

A Buyer's Guide to...

Building Regulations

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If you are considering carrying out structural alterations or additions to the property you are buying then before you carry out the work it is more than likely that you will require Building Regulations approval from your local authority. Even some non-structural works have to comply with Building Regulations.

We hope that you find this brief guide useful, however it is only a guide and not an exhaustive one. Building Regulations are constantly developing and you should always consult the Building Control section of your local authority before beginning any works to enquire if approval is necessary.

What are Building Regulations?

The ways in which buildings are built, altered and even knocked down are governed by Building Regulations. They deal with the materials used, ways of installing appliances, health and safety issues and increasingly, energy conservation.

Building Regulations approval and planning permission are not the same thing. Just because you obtain one does not automatically mean that you will not also require the other. Not all works that require Building Regulations approval require planning permission, but again the Planning Department at your local authority can advise you upon this.

What work requires Building Regulations approval?

The erection of any buildings, extensions, structural alterations, such as knocking down a supporting wall, or removal of a chimney breast, changes of use, e.g. when a house is converted into several flats, new connections to drainage systems, recovering a roof and loft conversions to name but some. This is not an exhaustive list.

What are Compliance Certificates?

Not all works subject to the Building Regulations require a formal approval, provided that they are undertaken by contractors registered with a relevant authorised trade organisation who can then self-certify their work as being compliant. Examples of this are the installation of double-glazing by a FENSA registered contractor, a central heating boiler by a CORGI registered contractor, major electrical works through an NICEIC registered contractor, or oil-heating systems through OFTEC registered contractors. When the work is done you should be issued with a certificate evidencing compliance, at which time the trade organisation then notifies the local authority of the work carried out.

If works are not done by a suitable contractor then Building Regulations approval is necessary.



What work does not require approval?

Conservatories, porches and car ports are the most common examples, however these exemptions are subject to certain criteria, which if not observed would mean that approval should be obtained.

A conservatory should not exceed thirty square metres in floor area, three quarters at least must be glazed with a transparent, or translucent roof, the heating system must be separate from that for the main part of the house, the electrics must be installed by a registered contractor (see previous page) and there must be a locking, external type door between the conservatory and the house, as without this it would be no different to an extension, for which approval is necessary.

A porch must not have a floor area of more than three square metres and a car port, whilst subject to the same floor area criteria as a conservatory must also be open on two sides.

You will not need approval for sheds, greenhouses, or nuclear fallout shelters!

Again, this is not an exhaustive list.

Common problems.

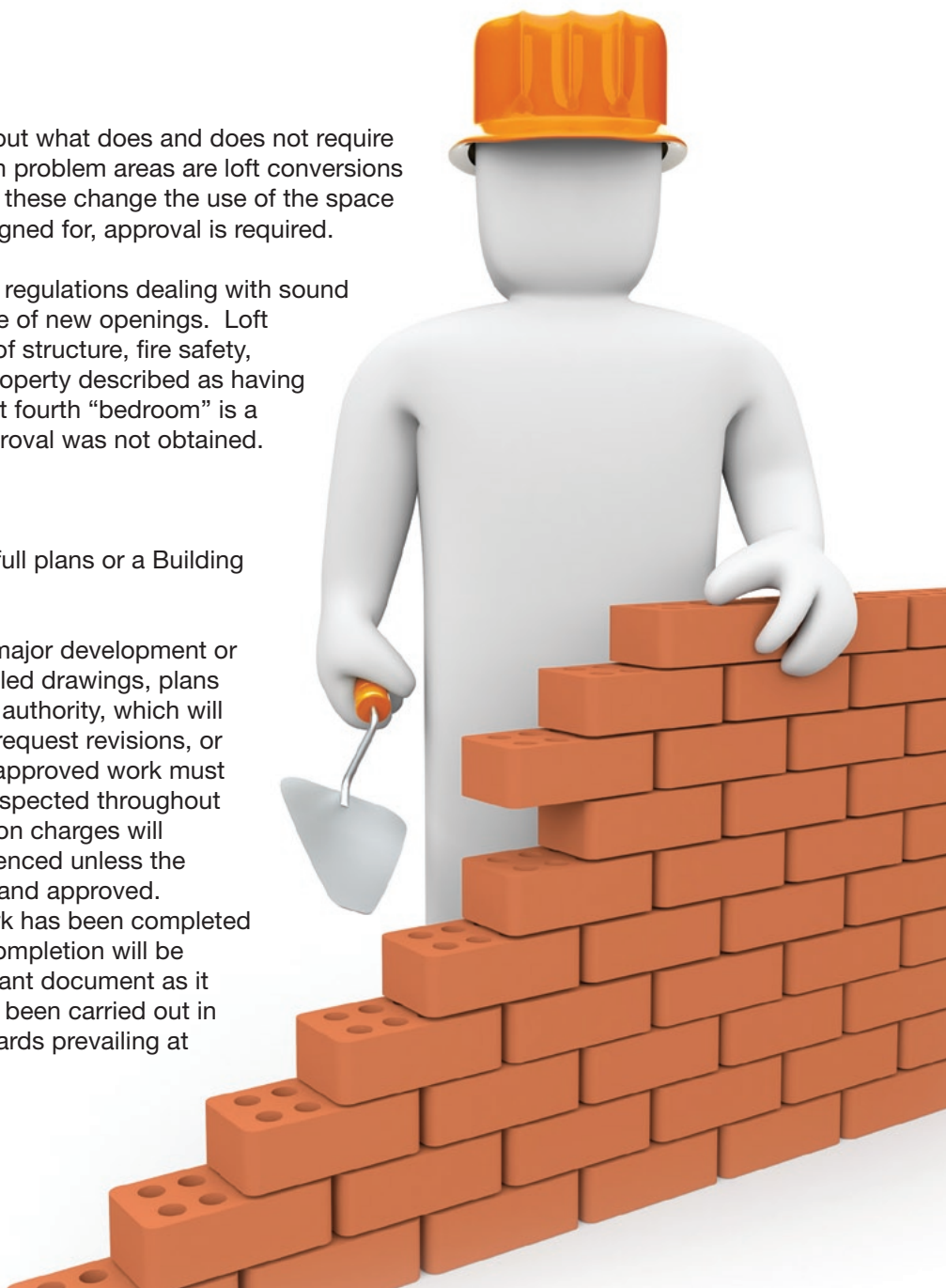
There are many misconceptions about what does and does not require approval, but the two most common problem areas are loft conversions and garage conversions. As both of these change the use of the space affected from that which it was designed for, approval is required.

Garage conversions are affected by regulations dealing with sound and heat insulation and the structure of new openings. Loft conversions are affected by issues of structure, fire safety, access and similarly insulation. A property described as having four bedrooms does not have, if that fourth "bedroom" is a converted garage, or loft where approval was not obtained.

How to apply for approval.

There are two types of application, full plans or a Building Notice application.

A full plans application is suited to major development or works and involves depositing detailed drawings, plans and other information with the local authority, which will consider these thoroughly and can request revisions, or further information. If the plans are approved work must begin within three years. It will be inspected throughout the build at various stages (inspection charges will apply); stages should not be commenced unless the previous stage has been inspected and approved. Following final inspection, if the work has been completed satisfactorily then a Certificate of Completion will be issued on request. This is an important document as it proves that the building works have been carried out in accordance with the required standards prevailing at that time.



A building notice application relies only on a site drawing, so a cost saving is made through not requiring detailed architect's drawings. However this is best suited to small domestic works and extensions, as you must be confident that the build is to the required standards, as if not you may be required to provide further drawings and plans in any event. Work can begin after giving 48 hours notice to Building Control and then at least 24 hours notice at various stages, e.g. excavation, foundation, concreting etc. The inspection process is the same for both types of application.

What about my neighbours?

Unlike with planning permission no one has a right to object to your application. However if your proposed works affect a party wall, i.e. one shared with a neighbouring owner, you are building on a boundary with your neighbour's property, or excavating near to their property, then you must comply with the Party Wall etc Act 1996 provisions upon which we can advise you further.

What if I do work without approval?

Under the Building Act 1984 if you have done work requiring Building Regulations approval and you do not have this, or the work you have done does not comply with an approval then the local authority has a period of twelve months from the date of the infringement within which enforcement action can be brought against you, though they will tend towards resolution where possible through informal means. If you do not comply you can be liable to prosecution, a significant fine and an ongoing daily fine.

Although rare, even after this twelve-month period the local authority can bring injunction proceedings against you.

You can apply for a Certificate of Regularisation, where the local authority will inspect the work you have done without approval and if it is to the correct standards a Certificate may be given. This may entail opening up work you have already done and if non-compliance is discovered you will be required to remedy the defects.

The simplest advice is that before beginning any works you should consult the local authority, if necessary apply for Building Regulations approval and only commence those works if approval is given. For works that can be self-certified, only use appropriately registered contractors. Keep any Compliance Certificates and Certificates of Completion safe, as these will be required to be produced on any subsequent sale.

Amongst other things, the Building Regulations deal with issues of safety; the idea of converting that large loft and adding value to your home may seem tempting, but if you flout the regulations and cut corners in doing so, not only will you not be adding value, you could be putting your family's lives at risk!

For more information and to speak to a member of our Residential Property Division call mfg Solicitors LLP on **0845 55 55 321.**

mfg solicitors LLP has offices throughout Wyre Forest, Shropshire and the West Midlands. Our Residential Property centres can be found at Kidderminster, Bromsgrove, Telford and Worcester. Please simply select the centre nearest to you.