

# Converting non-habitable spaces to habitable spaces

## Purpose:

The purpose of this practice note is to describe how residential building consent applications involving the conversion of non-habitable space to habitable space should be assessed for compliance.

**Note:** This practice note is limited to single household residential dwellings where people live as a single household or family (Classified Use SH).

This does not apply to the creation of new separate residential units within an existing SH building.

## Background information:

The conversion of a non-habitable space to a habitable space is not considered a ‘change of use’ as long as the building remains as a ‘single household unit’ (SH) after the building work has been completed.

Visit [www.building.govt.nz](http://www.building.govt.nz) website and refer to Determinations 2008/93, 2009/021, 2010/107, 2011/16 and 2018/044.

The use for an SH building is taken from the Building (Specified Systems, Change the Use and Earthquake-prone Buildings) Regulations 2005, specifically Clause 6 and Schedule 2.

### Clause 6: Uses of buildings for the purposes of regulation 5

1. For the purposes of regulation 5, every building or part of a building has a use specified in the table in Schedule 2 (copied below):

Use	Spaces or dwellings	Examples
SH (Sleeping Single Home)	Detached dwellings where people live as a single household or family, including attached self-contained spaces such as granny flats when occupied by a member of the same family, and garages (whether detached or part of the same building) if primarily for storage of the occupants’ vehicles, tools and garden implements	Dwellings or houses separated from each other by distance

A “household unit” is defined in section 7 of the Act, as:

- a) means a building or group of buildings, or part of a building or group of buildings, that is—
  - i. used, or intended to be used, only or mainly for residential purposes; and
  - ii. occupied, or intended to be occupied, exclusively as the home or residence of not more than 1 household; but
- b) does not include a hostel, boarding house, or other specialised accommodation

While there is no definition for “household” in the Building Act or in the Building Code, determination 2018/044 defines this term as “a group of people living within this building to be considered a “single household” there must be evidence they live like a family with an atmosphere of trust and harmony which would lead to social cohesion”.

## Building Act and Code requirements:

Creating a habitable room (e.g. bedroom, media room, home office) from a non-habitable space in a house (e.g. a garage or loft) is not defined as “change of use” under the Building Act so Sections 114 and 115 of the Building Act do not apply.

It is often the case that the non-habitable space was built to different requirements compared to the rest of the house and some building work is required to bring it up to the NZ Building Code for habitable spaces. If this is the case, then the new work should comply with current Building Code and Building Act requirements.

### 3.1 The Building Code requirements

Building codes that should be considered in this conversion include B2, E2, F2, F7, G7, G9 and H1. If the building work includes adding a new bathroom, building codes E3, G4 and G13 will come into play.

The most common areas of work:

#### **B2 Durability**

The materials used will remain functional for the specified intended life of the building.

#### **E2 External moisture**

- Cladding and Building Wrap
  - if cladding has served its 15 years durability, then it will need to be upgraded and if not in place building wraps and underlays may need to be installed
- New joinery
  - any new window or door needs to comply with NZS 4211 and their glazing to NZS 4223.3 (and code clause F2)
- Damp proof membranes
  - a garage floor is usually a reinforced concrete slab. To make the room habitable, there must be evidence of a waterproof membrane beneath the slab. Where a membrane has not been placed a topping or surface coating may be required to protect the internal environment
- Ground clearance are maintained
  - 100mm (brick veneer) or 150mm (other claddings) minimum for paved areas
  - 150mm (brick veneer) or 225mm (other claddings) minimum for unpaved areas
  - if a new channel drain is proposed across door openings, then the water needs to be disposed of via an approved stormwater system (also code clause E1 becomes relevant)
- Floor, wall and ceiling surfaces are sealed, painted or covered

#### **F7 Warning systems**

Fire safety measures are addressed to ensure safe escape from fire including the installation of a smoke alarm.

#### **G7 Natural light**

Replacement of the existing garage door with a large window will ensure the room benefits from plenty of natural light and creates visual awareness of the outside for the occupants. Also adding openable windows provide provisions for compliance with code clause E3 and H1 in terms “an *adequate* combination of *thermal resistance*, ventilation, and space temperature...for *habitable spaces*”

#### **G9 Electricity**

Electrical work needs to be carried out by a registered electrician. The electrician is required to submit an energy works certificate certifying that all electrical installations meet the requirements of Clause G9 (Electricity) of the NZBC and the Electrical Regulations.

## H1 Energy efficiency

If the non-habitable space was excluded from thermal envelope at the time of the construction, then the need to comply with H1 requirement is triggered. This may necessitate removing external claddings so that insulation can be fitted.

Failing to ensure that the provisions listed above are met, may result in the building becoming dangerous or insanitary.

### Note:

- Council can only insist that a building be upgraded if the building is dangerous, earthquake prone or insanitary or where new construction forms part of the alteration work.
- All new work must fully comply in all respects with the Building Code.
- Some parts of the proposed new work may be exempt from requiring a building consent under Schedule 1 of the Building Act (e.g., installing a small window in an outside wall, removing, or adding a section of non-loadbearing wall). For more information in this regard refer to a government publication “Building work that does not require a building consent”.

This practice note should be read in conjunction with the [Housing Improvement Regulations](#) 1947 (as amended in 1975).

## 3.2 The Building Act requirements

One of the most important sections of the Act that should be considered in ‘addition and alteration’ consents is Section 112. Section 112 states that a BCA must grant a consent for the alteration of all or part of an existing building if it is satisfied that, after the alteration the building will comply as nearly as is reasonably practicable with the provisions of the Code that relate to:

- means of escape from fire
- provision for access and facilities for people with disabilities
- continue to comply with other provisions of the Code to at least the same extent as before

### Means of escape from fire:

This section of the Act means that the existing structure needs to comply with means of escape from fire. The installation of smoke alarms will satisfy this requirement.

### Provision for access and facilities for people with disabilities

This section of the Act does not apply to Housing and no action is required.

### Continue to comply with other provisions of the Code to at least the same extent as before

After the alteration, the building needs to continue to comply with all other Building Code provisions, i.e. other than means of escape from fire and access and facilities for people with disabilities, to at least the same level of compliance as before the alteration. For example, if any existing bracing element is removed it must be replaced by a brace element of equal or greater value.