority Building Control (LABC), Polytank Group Ltd, South London Lofts Ltd, TRADA Technology Ltd, Trussed Rafter Association (TRA) and the Welsh Assembly Government.

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Planning and legal considerations

This chapter examines the influence of planning and other legal mechanisms on the loft conversion process in England. Obligations imposed by the Building Regulations are considered in Chapter 2.

The controls and mechanisms examined both here and in Chapter 2 are largely separate from each other. Planning and building control, for example, are administered independently. Approvals granted under one mechanism do not automatically confer rights under another, nor are they intended to. Building Regulations and planning law have specific and generally unrelated aims.

PERMITTED DEVELOPMENT

Most loft conversions are carried out under permitted development legislation. Where permitted development rights exist, no specific application for planning permission is required, provided that work is carried out in accordance with the legislation. Permitted development rights apply to dwellinghouses only. A loft conversion in a building containing one or more flats, or a flat contained within such a building, would require planning permission. The following section considers current permitted development legislation for England only.

Permitted development law

Permitted development legislation is set out in The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. This came into force on 1 October 2008 and represents the first major change in planning law relevant to small-scale domestic building works, such as loft conversions, since 1995.

One of the notable features of the 2008 General Permitted Development Order (GPDO 2008) is that it is rather more generous in its scope than the earlier legislation. It dispenses with the principle of a whole-dwelling volume allowance (at least as far as loft conversions are concerned) and only the volume of the roof is now considered (Fig. 1.1). A ground floor extension to a dwellinghouse, whether proposed or existing, no longer counts against a loft conversion.

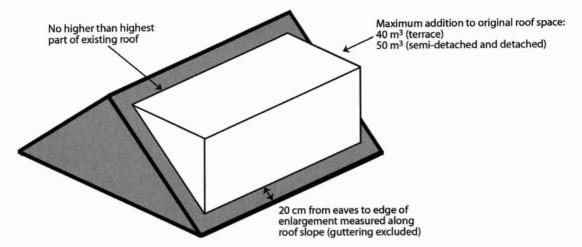


Fig. 1.1 Permitted development (England): primary constraints.

Reproduced below are three extracts from The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. All are relevant, or potentially relevant, to loft conversions. The meaning and implications of the GPDO 2008 are considered in the next section.

Class B

Permitted development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Development not permitted

- B.1 Development is not permitted by Class B if -
 - (a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
 - (b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;
 - (c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than
 - (i) 40 cubic metres in the case of a terrace house, or
 - (ii) 50 cubic metres in any other case;
 - (d) it would consist of or include -
 - (i) the construction or provision of a veranda, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
 - (e) the dwellinghouse is on article 1(5) land.

Conditions

- B.2 Development is permitted by Class B subject to the following conditions -
 - (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
 - (b) other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and
 - (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be -
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Interpretation of Class B

B.3 For the purposes of Class B 'resulting roof space' means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

Class C

Permitted development

C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

- C.1 Development is not permitted by Class C if -
 - (a) the alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external *surface of the original roof;*
 - (b) it would result in the highest part of the alteration being higher than the highest part of the original roof; or
 - (c) it would consist of or include -
 - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

Conditions

- C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be -
 - (a) obscure-glazed; and
 - (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Class G

Permitted development

G. The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Development not permitted

- G.1 Development is not permitted by Class G if -
 - (a) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or
 - (b) in the case of a dwellinghouse on article 1(5) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which
 - (i) fronts a highway, and
 - (ii) forms either the principal elevation or a side elevation of the dwellinghouse.

Commentary on permitted development provisions – England

A degree of caution should be exercised when exercising rights associated with permitted development. Where any doubt exists, clarification should be sought from the local planning authority and a Lawful Development Certificate obtained (see p. 13) before undertaking any work.

Permitted development rights are not universal: they do not apply to flats, for example, nor do they apply to dwellinghouses on designated land (see section on Article 1(5) land, below). It is also emphasised that development that is not permitted under one class may be permitted development under another: chimneys, soil pipes and solar panels all fall into this category.

It should also be noted that interpretation of the GPDO varies considerably between local planning authorities. Areas of inconsistency include:

- Raising a party wall (see also appeal decision letter in Appendix C)
- Providing a highway-facing roof window in a dwelling in a conservation area

There are also risks when working at the volume limits of permitted development. A local planning authority has discretionary powers to take enforcement action if, in its view, there is an unacceptable breach of planning control. In cases where any degree of doubt exists, therefore, it is prudent to consult the local planning authority before work commences.

The Department for Communities and Local Government has sought to clarify some of the 2008 provisions and has published two supporting documents. These are: Changes to Householder Permitted Development 1 October 2008 – Informal Views from Communities and Local Government (this document has now been superseded) and Permitted development for householders – Technical guidance (published August 2010). The latter document is described as 'CLG guidance' where it is referenced below.

The following section highlights areas that require consideration in the 2008 GPDO.