

Building Control FAQ

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If the Building Regulations do not apply, dangers you should be aware of!

What is 'Notifiable work'?

Most building work comes under the control of the Building Regulations.

This includes things like new buildings, extensions and loft conversions as well as new roofs and through lounges. Alterations to factories, shops and offices also need our approval under the Full Plans procedure.

If you have any doubts about the work you are planning to do you should consult us first. We can offer expert advice at the design stage that could well save you time and money.

List of the main notifiable work:

- New buildings
- Loft conversions
- Extensions
- Through lounges
- Chimney breast removals
- Roofing
- Drainage
- Replacement/ New windows
- Installation of a new boiler

What building works are exempt?

You may wish to contact us (both Building Control and Planning Services) with details of your proposals, in order to clarify whether or not your proposals are exempt. Some types of domestic work are exempt from the requirements of the Building Regulations. These include:

Detached buildings

- A detached single storey building, having a floor area not exceeding 30m², which contains no sleeping accommodation; and has no point of which is less than 1 metre from the boundary of its curtilage; or which is constructed substantially of non-combustible material e.g. a detached garage.
- A detached building, having a floor area not exceeding 15m², which contains no sleeping accommodation e.g. a greenhouse/garden shed.

Extensions

- The extension of a building by the addition at ground level of: a conservatory (that is not permanently open to the house), porch, covered yard or covered way; or a carport open on at least two sides where the floor area does not exceed 30m².
- In the case of a porch or conservatory any glazing should meet the requirements of the Building Regulations. (i.e. glazing in most doors and adjacent windows and in windows with a cill level less than 800mm above floor level should be in a safety glass).

You can get further information on these exemptions by contacting the Building Control Office.

You may wish to contact us with details of your proposals. They will then confirm if the work is exempt.

Even though your proposals may be exempt from the Building Regulations you may still require Planning Permission.

When can I start work?

If you have deposited a 'full plans' application you will only receive the full benefit and protection from this procedure if you wait until you have received a notice of approval before starting your work. However, if you choose to there is nothing to stop you starting work once you have deposited your plans and given your local authority a commencement notice at least two clear days (not including the day on which you give notice and any Saturday, Sunday, Bank or public holiday) before you start.

If on the other hand you have chosen to use the 'building notice' procedure, this procedure is specifically designed to enable you to start work once you have given the notice to your local authority followed by a commencement notice at least two clear days (not including the day on which you give notice and any Saturday, Sunday, Bank or public holiday) before you start.

What happens if I contravene the Building Regulations?

The Building Regulations can be contravened by not following the building control procedures they set out for handling your building work, and/or by carrying out building work which does not comply with the requirements contained in the Building Regulations. Haringey has a general duty to enforce the Building Regulations in its area and will seek to do so by informal means wherever possible. This duty extends to and forms a part of its function when it is carrying out the Building Control Service.

If a person carrying out building work contravenes the Building Regulations, the local authority may decide to take them to the Magistrates' Court where they could be fined up to £5000 for the contravention, and £50 for each day the contravention continues (section 35 of the Building Act 1984). This action will usually be taken against the builder or main contractor, although proceedings must be taken within 6 months of the offence (section 127 of the Magistrates' Courts Act 1980).

Alternatively, or in addition, Haringey may serve an enforcement notice on the owner requiring them to alter or remove work which contravenes the regulations (section 36 of the 1984 Act). If the owner does not comply with the notice the local authority has the power to undertake the work itself and recover the costs of doing so from the owner. Although an enforcement notice cannot be served on you after the expiration of 12 months from the date of completion of the building work, this does not affect a

local authority's (or any other person's) right to apply to the Courts for an injunction for the same purpose.

When works are complete?

A Certificate of Completion can be provided to show that the work complies with the Building Regulations.

- When you or your builder have notified us that the work is completed
- When a satisfactory final inspection has been made
- Useful if the building is subsequently sold or if you are securing additional funds.
- You may request this at the beginning of the project or at completion.
- Ideally you should not pay your builder all his money until you receive the completion certificate.

What if work is carried out with out an application?

- We will take enforcement action where work is carried out contrary to the Building Regulations.
- Work completed without our knowledge requires retrospective approval.
- A regularisation notice will have to be submitted to us
- There is an enhanced charge for this service
- Works will be inspected, which may require you to expose covered works
- Some parts may need to be opened up for inspection
- Some work may have to be redone, or extra work done, before a regularisation certificate can be issued
- We will agree a solution to keep delay and inconvenience to a minimum

What do I do if my neighbour wants to do work to my party wall?

Party walls come under separate legislation, The Party Wall etc. Act 1996, which as a Local Authority we cannot deal with.

- We are happy to give you general advice, but you may need to contact a specialist party wall surveyor.
- You can contact us for a free copy of the government guidance on the Part Wall Act.
- An electronic version of the guidance is available from the ODPM website.

What if structure is dangerous?

If you are concerned that a building or structure may be dangerous you can contact us at any time.

- We are on call 24 hours a day every day of the year
- Call 020 8489 5504 during office hours.
- Call 020 8348 3148 at all other times
- Where necessary the danger will be removed immediately by the council's own specialist contractors under the close supervision of an experienced senior building control officer who will ensure that the work is carried out in the most suitable way.
- If this action is required in respect of your property every effort will be made to contact you first. If this is not possible, a card will be left at the premises indicating what action has had to be taken and who should be contacted for further advice.

- If your property is in a dangerous condition, but is not considered to be an immediate danger, a formal Dangerous Structure Notice will have to be served, but a reasonable time will be arranged for you to respond.
- There is a charge for dealing with dangerous structures to cover reasonable administration costs and contractor's charges.

If the Building Regulations do not apply, dangers you should be aware of!

You should always bear in mind that although the work involved in a building project may not amount to 'Building Work' and consequently not be subject to the Building Regulations, it may be subject to other statutory regulations and the end result of what you want to do could result in a dangerous situation or in damage to your own or your neighbour's property. It may also result in your own and/or your neighbour's building no longer complying in some way with the Building Regulations.

The type of points to watch out for are:

- Constructing an open air swimming pool, or a garden pond. These can cause a danger – especially to children – during construction and afterwards. Safety precautions will need to be taken.
- Building a garden wall. Even if it is quite low, this can present a danger if it is not built properly – especially to children.

A free leaflet is available on the construction of free-standing walls

Work involving any form of construction close to your own home or your neighbour's boundary which might, for example: obstruct ventilation grills to ground floors; obstruct or cause the malfunctioning of boiler flues; or produce boiler fumes that are a nuisance to a neighbour.

- Adding a floor screed or decking to an existing balcony. This may not always be subject to control under the Building Regulations but may result in a reduction in the effective height of the guard rail, and so increase the risk of people overbalancing and falling.
- The building of an exempt building such as a car port, conservatory or porch which might, for example: obstruct ventilation grills to ground floors; obstruct or cause the malfunctioning of boiler flues; adversely affect the safety of a gas meter due to reduced ventilation or excessive temperature exposure; or prejudice safe gas appliance operating conditions.
- The removal of a tree close to a wall of your own house or of an adjoining property. This could affect the foundations and structural stability of the building.

In all such cases it would be advisable to seek professional advice and/or consult Haringey Building Control.

Contact

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