

# Determination 2006/43

## Requirement to remove a window from the vicinity of a disabled access shower installation, 49 Cleland Crescent, Naenae, Lower Hutt

### 1 The dispute to be determined

- 1.1 This is a determination under Part 3 Subpart 1 of the Building Act 2004 (“the Act”) made under due authorisation by me, John Gardiner, Determinations Manager, Department of Building and Housing, for and on behalf of the Chief Executive of that Department. The applicant is Enable New Zealand (“the applicant”), and the other party is the Lower Hutt City Council (“the territorial authority”).

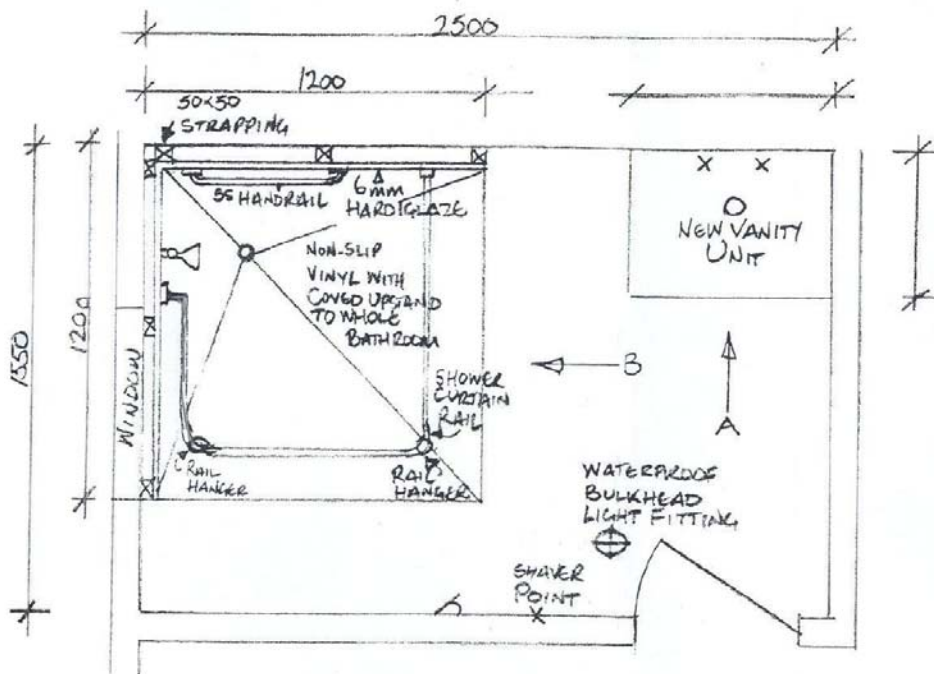


Figure 1: Floor plan showing the proposed bathroom alterations

<sup>1</sup> The Building Act 2004 is available from the Department's website at [www.dbh.govt.nz](http://www.dbh.govt.nz)

- 1.2 The dispute for determination is whether, as part of a conversion of an existing bathroom to an accessible shower room in a house, a window should be removed to achieve compliance with clauses B2 “Durability” and E3 “Internal Moisture” of the Building Code<sup>2</sup> (First Schedule, Building Regulations 1992).
- 1.3 I have not considered any other aspects of the Act or the Building Code.

## 2 The building work

- 2.1 The applicant is funding and over-seeing the conversion of a bathroom for a disabled person. The building work is the removal of a conventional bath and the installation of a accessible shower. There is an existing window adjacent to the wall on which the shower rose is mounted.

## 3 Submissions

- 3.1 The applicant made a written submission setting out his view of the matter in dispute and enclosed copies of:
- The application for the building consent
  - An outline of the matter of doubt or dispute
  - An outline of the role of Enable New Zealand in the matter
  - Drawings and specifications of the proposed work.
- 3.2 The territorial authority did not make a submission.
- 3.3 The draft determination was forwarded to the parties for comment on 20 March 2006. The applicant accepted the draft.
- 3.4 In a letter to the Department dated 12 May 2006 the territorial authority said:

*[It was] concerned that the window sill may fail through failure of the paint protection system, caused by caustic soap or and personal cleaning products, containers or objects that may be placed on the window sill at the time of showering or stored for use off. This may encourage failure of the paintwork and encourage dampness to corners of the sill area. As paint protection fails and dampness builds up may allow water to egress which in turn may affect the internal structure of the external wall and sub floor and flooring.*

---

<sup>2</sup> The Building Code is available from the Department’s website at [www.dbh.govt.nz](http://www.dbh.govt.nz)

## 4 Discussion

- 4.1 The building consent for the internal alterations to the house was sought by Enable New Zealand (on the owner's behalf) in accordance with section 45 of the Act. The plans submitted with the application for building consent show an existing window 250mm from the shower rose which is mounted on the same wall. The rose directs the shower stream away from the window.
- 4.2 I understand that the window joinery is made of aluminium with medium density fibreboard ("MDF") reveals.
- 4.3 The territorial authority is concerned that the work will not comply with clause E3.2 (b) and B2.2 of the Building Code. It says the window reveal will be damaged by moisture from the shower and will not then meet durability requirements.
- 4.4 It is not contested that the proposal from Enable New Zealand meets Building Code requirements in all other respects.
- 4.5 Enable New Zealand has proposed to install a shower curtain in front of the window to effectively place the window outside the shower enclosure and prevent direct backsplash from the shower.
- 4.6 It would appear that the curtain will achieve the aim of preventing direct water splash but that there is likely to be elevated levels of condensation in the immediate shower area. This is likely to include the MDF reveals to the window opening. Clause B2 requires materials to be sufficiently durable, in the case of the window surrounds for 5 years. Given the high susceptibility of MDF to moisture damage it is my view that the durability requirements of the Building Code would best be achieved by coating the reveals with an impermeable coating such as an enamel paint system, applied and maintained in accordance with the coating suppliers' recommendations.
- 4.7 I have taken note of the remarks made by the territorial authority in response to the draft determination concerning the risk of damage to the impermeable coating to be applied to the window reveals. I recommend the window sill not be used for the storage of personal cleaning products (and that some form of storage shelf is provided). I also note the need to keep the room well ventilated to assist in reducing internal moisture.
- 4.8 I consider there are reasonable grounds to consider that the proposed building alterations will comply with clauses E3 or B2 of the Building Code provided a shower curtain is installed as proposed and any MDF window reveals around the window in question are coated and maintained as described in paragraph 4.6 above.

## **5 The decision**

- a) The building work proposed will comply with the Building Code provided any composite window reveal material is coated with an impermeable coating applied and maintained in accordance with the recommendations of the coating supplier.
- b) I instruct the territorial authority to amend the consent application to show this requirement and issue the consent accordingly.

Signed for and on behalf of the Chief Executive of the Department of Building and Housing on 22 May 2006.

John Gardiner  
**Determinations Manager**