

Sanitary facilities in residential apartments

1 THE MATTER TO BE DETERMINED

- 1.1 The matter before the Authority is a dispute as to whether building consent should be granted for the construction of multi-unit apartment buildings where soil fixtures (WCs) are in separate rooms which do not contain wash basins. In each of the apartments concerned, there is a basin in the adjacent bathroom.
- 1.2 The Authority takes the view that it is being asked in effect to determine whether the proposed sanitary facilities comply with clause G1.3.2(a) of the building code (the First Schedule to the Building Regulations).
- 1.3 In making its determination the Authority has not considered whether the proposed building work will comply with any other provisions of the building code or of the Building Act.

2 THE BUILDINGS

- 2.1 The proposed buildings are blocks of residential apartments intended for use by tertiary students. They contain a total of 29 four- and five-bedroom apartments. In 25 of the apartments the WC is in a separate room which does not contain a wash basin, but there is a basin in the adjacent bathroom.

3 THE BUILDING CODE AND THE APPROVED DOCUMENTS

- 3.1 The relevant provisions of the building code are:

G1 PERSONAL HYGIENE

OBJECTIVE

G1.1 The objective of this provision is to :

- (a) Safeguard people from illness caused by infection or contamination,
- (b) Safeguard people from loss of *amenity* arising from the absence of appropriate personal hygiene facilities . . .

FUNCTIONAL REQUIREMENT

G1.2 *Buildings* shall be provided with appropriate spaces and facilities for personal hygiene.

PERFORMANCE

G1.3.2 Sanitary fixtures shall be located, constructed and installed to:

- (a) Facilitate sanitation,
- (b) Avoid risk of food contamination . . .

G1.3.3 Facilities for personal hygiene shall be provided in convenient locations.

3.2 The relevant provision of acceptable solution G1/AS1 set out in Approved Document G1 (a document for use in establishing compliance with the building code approved by the Authority under section 49 of the Building Act) is:

3.3 Basins

3.3.1 Basins shall be located in spaces containing a soil fixture, or in an immediately adjacent space.

Comment:

The essential requirement is the provision of a basin with cold water immediately accessible to users of soil fixtures before handling food.

4 THE PARTIES AND THEIR SUBMISSIONS

4.1 The applicant was the owner acting through a firm of architects.

4.2 The other party was the territorial authority.

4.3 The applicant submitted that the sanitary fixtures concerned complied with G1/AS1, specifically paragraph 3.3.1.

4.4 The territorial authority made a detailed submission to the effect that the applicant had misinterpreted paragraph 3.3.1, which should be read as including the proviso that the basin in the immediately adjacent space “is always accessible”.

4.5 In the apartments concerned, if one member of the household was using the bathroom while another was using the WC, the basin in the bathroom would not be available to the person using the WC. The territorial authority said:

To enable compliance with the Objectives and Functional Requirements of G1, Council believes that access to washing facilities for the users of toilets must never be denied and this is the basis for our objection to the proposal for not including handbasins in the toilets of the student apartments.

[This] is a fundamental fault with all toilets that do not include some form of washing facility within their area that the toilet user must walk past.

The territorial authority cited Figure 5(b) of G1/AS1 as illustrating what it considered to be the proper interpretation of paragraph 3.3.1.

4.6 The Authority obtained an opinion on the matter from a consultant on environmental health. That opinion, which was copied to the parties, was to the effect that the proposed facilities did comply with G1/AS1, and said:

[In each apartment concerned] the bathroom has been located adjacent to the water closet compartment. The bathroom contains a wash-hand basin. . . .

[The apartments concerned] could be deemed to have basins therefore “in an immediately adjacent space”.

The acceptable solution makes no mention of accessibility at all times but rather that the basins’ locations be convenient for users after having used the soil fixture.

5 DISCUSSION, CONCLUSIONS, AND COMMENTS

5.1 Discussion and conclusions

- 5.1.1 The Authority considers that the apartments are household units, and the fact that they are intended for students rather than some other kind of household is irrelevant. The Authority also considers that Fig 5(b) of G1/AS1 is specifically intended to illustrate an acceptable solution for facilities intended for use by people with disabilities and cannot be taken as indicating how paragraph 3.3.1 is to be interpreted in other situations.
- 5.1.2 The territorial authority does not dispute that if the proposed arrangement complies with paragraph 3.3.1 of the acceptable solution G1/AS1 then, as provided by section 50(1)(d) of the Act, the territorial authority is required to accept it as complying with the relevant provisions of the building code.
- 5.1.3 The Authority understands that the words of paragraph 3.3.1 are to be interpreted in their ordinary and natural meaning.
- 5.1.4 The territorial authority contended that paragraph 3.3.1 should be read as including the proviso that the basin in the immediately adjacent space “is always accessible¹”. In fact, there is no such proviso. Another way of looking at the territorial authority’s submission is to say that the words “immediately adjacent space” refer to an adjacent space on the other side of a door but not to an adjacent space on the other side of a wall. However, that is not what paragraph 3.3.1 actually says.
- 5.1.5 Thus the question is whether the actual words of paragraph 3.3.1 necessarily imply that a basin in an immediately adjacent bathroom is not to be taken into account on the grounds that it is not always available.
- 5.1.6 The consultant did not accept the territorial authority’s interpretation and considered that the proposed facilities did comply with paragraph 3.3.1.
- 5.1.7 It is common knowledge that the proposed arrangement is frequently used today, and was frequently used at the time Approved Document G1 was prepared and made available for comment in draft form. The Authority has heard no previous suggestion that Approved Document was to be read as significantly changing the general practice as to the provision of basins established under the previous legislation. The Authority takes that to indicate that those concerned read the ordinary and natural meaning of paragraph 3.3.1 as describing current practice. The Authority agrees.

5.2 Comments

- 5.2.1 Because the Authority has concluded that the proposed arrangement complies with G1/AS1 as properly interpreted, that is an end of the matter. However, the territorial authority gave detailed reasons, as summarised in 4.5 above, for considering that

¹ The word “accessible” has a special meaning in the building code, where it is defined as meaning: “Having features to permit use by people with disabilities”. The Authority takes the territorial authority to mean “available”. The Authority notes that the word was also used, but not defined, in the previous Drainage and Plumbing Regulations 1978, in which regulation 34(3)(a) required that sanitary fixtures in dwellings and boarding houses “Shall be so placed as to be accessible”.

paragraph 3.3.1 did not establish compliance with the building code, and the consultant addressed those reasons in his report. Accordingly, as a matter of courtesy to them, the Authority includes the following points and comments which the Authority did not need to take into account when arriving at its decision:

5.2.2 In 1986 the authoritative Mant report² stated:

- 6.2 The conclusions on probable health hazards from sanitary accommodation to the occupants of buildings are: (1) that diarrhoeal diseases like dysentery are the only serious threat outside hospitals; (2) that the presence of people infected with the diarrhoeal agents is a pre-condition of any risk; (3) that good maintenance and cleaning minimise the risk and are more important than variation in design.
- 6.3 . . . the greatest risks to health occur in sanitary accommodation in multiple use, e.g. at work, schools, institutions and public places. . .
- 6.4 The most important single feature in the prevention of spread of infection is the provision of adequate and convenient hand washing facilities.
- 6.6 . . . The risk from direct communication of WCs with kitchens derives from airborne contamination and the possibility of WC users washing their hands in sinks used for food preparation. The risk is small but unnecessary and should be avoided

Those points were confirmed in an identically-titled 1995 report³. The Authority comments that the apartments concerned are not in the highest risk multiple-use category.

5.2.3 The consultant treated the matter as relating to the risk that the temporary unavailability of a basin would result in the spread of infection. He made the following points:

A layout where the toilet is in the bathroom would also be seen as inconveniencing and limiting access to other members of the household to sanitation facilities in a similar way but would be unlikely to be considered as not meeting the provisions of clause G1.

The proposed layout of the apartments are relatively common household designs Although from experience delay in using either a toilet or a bathroom does occur in an average household, I am not sure that the temporary inability to use either facility is justification to suggest that those facilities be duplicated to avoid the likelihood of this occurring.

The use of particular facilities by household members specifically basins is as much a [matter of] personal education and routine as . . . of accessibility. In

² MANT, D C and GRAY, J M 1986: *Building regulation and health* UK Building Research Establishment.

³ RAW, G J and HAMILTON, R M 1995: *Building regulation and health* UK Building Research Establishment.

my view, people who use basins for hand washing as routine will ensure that they carry out proper sanitation even if temporarily inconvenienced.

- 5.2.4 The Authority considers that the acceptable solution G1/AS1 cannot be expected to eliminate risks, only to reduce them to acceptable levels. The Authority is not aware of any evidence that paragraph 3.3.1 as the Authority interprets it represents an unacceptable risk.
- 5.2.5 The Authority is aware that it is increasingly common practice to provide basins in separate WC compartments, but does not consider that affects the interpretation of paragraph 3.3.1, although it might indicate a change in the acceptable level of amenity if not of risk.
- 5.2.6 The Authority repeats that 5.2.1 to 5.2.5 above consist of comments which the Authority did not need to take into account when arriving at its decision. Those comments will no doubt be taken into account when Approved Document G1 is next reviewed, as all Approved Documents are from time to time, but must not be taken as pre-judging the results of that review.

6 THE AUTHORITY'S DECISION

- 6.1 In accordance with section 20(a) of the Building Act the Authority hereby determines that the proposed facilities comply with the building code, and accordingly reverses the territorial authority's decision to refuse to grant a building consent on account of those facilities.

Signed for and on behalf of the Building Industry Authority on this 12th day of July 1999

W A Porteous
Chief Executive