

Application of Part L to Conservatories attached to existing dwellings

Introduction

The introduction of the new Part L has caused Building Control Bodies and industry difficulties in deciding what constitutes a conservatory in order to be exempt from making a Building Regulations application. The definition of a conservatory previously contained in AD L1B of the April 2006 edition is no longer included in the 2010 Approved Document.

This best practice note is intended to provide guidance that will promote a consistent approach to defining what a conservatory is, for the purposes of being considered exempt from the need to make a Building Regulations application.

What is a conservatory?

To establish whether the conservatory extension is mainly exempt, we must look to Class 7 of Schedule 2 to the Building Regulations 2010. This tells us that in order to be exempt it must:

- be at ground level
- not exceed 30m² floor area
- be thermally separated from the building it is attached to
- have an independent heating system from the main building
- have glazing meeting Part N in critical zones.

The question now arises as to what constitutes a conservatory as opposed to any other type of extension.

In the absence of a specific definition in the Building Regulations of a conservatory, reference can be made to dictionary definitions which give a variety of options as to the description and purpose of a conservatory.

A common factor in many descriptions is of a glazed structure often used for growing plants,

and sometimes reference is made to it being an extension, but there is no indication as to the amount of glazing that should exist for the structure to be considered as a conservatory. It must also be borne in mind that at no point do the regulations stipulate what the space should be used for, albeit various uses are suggested in dictionary descriptions.

In the vast majority of situations these structures are built as a form of living extension to homes, with in many instances ancillary heating provided for those times when it is occupied.

In the interest of national consistency of interpretation, the guidance on levels of glazing contained in the superseded Approved Document L1B 2006 still gives a valid basis for a decision. In other words an 'exempt conservatory' should:

- have at least 50% of external wall area formed from translucent materials (not including walls within 1 metre of boundary*)
- have at least 75% of roof area formed from translucent materials
- be at ground level
- be effectively thermally separated** from the main part of the dwelling.

But after establishing a fit with the exempt criteria of Schedule 2 class 7 it must be remembered that Regulation 9 still enables control under Requirement P1 (electrical safety), G1 (cold water supply) and G3(2) and (3) (hot water systems) if they are applicable.

Approved Document L1B

The exemption status for conservatories is slightly complicated by virtue of Paragraph 3.16 of Approved Document L1B which removes exemption if the heating system of the dwelling is extended into the conservatory.

The removal of such exemption should only apply control in relation to requirement L1 – Conservation of fuel and power. In this way an owner would be required to submit a Building Regulation application but control would be restricted to demonstrating compliance with Part L only.

In such cases the extent of control will depend on whether the conservatory's heating system has independent temperature and on/off controls^{***}. If it has, there is no limit on the area of glazing, but all glazed and solid elements should meet the thermal performance specified in Tables 1 and 2 to L1B and the heating system should comply with the Domestic Services Compliance Guide 2010.

If independent control is not provided then the limits on glazed area in L1B section 4 apply in addition to the above.

Conclusion

Legislation and guidance on this subject leaves room for interpretation, hence a potential for variance in application between local authorities around the country can arise.

Adoption of this guidance will serve to promote a consistent approach when dealing with conservatories, this being in our own interests and most importantly those of our customers.

Definition of conservatory

It is proposed the use to which a conservatory is put is the choice of the occupier, with the proviso that should any fitting or controlled service be installed the definition may well change.

Permitted areas of glazing

The permitted area of glazing to roofs and external walls is as described above.

Notes

** There is a potential for excessive unprotected areas where external walls are in a boundary situation. Consideration for fire safety as opposed to the need to meet a specified level of glazing should form part of the assessment in relation to the permitted area of glazing in the external walls of a conservatory. It is considered that where external walls to conservatories are within 1 metre of an adjacent boundary it is more important to achieve reasonable fire separation than to insist upon a minimum level of glazing in such a wall simply to assist achieving exemption status.*

*** Effective thermal separation means that walls, doors and windows between the dwelling and the extension are insulated and draft proofed to at least the same extent as the existing dwelling's external elements.*

**** Independent temperature and on off control could typically be achieved using thermostatic radiator valves within the conservatory.*