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building regulations Q&A

will the building regulations apply to the work I want to do?

- a) The answers below cover some of the more commonly asked questions about building work, and about the installation, replacement or repair of services, fittings, drainage, and heat producing appliances. They are arranged in order, as far as possible, to cover the following:
- new homes (i.e. a house, bungalow, maisonettes, or a block of flats) and extensions, and any other type of new building.
 - alterations, conversions, and changes of use of homes and any other type of building.
 - structural and repair matters.
 - services and fittings.
 - fuel burning appliances.
- b) The examples cannot cover every type of building project but they should help you to decide whether or not the Building regulations will apply. They also identify:
- (i) those types of 'Building Work' where if you employ a registered installer you do not then need to involve a Building Control Service. The concession is strictly limited to the specific type of installation and type of registered installer described.
 - (ii) some types of building which are exempt from control under the Building regulations. If you have any doubts about these points, and/or the health or safety implications of the work you want to carry out, you should consult a Building Control Service.

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Questions and Answers

1. **If I want to build a new home of any type (i.e. a house, bungalow, maisonettes or a block of flats) or any other type of new building, will the Building regulations apply?**

YES – as a new building all the appropriate requirements in the regulations will apply in full.

2. **If I want to build an extension to my home, will the Building regulations apply?**

YES – but a porch or conservatory built at ground level and under 30m² in floor area is exempt provided that the glazing and any fixed electrical installation complies with the applicable requirements of the Building regulations (i.e. Part N ‘Glazing – safety in relation to impact, opening and cleaning’ and Part P ‘Electrical safety’). Annex A summarises the exemptions in the Building regulations. Your Building Control Service can supply further information on safety glazing and electrical safety.

You should *not construct a conservatory* where it will restrict ladder access to windows serving a room in the roof or a loft conversion, particularly if any of the windows are intended as a way of facilitating *escape or rescue if there is a fire*.

3. **If I want to build a garage extension onto my home, will the Building regulations apply?**

YES – but a carport extension, open on at least two sides and under 30m² in floor area, is exempt except that any fixed electrical installation must comply with the electrical safety requirements of the Building regulations (Part P ‘Electrical safety’). You should ensure that a carport does not interfere with the proper working of a low-level flue outlet from an oil or gas appliance (guidance on the location of flues can be found in Approved Document J). See Annex A which summarises the exemptions in the Building regulations.

4. **If I want to build a detached garage under 30m² in floor area, will the Building regulations apply?**

NO – the building will be exempt from the regulations but *only providing* any fixed electrical installation complies with the electrical safety requirements of the Building regulations (Part P ‘Electrical safety’) and it is:

- under 30m² in floor area;
- single storey and does not contain any sleeping accommodation; and provided either:
 - it is built substantially of non-combustible material; or

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– when built it is no less than 1m from the boundary of the property.

5. If I want to put up a greenhouse or a small detached building such as a garden shed or summerhouse in my garden, will the Building regulations apply?

NO – these buildings will be exempt from the regulations but *only providing* any fixed electrical installation complies with the electrical safety requirements of the Building regulations (Part P ‘Electrical safety’) and the building is fully covered by the definitions and conditions given in Schedule 2 to the Building regulations.

6. If I want to carry out a loft conversion to my home, will the Building regulations apply?

YES – The appropriate requirements of the regulations will be applied so as to ensure, for example: the structural strength of the proposed floor is sufficient; the stability of the structure (including the roof) is not endangered; safe escape from fire; safely designed stairs to the new floor; and reasonable sound insulation between the conversion and the rooms below. You will also need to consider whether your loft conversion project is subject to The Party Wall etc. Act 1996 under which you must give adjoining owners notice.

7. If I want to convert an integral or attached garage to a dwelling into habitable use, will the Building regulations apply?

YES – The appropriate requirements of the regulations will be applied so as to ensure that, for example, the existing accommodation is brought up to the standard required for habitable use, including both thermal and sound insulation. Structural alterations to create new window openings and the infilling of the existing garage door opening will need to comply with the appropriate requirements of Part A; and if the imposed loading is to be increased then the adequacy of the existing foundations will also need investigation.

8. If I want to carry out internal alterations within my home, or any other type of building, will the Building regulations apply?

YES – very likely. The regulations specify what forms of alteration amount to ‘material alterations’ and are therefore ‘Building Work’, taking account of the potential for the proposed work to adversely affect compliance of the building with specific requirements. On this basis the regulations are very likely to apply if your project will involve alterations to the *structure* of the building (e.g. the removal or part removal of a load bearing wall, joist, beam or chimney breast); will affect *escape or other fire precautions* either inside or outside the building; or will affect *access to and use of buildings*. On the assumption that the regulations do apply, *all the work* involved in the alteration must comply with all the appropriate requirements.

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9. If I want to replace one or more windows in my home, or any other type of building, will the Building regulations apply?

YES – if you are replacing the whole of the fixed frame and opening parts. If the work is to your home and you employ a FENSA (Fenestration Self-Assessment Scheme) registered installer, you will not need to involve a Building Control Service. But on completion the installer must give your local authority a certificate that the work complies with Part L and other appropriate parts of the Building regulations. You will be provided with a certificate of compliance for your records.

NO – if the work amounts to no more than, for example, replacing broken glass, replacing fogged double-glazing units, replacing some rotten sashes (i.e. opening parts) in the main window frame, or replacing some rotten sections of the main frame members.

If your building is listed nationally, or locally in some way, for its architectural or historic interest and/or is located in a sensitive urban or rural environment (e.g. a Conservation Area or an Area of Outstanding Natural Beauty), you should note that English Heritage have produced an Interim Guidance Note on the application of Part L ('Conservation of fuel and power') of the Building regulations. The Note offers advice on how to balance the needs for energy conservation with those of building conservation.

10. If I want to carry out repairs to my home, or any other type of building, will the Building regulations apply?

NO – if the repairs are of a minor nature: e.g. replacing roofing tiles with the same type and weight of tile; replacing the felt to a flat roof; re-pointing brickwork; or replacing floorboards.

YES – if the repair work is more significant: e.g. removing a substantial part of a wall and rebuilding it; underpinning a building; or installing a new flue or flue liner. In the case of re-roofing:

- (i) if the new tiling or roofing material is substantially heavier or lighter than the existing material – then the Building regulations *may apply*; but
- (ii) if the roof is thatched, or is to be thatched where previously it was not – then the Building regulations *will apply*.

11. If I want to convert my house into flats, will the Building regulations apply?

YES – the regulations define this as a 'material change of use' and specify the requirements with which, as a result of that change of use, the whole or part of the building must comply (e.g. those concerned with escape and other fire precautions,

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hygiene, sound insulation, energy conservation, and contaminants including radon). The whole or part of the building may therefore need to be up-graded to make it comply with the specified requirements.

12. If I want to convert my home into an office, will the Building regulations apply?

NO – the regulations do not define this particular change of use as ‘material’. However, if your proposed project involves work which will affect the structure of the building, the means of escape and other fire precautions, or affect the access to and use of buildings, the regulations will regard your work as a ‘material alteration’ (and therefore ‘Building Work’) which must then comply with the regulations. You should also check with the local fire authority, usually the County Council, to see what ‘on-going’ fire precautions legislation (such as the Fire Precautions Act 1971 and/or the Fire Precautions (Workplace) Regulations 1997) will apply when the building is in use.

13 If I want to convert my home into a shop, will the Building regulations apply?

YES – the regulations define this as a ‘material change of use’ and specify the requirements with which, as a result of that change of use, the building, or the relevant part of the building, must comply. The specific requirements include those concerned with escape and other fire precautions, hygiene, energy conservation, and access to and use of buildings. The building may therefore need to be upgraded to make it comply with the specified requirements. You should also check with the local fire authority, usually the County Council, to see what ‘on-going’ fire precautions legislation (such as the Fire Precautions Act 1971 and/or the Fire Precautions (Workplace) Regulations 1997) will apply when the building is in use.

14. If I want to convert part or all of my shop, office or any other type of non-domestic building into a flat or any other type of home, will the Building regulations apply?

YES – the regulations define this as a ‘material change of use’ and specify the requirements with which, as a result of that change of use, the whole or part of the building must comply (e.g. those concerned with escape and other fire precautions, hygiene, sound insulation, and energy conservation). The whole, or at least part, of the building may therefore need to be upgraded to make it comply with the specified requirements.

15. If I want to install, alter or replace my shop front, will the Building regulations apply?

YES – because of the likely affect on the structure, escape and other fire precautions, and access to and use of buildings, this type of project is likely to be regarded as a ‘material alteration’ and therefore ‘Building Work’. The appropriate requirements will be applied so as to ensure, for example, that these aspects are addressed together with

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others such as the safety of the glazing. However, shop display windows do not have to comply with the energy efficiency requirements.

16. If I want to build or alter a garden wall or boundary wall, will the Building regulations apply?

NO – but you should, of course, make sure that the work is done safely to avoid accidents. In Inner London there are regulations about walls and you should make enquiries at your London Borough before building a wall over 2m high. You will also need to consider whether your project is subject to The Party Wall etc. Act 1996 under which you must give adjoining owners notice. Free leaflets are available on both the safe construction of free standing walls and The Party Wall etc. Act 1996.

17. If I want to insert insulation into a cavity wall, will the Building regulations apply?

YES – the regulations specifically define this as 'Building Work'. The appropriate requirements will be applied so as to ensure the insulation material is suitable for the wall construction, and that in the case of some foam insulants the risk of formaldehyde gas emission is assessed.

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18. If I want to underpin all or part of the foundations to my building, will the Building regulations apply?

YES – the regulations specifically define this as 'Building Work'. The appropriate requirements will be applied so as to ensure that the underpinning will stabilise the movement of the building. Particular regard will need to be given to the effect on any sewers and drains near the work (see paragraph 3.3).

19. If I want to install or replace electric wiring, will the Building regulations apply?

YES – the Building regulations apply to all electrical work in dwellings. Electrical work involving fixed wiring and fixed appliances should be acceptably safe whoever undertakes it. This can be achieved by following the recommendations for design, installation, inspection, testing and certification in BS 7671: 2001 'Requirements for Electrical Installations – IEE Wiring Regulations'.

You only need involve a Building Control Service for certain riskier 'notifiable' jobs, but if you employ a registered installer with the relevant competencies to carry out the work, such involvement will not be necessary (see Annex B for schemes of registered installers). Notifiable works include new circuits back to the consumer unit and additions or alterations to existing circuits in kitchens, bathrooms and outdoors. Works that are not notifiable include repairs, replacements and maintenance; and additions or alterations to existing circuits outside of kitchens and bathrooms. If you are not sure whether work is notifiable, you should check with your Building Control Service. If you use a registered

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installer for notifiable work, the registration scheme operator will send you a Building regulations compliance certificate when the work is complete. If you use a qualified but unregistered installer for notifiable work, or do the work yourself, the Building Control Service will inspect the work to check that it complies with the Building regulations before issuing a completion certificate, if one was requested. A qualified installer, regardless of whether he/she is registered or not, should give you a signed BS 7671 electrical safety certificate for all types of electrical work. The registration scheme operators can advise you whether an installer is registered for the work you wish them to do, or you may be able to check that information on their website.

In addition, you should note that your contract with the electricity distribution company has conditions about safety which must not be broken. In particular, you should not interfere with the distribution company's equipment which includes the cables to your consumer unit or the cables up to and including the separate main isolator switch if provided.

20. If I want to install fittings such as a WC, shower, washbasin, or kitchen sink within my home, or any other type of building, will the Building regulations apply?

YES – if the installation of the fitting or fittings will involve alterations to, or new connections to, a drainage stack or an underground drain. You should also check with your Building Control Service to find out how much information is required about the fittings you intend to use.

NO – provided the work only involves installing an additional fitting or fittings in the same or a new location which does not involve extensions to the drainage pipework.

21. If I want to install, or replace my bath with, a whirlpool or spa bath will the Building regulations apply?

NO – but infected water from this type of bath can cause Legionnaire's Disease, skin conditions and other disorders. To avoid the risk of infection you will need to manage the quality of the water, for example by using a disinfectant, and keeping the spa pool and its pipework clean. Guidance, entitled "Management of Spa Pools: Controlling the Risks of Infection", is currently in preparation and is expected to be published in the latter part of 2005. It will be published by the Health Protection Agency (HPA) in hard copy and will be available on the HPA and Health and Safety Executive (HSE) websites as a free to download electronic copy. An outside domestic pool could be a hazard to people near the pool, eg close neighbours, and not just those using it, because the bacteria that cause Legionnaires' disease can be carried in the aerosol produced by the spa pool's agitated water. A pool in an hotel, holiday home or health/fitness centre has to be safely managed as required by the Control of Substances Hazardous to Health Regulations 2002. Even if the spa pool installed is of a domestic design – any spa pool operated as a commercial enterprise must satisfy health and safety legislation. By following the advice

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in the previously mentioned guidance the requirements of these and other Regulations should be adequately addressed.

22. If I want to install or replace a hot water cylinder, will the Building regulations apply?

YES – if you are installing or replacing a hot water cylinder within an *unvented hot water storage system* (i.e. a system supplied directly from the water mains with no open-ended pipe for venting and with a storage capacity greater than 15 litres). The requirements are for hot water to be safely stored under pressure and for the installation to be energy efficient. The cylinder should only be installed by a person competent to do so.

YES – if you are installing or replacing a hot water cylinder within a *vented hot water storage system* (i.e. a system fed from an open-ended pipe for venting). The requirements are for the installation to be energy efficient. For either type of system your installer should leave you with a completed installation record and commissioning certificate. Some manufacturers attach certificates to cylinders ready for installers to complete.

23. If I want to lay new drains and/or install a septic tank within the boundary of my property, will the Building regulations apply?

YES – they will apply to new rainwater or foul drains inside as well as outside the building. The Building regulations also apply to all non-mains foul sewerage arrangements (i.e. those using septic tanks), including their outlets and drainage fields. Except in an emergency, your local authority should be given at least 24 hours notice of any intention to repair any underground drain (section 61 of the Building Act 1984).

24. If I want to install, replace or alter the position of any type of fuel burning appliance (including a gas boiler with a flue), will the Building regulations apply?

All Gas appliances:

YES and the Gas Safety (Installation and Use) Regulations will also apply – but if you employ a CORGI (Council for Registered Gas Installers – approved under these regulations) registered installer with the relevant competencies to carry out the work, you will not need to involve a Building Control Service.

Solid fuel appliances:

YES – but if the building is no more than three storeys and you employ an installer registered with HETAS (Heating Equipment Testing and Approval Scheme) to carry out the work, you will not need to involve a Building Control Service.

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Oil appliances:

YES – but if the building is no more than three storeys and you employ an installer registered with OFTEC (Oil Firing Technical Association for the Petroleum Industry) to carry out the work, you will not need to involve a Building Control Service.

In general, but with certain limitations (e.g. relating to appliance output and the height of the building), the above registered installers may also carry out associated building work necessary to ensure that the appliance complies with the Building regulations, without involving a Building Control Service. This may include work on a hearth, fireplace or flue. The fuel burning appliance installer should provide you with information about the safety performance limits of the installation and, in cases where the hearth, fireplace, flue and chimney are intended as permanent features of the building that might need alteration in the future, should also fix a notice plate in a place where it will be readily seen – e.g. adjacent to the mains water stop cock or adjacent to the electricity consumer unit. This is so that someone who comes to re-use these features in the future knows their performance limits, for example if they are changing the appliance. Notice Plates are not required however, where room-sealed balanced-flue appliances have been installed, since their composite flue outlet and air intake ducts are dedicated to specific appliance ranges rather than wider use. If you are having a boiler installed, your installer should leave you with a completed installation record; a commissioning certificate; and a User Instruction Manual.

25. If I want to install a fixed, flueless, gas appliance, will the Building regulations apply?

YES – but if you employ a CORGI (Council for Registered Gas Installers) registered installer with the relevant competencies to carry out the work, you will not need to involve a Building Control Service. Adequate means of ventilation must be available for dispersing to the outside air, the water vapour and other products of combustion produced by the appliance which can affect health. To achieve this the installer should follow the appliance manufacturer's instructions or take other steps such as following the guidance in 'Installation and Maintenance of Flues and Ventilation for Gas Appliances (etc)' (BS 5440). The Health and Safety Executive (HSE) provide two free leaflets on the hazards posed by domestic combustion appliances and how these can be safely managed – 'Gas appliances. Get them checked – Keep them safe' and 'Landlords – A guide to landlord's duties'.

26. If I want to alter in any way the construction of fireplaces, hearths or flues, or to repair them in any way which could affect their safe operation and containment of heat, will the Building regulations apply?

YES – if the work involves the provision of a new or replacement flue or flue liner, or the provision of a new or replacement hearth, fireplace or chimney.

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NO – if the work amounts to no more than alterations to fireplaces, hearths, flues and chimneys it *may not* be subject to the Building regulations. However, this type of work should always take account of the guidance in Approved Document J ('Combustion appliances and fuel storage systems') and the Guidance and Supplementary Information on the UK Implementation of European Standards for Chimneys and Flues. It is vital that flues should operate efficiently, and that risks of the building catching fire or of people suffering burns should be minimised.

27. If I want to install or replace an oil or liquid petroleum gas (LPG) tank (and/or connecting pipework) outside my home, will the Building regulations apply?

YES – if the installation is above ground the requirements will be applied to achieve adequate shielding of the tank from any surrounding fire and, in the case of an oil tank, containment of oil leakages so that ground water is not contaminated. Where new oil connecting pipework is proposed, a fire valve will be needed at the point where the pipe enters the building. If you are installing an oil tank and/or connecting pipework and you employ an installer registered with OFTEC (Oil Firing Technical Association for the Petroleum Industry), you will not need to involve a Building Control Service.

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