BUILDING REGULATIONS AND PLANNING FOR CONVEYANCERS (including septic tank installation)

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ABOUT RICHARD SNAPE

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OUTCOME FOCUSED TRAINING INFORMATION

Lecture is aimed at: Property professionals and fee earners involved in both contentious and non-contentious property work

Learning Outcome: To give an increased knowledge of the subject matter. To update on current issues, case law and statutory provisions and to be able to apply the knowledge gained in the better provision of a service to the client.

Satisfying Competency Statement Section: B – Technical Legal Practice

For further information please see http://www.sra.org.uk/competence

CONTENTS

BUILDING REGULATIONS ENFORCEMENT

Check that building regulations consent was granted.

The Building Regulations control the methods and materials to be used in the construction of a property to ensure that proper standards are maintained in all new properties. Thus, although enforcement proceedings for breach can only be brought within 2 years (Housing and Regeneration Act 2008)(s317 Housing and Regeneration Act which amended s35 Building Act 1984), dependent on the type of breach, the lack of building regulations consent in a recently constructed property may suggest that it may not have been constructed to the proper standards and that it may be sensible to advise the client to point this out to his surveyor in order that a proper check on the structure of the property is made.

Note: Under s36 Building Act 1984 the local authority can, within one year of the works, tell the property owner to either remove the building or build up to standards. This notice can only be served on the owner - unlike s35 prosecutions which may be brought against owner or builder.

Note: In addition, if there is a risk to health and safety, a local authority may obtain an injunction dealing with building regulations breaches without limit for the time period.

BUILDING REGULATIONS AND COMPLETION CERTIFICATES

The first instance case of **Cottingham v Attey Bower Jones [2000]** although controversial, continues to cause problems. In this case, an extension had been built on ten years prior to the conveyance in the late 1980's. The solicitor raised enquiries and was told that completion certificates were not available. This would be normal as completion certificates were not introduced until between 1992 and 1997 dependent on the locality. A surveyor had failed to spot rising damp in the premises, but at a later stage the surveyor had retired without insurance. This case stated that although local authorities were unlikely to proceed against someone with lack of completion certificates after a year, there was a theoretical possibility of an injunction under s.33 of the **Building Act 1984**. As a consequence, local authorities may be contacted to obtain retrospective completion certificates if they are available. In spite of standard enquiries such a right may be available in perpetuity.

Cottingham is also authority for the proposition that if an enquiry is made, here as to building regulations approval or lack of completion certificate, a lack of response or a response of "not available" which is not followed up, can give rise to liability for the buyer's solicitor.

Note: Some mortgagees e.g. Nationwide, are not allowing reliance on self issue building regulations but are requiring regularisation certificates.

Note: If Building Regulations documents are missing then this should be referred to a valuer, in particular in relation to parts of premises which are being used as habitable rooms. A surveyor and/or structural engineer may also be notified. Furthermore, if premises without Building Regulations are being used as habitable rooms any insurance policy may be vitiated.

Note: Insurance policies will usually cover the cost of local authority enforcement and not the possibility of there being a dangerous building. Moreover, insurance will be vitiated if the local authority is approached for a regularisation certificate or if, for instance, any extension is further extended at a later stage.

Certain policies can only be taken out after one year however, see for instance HOPP policies where insurance is available immediately.

Many insurance policies will require the property to have been for residential use for at least 12 months, no formal or informal enforcement notice must have been served, and a survey or valuation must have been carried out with no adverse comments.

Note: As to how far in the past building regulations documents must be sought depends to some extent on the work done. The long stop is included in the Protocol and it states that if the seller commissioned the works, they must provide building regulations and planning documents but otherwise if documents are required which are more than 20 years old then this must be at the buyer's expense.

Exemptions from Buildings Regulations

Certain buildings are exempt, for example those not frequented by people, greenhouses, agricultural buildings, temporary buildings, ancillary buildings, small detached buildings that with extensions are less than 30 square metres unless used for sleeping accommodation. However, Part P and H (Drainage) may be required.

Part L exemptions in relation to energy efficiency include e.g. listed buildings and buildings in conservation areas where necessary for the appearance or finish, temporary buildings and stand-alone buildings if less than 15 square metres in area.

SEPTIC TANKS

As of 6 April 2010, Consent to Discharge is being phased out, to be replaced by the need for a Discharge Permit or Exemption from the Environment Agency. By 1 January 2012 all septic tanks will need to be registered, no matter how old. New tanks which are fully compliant with modern Building Regulations will be registered as being exempt. In August 2011 it was announced that the registration of small septic tanks would be reviewed in England. Registration for an exemption may occur, but will not be necessary by 1 January 2011.

The provisions came into force on 1 January 2012 in Wales however.

In England most domestic tanks will not need to be registered. However, there are three exceptions

If the tank is within 50 metres of a drinking supply such as a well or borehole

i.e. where there is a discharge of more than $2m^3$ a day or where the discharge is within a Zone 1 ground water protection zone. The Environment Agency will advise over the telephone whether the latter is the case. In Wales registration should occur as soon as possible, but the Environment Agency will accept registrations until 30 June 2012. The Welsh Assembly intends to send leaflets to anyone with a septic tank. In England and Wales, the cost of a discharge permit is temporarily set at £125.

Note: Regardless of registration, maintenance records should be kept in relation to the tank and TA6 Enquiries ask for these to be provided to the buyer.

Note: That implementation of these provisions in England was put on hold in August 2011. However, they came into force in Wales on 1 January 2012.

On 9th October 2014 the Environment Agency announced results of their consultation and draft regulations will be produced for implementation on 1st January 2015. As of 1st January 2015, large septic tanks discharging more than $2m^3$ of waste a day will need to be registered with a discharge permit costing £125. Small tanks will not need to be registered with an exemption but will need a discharge permit if in a zone 1 water protection zone area or within 50m of a drinking supply or if the discharge is above the low water mark. Tanks in areas of outstanding natural beauty will now not need to be registered. None registration is a criminal offence although the Environment Agency intend to be lenient and educate property owners rather than prosecute.

The provisions came into force in England on 1st January 2015. New tanks in designated areas will need to be registered and obtain a permit but not existing tanks. The number of designated areas has been reduced. Larger tanks will still require a permit.

The above provisions are contained in the General Binding Rules. In addition, if a septic tank flows into a water course as opposed to a drainage field, this must be replaced on a sale of the property and by January 2020 at the latest. A treatment plant will not need to be replaced. These provisions came into force in January 2017.

On November 8th 2019 the Environment Agency produced new guidance. This is nearly the same as previous guidance but there is no reference to January 1st 2020.

SERVICE CHARGE LIABILITY AND BUILDING REGULATIONS POST GRENFELL

A consultation paper has now been produced as a consequence of the Hackett Enquiry on building regulations and fire safety in the light of the Grenfell Tower disaster. It looks at possible changes to construction, conversion and ongoing management of buildings and possible changes to enforcement. In the light of this, fire safety risk assessments in particular may be changed in the future.

Both residential and commercial service charges are likely to be greatly affected, especially, where is usually the case, service charge allows recovery of payments for improvements and statutory works. In **Finchbourne v Rodrigues [1976] All E.R 581** it was held that there would be an implied term that the work must be reasonably incurred. In council house right to buys, the purchaser will be given an estimate of future works within the next five years from purchase but after this time the service charge may increase greatly. Due to the so called 'Florries Law', the liability of former council tenants cannot exceed £10,000 in any five-year period. However, this will only apply in relation to works funded by Central Government.

Under the Service Charge Consultation Requirements (England) Regulations 2003 and the Service Charge Consultation Requirements (Wales) Regulations 2004, which came into force on 31 October 2003 and 1 March 2004 respectively, then if consultation does not occur between landlord and tenants in relation to service charges and dwellings, there will be a statutory cap of £250 for the works. Therefore, it is suggested that a management enquiry is made to the effect of, whether there has been any major works within the meaning of the Regulations and if so, did consultation occur.

First Port Property Services Ltd v various long leaseholders of Citiscape LON/00AH/LSC/2017/0435

In March 2018 First Port obtained the tribunal rulings to the effect that tenants would be responsible for the replacement of aluminium cladding in a block of flats in Croydon. The cost is currently assessed at £2m including a bill of £4,000 per week to employ fire wardens. The maximum individual liability is £31,300.

In April 2018, the developer, Barratts, announced that they would voluntarily pay for the works.

In **Zagora Management v Zurich Insurance Plc [2019] EWHC 140 (TCC)** the cost of replacing the cladding was £10m. This was covered by a newbuild guarantee but the guarantee had a cap of £3.5m. This case has now been reversed by the Court of Appeal **[2019] EWHC 257 (TCC)**

Blue Manchester Ltd v North West Ground Rents Ltd [2019] EWHC 142 (TCC) the case involves the Beetham Tower in Manchester. The tower consists of an hotel with residential properties above. It was found that the cladding was not sufficiently bound with the glasswork. The landlords were a ground rent management company with a 999-year lease. They originally proposed *stitch plate* repairs but the tribunal held this as not satisfactory. The damage constituted disrepair and was thus within the landlords' liability and it seems that some of the cost cannot be recouped by service charge. It is unlikely that any of the parties foresaw such major works in the early years of the building.

The Government has commenced consultation on building regulations and fire safety in the light of the Grenfell Tower disaster. It will look at possible changes to construction, conversion and ongoing management of buildings and possible changes to enforcement. In the light of this, fire safety risk assessments in particular may be changed in the future.

Building Regulations and Grenfell

Prior to the Grenfell disaster the Welsh Government had already introduced a requirement for sprinkler systems in new residential buildings. In December 2018 similar requirements were introduced in England but only for residential buildings of 30 metres or more in height. There is also a

ban on various types of cladding in relation to buildings more than 80 metres in height. This is not retrospective but is under review.

The EWS1 Form and External Cladding

As a consequence of the Grenfell disaster, mortgage companies were refusing to lend on blocks of flats unless there were assurances about any cladding and on occasion are valuing flats at £0.00 unless the cladding is removed. This can be very expensive and time-consuming. As a consequence, UK Finance and the RICS introduced an EWS1 certificate in December 2019. It is designed so that chartered professionals can assess the safety level of any external wall systems based on composite cladding. The report will last for five years and applies to any high-rise residential building of more than 18 metres height or where there is a need for assessment due to other circumstances. Some mortgagees are now requiring the certificate, and where need be, replacement work, before lending. Some mortgagees do not seem to be accepting certificates. In any case, many chartered surveyors are reluctant to do the assessments because of the potential public liability risk. Other surveyors seem to have difficulty in obtaining public liability insurance to do the assessments.

As a consequence of a fire in a student halls of residence in Bolton in November 2019, there are now concerns about high pressure laminate which has been used as a building material.

THE WATER INDUSTRY (SCHEMES FOR ADOPTION OF PRIVATE SEWERS) REGULATIONS 2011

These came into force on 1 July 2011. On 1 October 2011 all private lateral drains outside the curtilage of the premises will become adopted, as will any shared drains within private premises. The Crown may opt out.

Private pumping stations and private surface water drains which run into a watercourse will go into public ownership by 1 October 2016. The Water Authority will require a build over agreement and there must be compliance with Part H4 of the Building Regulations if a building is to be built within three metres of a public sewer.

Note: This will have implications for planning permission and building regulations as both will be required to undertake to build over a public drain.

SOLAR PANELS

Note: In August 2015 the government announced that the solar panel tariffs would be reduced by over 90% as of 1st January 2016 and would disappear entirely by 2019. This will not affect existing tariffs where whatever payment applied when the leases were registered with Ofgem will apply for the remainder of the term plus an RPI based yearly increase. In December 2015 the Government announced that the tariffs would be reduced not by 90% but by around two thirds as of 8th February 2016.

Planning Permission

Solar panels on domestic premises are within General Permitted Development, as are, since April 2012, solar panels on non-domestic premises.

For commercial properties permitted development exists if the installation is connected to the business use and the external appearance of the building is not materially affected. For office buildings there will only be permitted development for the ground floor. Generally solar panels must not materially affect the amenity within the locality. Some local authorities e.g. Bury Borough Council have required removal of solar panels because of nuisance caused by glare.

Note: Exceptions to Permitted Development include where an Article 1 Paragraph 4 Direction applies or where a condition of planning permission bans Permitted Development. Listed buildings will require listed building consent as will panels within the curtilage of the listed building (which will not usually include paddocks and fields). If in a conservation area, National Park, or World Heritage Site the panels should not be visible from the highway or watercourse.

All solar installations are subject to the following conditions:

- Panels on a building should be sited, so far as is practicable, to minimise the effect on the appearance of the building.
- They should be sited, so far as is practicable, to minimise the effect on the amenity of the area.
- When no longer needed for microgeneration they should be removed as soon as possible.

Roof and Wall Mounted Solar Panels

The following limits apply to roof and wall mounted solar panels:

- Panels should not be installed above the ridgeline and should project no more than 200mm from the roof or wall surface.
- If your property is a listed building installation is likely to require an application for listed building consent, even where planning permission is not needed.
- Wall mounted only - if your property is in a conservation area, or in a World Heritage Site, planning consent is required when panels are to be fitted on the principal or side elevation walls and they are visible from the highway. If panels are to be fitted to a building in your garden or grounds, they should not be visible from the highway.

Standalone Solar Panels

The following limits apply to standalone solar panels:

- Should be no higher than four metres
- Should be at least 5m from boundaries
- Size of array is limited to 9sq m or 3m wide and 3m deep
- Should not be installed within boundary of a listed building

- In the case of land in a conservation area or in a World Heritage Site it should not be visible from the highway.
- Only one stand alone solar installation is permitted.

Solar Photo Voltaic Panels

The installation of Solar PV panels is work controlled under the Building Regulations

The following Regulations may apply to an installation:

- Part A – Structure
- Part B - Fire Safety
- Part C - Resistance to Moisture
- Part P - Electrical Installation

Method of demonstrating compliance with the Building Regulations:

Many installers of Solar PV systems are registered with a Competent Person Scheme (CPS). Provided that the installer is registered with a CPS which covers all relevant parts of the Building Regulations as detailed above (you must confirm this with your installer), then the installer can self-certify the work as complying with the Regulations. He must then notify his registered CPS body who in turn should notify the Local Authority of the installation.

If the installer is not registered with a CPS, or you are doing the work yourself, then you will need to submit an application for Building Regulation Consent (either as a Building Notice or a Full Plans Application) and show how you intend to comply with all the relevant Building Regulations. The Building Control Officer may inspect the work as it progresses and may require further information to justify what you have done or ask for work to be altered. When satisfied that the work complies with the Regulations, a Completion Certificate will be issued.

Stamp Duty Land Tax

HMRC consider solar panels to be fixtures and thus chargeable to SDLT. It would appear that this would also apply where the roof space is leased and they constitute tenant's fixtures (see below).

Other Taxes

Income from Solar Panels

Solar PV, or photovoltaic, panels are a way of households generating electrical energy to run their appliances from solar power. This can be used to power the homes electrical appliances. Any excess power produced can be sold back to the national grid. Installation of residential solar panels by a MCS (Microgeneration Certification Scheme) approved supplier creates costs reductions and two revenue streams.

Firstly there is a reduction in bills for electricity as the solar electricity produced is free. The installation generates income by a government schemes known as Feed In Tariffs (FITS) and by the resale of excess electricity produced to the national grid, known as the generation tariff.

Taxation for Domestic Installations

Although the FITS and generation tariff are additional income, the government confirmed in 2009 that people who receive income in the form of tariffs will not be subject to income tax. For a basic rate tax payer, this would represent a tax saving of 20% on typical projected income of £500 a year. For higher rate tax payers, the savings could be in the region of £400 to £500. Tax is not due so long as the electricity generated is predominately used for domestic purposes. Feed in tariffs are not limited to solar power, so householders who receive tariffs for other renewable energy sources such as wind will also not pay tax on the income.

Taxation for Business Installation

For businesses that install solar panels and receive tariffs they are subject to tax on their income. The rate of tax will depend on what you pay so for business paying small profits rate the 2012 corporation tax rate is 20%. The main rate of corporation tax in 2012 is 26%. Maintenance costs are likely to be tax deductible.

Consideration will also need to be given to whether the purchase of the panels would be subject to capital allowances. VAT may also be recovered on the purchase of solar panels. Of course, the business will benefit from reduced electricity costs which should be factored in when calculating the return on investment. Your accountant will be able to advise you if solar panels are an appropriate investment for your business.

Restrictive covenants

There may be breach of consent to plans and alterations covenants and, possibly, breach of non-business user covenants especially where the roof space has been leased out. If leasehold, there may also be breach of the covenants of the lease.

Re Nos 11 and 27 Parklands View Sheffield 2011 EW LVT

The case involved a 200-year lease and whether placing solar panels on the roof was a breach of leasehold covenants. To some extent the decision depends on its facts. Installing solar panels amounted to a breach of an alteration covenants. Contrast **Bickmore v Dimmer 1903 1 Ch 158** where installation of a clock on the outside of a shop was not a breach. However, the landlord could not unreasonably refuse consent to the solar panels. See also **Mahon v Sims [2005] 3 EGLR 57**: Consent to alteration covenant is always subject to an implied test of reasonableness.

Nuisance and Annoyance

Whether there is a breach of such a covenant amounts to an objective test depending on the fact; and there was held to be no breach here. Contrast **Davies v Dennis [2009] EWCA 1081** where building of an extension which blocked river views was held to be a breach.

Non-business User

As there was no income tax payable and the business user was ancillary to the residential use, there is no breach. See also **Florent v Horez [1983] 12 HLR 1**.

Right of First Refusal - Part 1 of Landlord and Tenant Act 1987

Part 1 provides that where the landlord proposes to make a relevant disposal and its terms.

Relevant Disposals

This concept causes major problems. It consists of a disposal of any estate or interest, whether legal or equitable including a disposal of an estate or interest in the common parts.

Specifically included are contracts for sale whether conditional or unconditional, disposals by way exchange, sale by auction, options and rights of pre-emption.

Excluded are grants of a tenancy of a single flat, interests under a mortgage, sale of incorporeal hereditament, assignments by a trustee in bankruptcy or under matrimonial law, compulsory purchase orders, gifts to the landlord's family or to a charity, transfers by will or on intestacy, disposals to The Crown, disposals to an associated employer.

Mainwaring v Henry Smiths Charity Trustees [1996] 2 EGLR 267 made clear that the landlord's duty arises as soon as, or soon after, he proposes to dispose: not on actual disposal. Making the disposal conditional on the proposed purchaser serving s.18 notices (see below) will not exonerate him.

Kay-Green v Twinsectra [1996] 2 EGLR 258

Here, there were three buildings held under two separate registered titles. Part I applied on a building by building basis, i.e. even though there were not the requisite majority of qualifying tenants in one of the buildings, the other two were still subject to the rights. Moreover, mistakes in

the tenants request under s.l2, see below, including the third building did not prevent them exercising their rights.

Sale also included appurtenances land, e.g. gardens, and the parts of the buildings not occupied by qualifying tenants.

Note: Note that leasing of roof space for the purpose of a solar panel on of block of flats would fall foul of Part 1 and would constitute a criminal offence unless first refusal was offered.

Buildings Insurance

Buildings insurance may be vitiated if the insurer is not notified.

Disclaimer

Some leases of roof space have been disclaimed on insolvency. Restrictions have been found on the Register retaining title on behalf of the original producer.

GAS SAFE REGULATION CHANGES

In relation to rented property a Landlord must at any time have a Gas Safe certificate which is no more than one year old and must present a copy to the Tenant within 7 days. As of October 1st, 2015 the Landlord may not use the shorthold ground for possession if there is not a valid certificate in place. This latter provision was introduced by the Deregulation Act 2015 and applies to England only.

Similar provisions will come into force in Wales when the Renting Homes (Wales) Act 2016 comes into force.

Note: In **Caridon Properties v Monty Shooltz (Central London County Court) 2 February 2018** the county court accepted that if a gas safety certificate is not given to the tenant at the beginning of the tenancy agreement then the landlord can never use the shorthold ground for possession. This is not a precedent but seems to confirm the wording of the legislation.

A similar decision was reached in **Trecarrel House v Rouncefield [2019].** This case is now to going to be heard by the Court of Appeal.

When the Renters Reform Bill 2019 – 20 becomes law, it is planned to abolish S.21 notices and no fault evictions thus making the issue less important. In the meantime, the Court of Appeal is due to hear the issue in **Trecarrel v Rouncefield.**

Electrical Wiring Certificates

These are not currently required for buy to lets although an HMO licence will not be obtained without one. There is provision in the Housing & Planning Act 2016 to make them compulsory.

These provisions are intended to come into force in England on 21 July 2020 for new leases and 1 April 2021 for existing leases. However, we are still awaiting the relevant statutory instrument.

PART P BUILDING REGULATIONS

The provisions came into force on 1 January 2005. The relevant provisions are thus. The provisions apply to dwellings, including common parts and shared amenities and also to mixed business/residential properties with a common supply.

Notification of work

0.6 The requirements apply to all electrical installation work.

When necessary to involve building control bodies

0.7 Except in the circumstances outlined in paragraph 0.8 below, notification of proposals to carry out electrical installation work must be given to a building control body before work begins.

When not necessary to involve building control bodies

0.8 It is not necessary to give prior notification of proposals to carry out electrical installation work to building control bodies in the following circumstances: -

a. the proposed installation work is undertaken by a person who is a competent person registered with an electrical self-certification scheme authorised by the Secretary of State. In these cases, the person is responsible for ensuring compliance with BS 7671: 2001 and all relevant Building Regulations. On completion of the work, the person ordering the work should receive a signed Building Regulations self-certification certificate, and the relevant building control body should receive a copy of the information on the certificate. The person ordering the work should also receive a duly completed Electrical Installation Certificate as or similar to the model in BS 7671. As required by BS 7671, the certificate must be made out and signed by the competent person or persons who carried out the design, construction, inspection and testing work.

OR

b. The proposed electrical installation work is non-notifiable work of the type described in Table 1 and does not include the provision of a new circuit.

i) When the non-notifiable work described in Table 1 is to be undertaken professionally, a way of showing compliance would be to follow BS 7671: 2001 and to issue to the person ordering the work a Minor Electrical Installation Works Certificate as or similar to the model in BS 7671[2]. As required by BS 7671, the certificate must be made out and signed by a competent person in respect of the inspection and testing of an installation. The competent person need not necessarily be a person registered with an electrical self-certification scheme, and may be a third party.

ii) When the non-notifiable work described in Table 1 is to be undertaken by a DIY worker, a way of showing compliance would be to follow the IEE guidance or guidance in other authoritative manuals that are based on this, and to have a competent person inspect and test the work and supply a Minor Electrical Installation Works Certificate. The competent person need not necessarily be registered with an electrical self-certification scheme but, as required by BS 7671, must be competent in respect of the inspection and testing of an installation.

iii) In any event, non-notifiable works should be drawn to the attention of the person carrying out subsequent work or periodic inspections. A way of doing this would be to supply Minor Electrical Installation Works Certificates covering the additions and

alterations made since the original construction of the installation or since the most recent periodic inspection.

Table 1

Work that need not be notified to building control bodies

Work consisting of: -

I. replacing accessories such as socket-outlets, control switches and ceiling roses

II. replacing the cable for a single circuit only, where damaged, for example, by fire, rodent or impact

III. re-fixing or replacing the enclosures of existing installation components

IV. providing mechanical protection to existing fixed installations

Work that is not in a kitchen or special location and does not involve a special installation and consists of: -

I. adding lighting points (light fittings and switches) to an existing circuit

II. adding socket-outlets and fused spurs to an existing ring or radial circuit

Table 2

Special locations and installations

Special locations:

- Locations containing a bath tub or shower basin
- Swimming pools or paddling pools
- Hot air saunas

Special installations:

- Electric floor or ceiling heating system
- Garden lighting or power installations
- Solar photovoltaic (PV) power supply systems
- Small scale generators such as microCHP units
- Extra-low voltage lighting installations, other than pre-assembled, CE-marked lighting sets

Building Regulations: Dwellinghouse and Extensions

From 1 March 2003 a new central heating boiler will have needed a certificate of installation by the contractor (or a Building Control Certificate).

Since 1 January 2005 requirements that certain electrical wiring installed or added to since that date must carry a certificate from a competent electrician that it has been done in accordance with current standards. Exemptions apply to wiring or extra sockets in a dwelling as long as they are not to wet rooms, e.g. bathrooms and kitchens (nor any outside works).

The following are examples of building works which would need Building Regulations:

- Internal alterations such as the removal or part removal of a load bearing wall, joist, beam or chimney breast would need approval.
- A loft conversion.

- Installation of a new lavatory (not just a replacement) which involves a new connection into a soil pipe.
- Conversion of a house into flats.
- Insertion of cavity wall insulation.

Replacement of all or part (more than 25%) of the roof covering e.g. tiling

Boilers and Heating

The Building Regulations will apply to the following:

- installing or replacing a hot water cylinder
- installing, replacing or altering the position of any type of gas, solid fuel and oil appliances (including boilers)
- installing a fixed, flueless, gas appliance

However, if you employ a registered installer with the relevant competencies to carry out the work on gas appliances, you will not need to involve a building control service. Find out more about building control services from the link below. If you want to alter or repair, the construction of fireplaces, hearths or flues, in any way which could affect their safe operation and heat containment; Building Regulations will apply if the work involves the provision of a new or replacement fixtures.

Gas boiler regulations

If you are planning to install or replace an existing gas boiler you should choose a condensing boiler. This is a requirement of Part L1 of the Building Regulations that relate to the conservation of fuel and power.

Why install a condensing boiler?

Gas-fired boilers installed after 1 April 2005, and oil-fired boilers installed after 1 April 2007, must be condensing boilers, whether they are replacements or new installations.

- Condensing boilers are more efficient than ordinary boilers as they:
- produce less carbon dioxide while still meeting heating needs
- reduce the amount of heat that is lost through the flue, compared with ordinary boilers
- convert 86 per cent or more of the fuel they use into useful heat (older types of ordinary boilers may convert as little as 60 per cent of fuel to useful heat)

The new standards apply only if you decide to change your existing hot-water central-heating boiler or if you decide to change to one of these boilers from another form of heating system. Climate change has been caused by increasing amounts of carbon dioxide being released into the atmosphere. Around 16 per cent of the carbon dioxide that the UK produces comes from the gas and oil boilers that we use to heat our homes.

Other recent changes

Smoke and Carbon Monoxide Alarm (England) Regulations 2015

These provisions apply to any premises or part of a premises which is rented for residential purposes. The provisions also apply to people occupying under a Licence. As of October 1st, 2015,

there must be smoke and carbon monoxide detectors in place. The provisions do not apply if the Tenants share accommodation with the Landlord.

Woodburners

The flue for a woodburner requires building regulations, and also requires a carbon monoxide detector installation nearby for new installations since October 2015.