

## Converting non-habitable spaces to habitable spaces

The conversion of a residential non-habitable building to a habitable building is considered an 'alteration to an existing building' and not a 'change of use'. This is because the original use of a non-habitable building on a property used for residential purposes is 'single household' (SH) and remains SH after the alterations have been completed even though it is now a habitable building.

The most common form of this type of work is converting a garage or shed (non-habitable) into a 'Sleep-out' or 'Minor dwelling' (habitable). In doing so the applicant must take all reasonable steps to ensure the building is fit for purpose and provides a safe, warm and dry environment for the occupants. Simply put, a habitable building has a series of additional requirements set out in the building code that do not apply to non-habitable buildings.

## Building Code Requirements

Section 112 of the Building Act covers 'alterations to existing buildings' and 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 Building Code that relate to

- means of escape
- continues to comply with other provisions of the code to at least the same extent as before

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.

The Building Code requirements you will need to consider are listed below: (Some of which may require a building consent to complete the work.)

- Establish that the existing building was legally established and had a building consent / permit granted at the time of construction.
- Structure. (The structural performance of the building should be assessed against current building code requirements. Structural upgrades may be required to the foundations, wall and roof structure and a Geotechnical investigation to confirm ground bearing may be required.)
- Means of escape from fire. (Opening doors to exterior are required and Type 1 smoke detectors will need to be fitted.)
- Ground levels in relation to floor levels. (The existing floor height needs to be a minimum of 225mm above unpaved ground or 150mm above paved surfaces. This may need to be increased to 250mm if the installation of plumbing/gully trap requires it.)

- Ground moisture. (A damp proof membrane under the existing slab will be required or an alternative means of preventing ground moisture from entering the building.)
- External moisture. (Wall / Roof claddings may need to be upgraded and building wraps and underlays installed. A ventilated cavity under the proposed cladding may need to be installed.)
- Thermal insulation. (Wall / ceiling insulation will need to be fitted.)
- Interior surfaces. (Wall / Ceiling linings will need to be fitted and sealed, painted or covered. Floors will need to be sealed, painted, or covered.)  
Interior environment. (Windows / doors will be required for sufficient light and ventilation.)
- Storm water. (Disposal will be required into an approved storm water system.)
- Wastewater. (Disposal will be required into an approved wastewater system. If currently provided by an existing septic tank, the existing system will need to be assessed to satisfy it is capable of dealing with the additional load.)
- Planning. (There are different planning requirements for habitable and non-habitable buildings and the proposal will need to be assessed against the District Plan and a Resource consent may be required. You will need to discuss your proposal with the planning team.)
- Restricted Building Work. (Parts or all of the proposed work may be 'Restricted building work' and you will need to engage licensed building practitioners (LBP) to carry out the Design and Construction of the 'Restricted Building Work'.)

## Notes

1. All new work must comply with current building code requirements (or as near as reasonably practical).
2. If any of the Building Code requirements are not able to be achieved, then an alternative means of compliance will need to be demonstrated.
3. Some parts of the proposed new work may be exempt from requiring a building consent under Schedule 1 of the Building Act. More information can be found on the Ministry of Business, Innovation and Employment (MBIE) website.
4. This fact sheet is limited to single household residential dwelling where people live as a 'single household unit' (SH). This does not apply to the creation of new separate residential units within an existing building.