

## Do I need building regulations approval?

Written by Administrator

Thursday, 14 May 2009 14:36 - Last Updated Monday, 18 May 2009 21:44

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Building regulations are approval from the Local Authority to confirm that works or alterations to a property have been carried out properly and safely. Building regulations are entirely separate from planning permission and a separate application would need to be made to the Planning Department of the Local Authority.

This is one of the most common areas of difficulty for homeowners and can result in delays in the conveyancing process when building regulations were needed and were not obtained.

What works are exempt from building regulations?

1. Detached Garages but they must be a minimum of 1 metre away from the nearest boundary and be constructed of materials which are not combustible
2. Car ports provided they are open on two sides
3. Porches that are separated from the main dwellinghouse by a door
4. Conservatories on the basis they are again separated from the main dwellinghouse by a door that closes, at least three quarters of the roof and half of the areas of the walls are made of a translucent material and safety glass should be incorporated and the floor space must be no more than 30 square metres.
5. Extensions to the main dwellinghouse provided the floor space is no more than 30 square metres

Any works that are to be carried out to a Property should be done in consultation with the planning and building control department of the local authority. When the property is sold in the future, correspondence can be produced to illustrate appropriate enquiries of the relevant departments have been made.

What to do if you did not get building regulations approval?

Local authorities have now introduced a Regularisation Certificate for unauthorised works to be certified by a Building Control Inspection as being acceptable. An application can be made for all works carried out after 11 November 1985 and may involve the current owner of the property to carrying out remedial works to bring the standard of work to an acceptable level. The works are assessed on the building regulations requirements at the time the works were originally completed and are not judged on today's legal requirements. If the works done are satisfactory then a regularisation certificate is issued. A delay may be experienced whilst this process is carried out by building control.

The alternative to obtaining a Regularisation Certificate is to provide indemnity insurance. This insures against the risk of enforcement action being taken by the local authority. The insurance does not confirm the works have been carried out safely or to an acceptable standard and a buyer should be advised by their solicitor during the conveyancing process of the dangers and limitations of accepting the insurance.

Building regulations should always be sought where possible at the time the works are carried out to a property. The first stage is the approval of plans or the approval of a building notice. The second stage is the final inspection by Building Control and the issuing of a completion certificate. The issuing of the completion certificate cannot be over emphasised because it verifies the works have been done properly and meet current legal requirements and satisfies concerns of buyers, solicitors and mortgage companies.

*Article provided by Hague Lambert Solicitors, 131 King Street, Knutsford, Cheshire, WA16 6EJ ,*

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