Building Regulations 2010

- Building Regulations apply in England & Wales and promote standards for most aspects of a building's construction, energy efficiency in buildings, the needs of all people, including those with disabilities, in accessing and moving around buildings.

- **Your responsibilities**
  - With all building work, the owner of the property (or land) in question is ultimately responsible for complying with the relevant building regulations (regardless of the need to apply for planning permission and/or HMO Licensing approval).
  - Failure to comply with the relevant rules will result in the owner being liable for any remedial action (which could go as far as demolition and/or restoration). The general advice is to always discuss your proposals with Building Control before starting work.
  - Granting of a HMO licence and/or planning permission does not indicate Building Regulations consent/approval.
  - Failure to comply with any element of the Building Regulations
Building Regulations 2010

- **Failure to comply with the Building Regulations**
- 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 each contravention, and up to £50 for each day the contravention continues after conviction (section 35 of the Building Act 1984). This action will usually be taken against the person responsible for the works, in addition, the local authority 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.

- Notwithstanding the possibility of enforcement action, you should bear in mind that if the local authority considers that building work carried out does not comply with the Building Regulations and it is not rectified, the authority will not issue you with a completion certificate and the contravention will come to light through a local land search enquiry when you sell your property in the future.
Key aspects of the Regulations that may need to be addressed

Structure
- Any structural alterations including removal of walls, new openings etc;

Fire Safety
- How many storeys, Total number of flats, single or multiple stair building. Protection of stairs, lobby protection. Flat layout, early warning smoke alarm/detection. Fire door provision, emergency lighting, ventilation of common parts of stair, compartmentation, all of the above will be subject to the size, nature and occupancy of the building.

Sound Insulation
- Separating walls to have minimum standards of resistance to the passage of sound.
- Separating floors to have minimum standards of resistance to the passage of sound.
- Sound testing required at completion to demonstrate compliance.
- Alterations to floor or ceilings to accommodate sound insulation.
- Alterations to walls to accommodate sound insulation.
Building Regulations 2010

- Energy Efficient Measures
  - Upgrade of existing fabric of building for better thermal efficiencies, this could include introduction of insulation to existing walls, floors, roof. Replacement of existing single glazed windows and doors to double glazing. Preparation of EPC’s - ‘Energy performance certificates’. Introduction of Energy efficient lighting and heating, including temperature controls.

- Drainage and Waste Disposal
  - Simple layout of drains, pipes to be suitably sized laid to fall and discharging to suitable drain. Drainage to be fire protected when passing through compartment walls. Suitable access to drainage to be maintained for rodding.
Building Regulations 2010

- Building Regulation implications for the following common alterations:
  a. Conversion to form self-contained unit/flat/bed-sit/studio.
  b. Conversion to form one or more self-contained unit(s) and one or more non-self contained unit(s).
  c. Installation of sanitary and/or washing facilities only to existing building – shared cooking facility.
  d. Installation of sanitary and/or washing facility only.
  e. Installation of cooking facility to room with existing washing and sanitary facilities.
  f. Increasing or decreasing the number of units.

Note: A self-contained unit is where the kitchen/bathroom/WC facilities provided are for the exclusive use of the occupiers of the unit and access to the unit from the common parts is via a single door. Non-self-contained units are those units of accommodation with exclusive facilities but not accessed via a single door from the common parts.
Building Regulations 2010

a. Conversion to form self-contained unit
   - Fire lobby required to each unit in single stair buildings;
   - Smoke detection fire alarm provision;
   - Emergency lighting to common parts;
   - Sound insulation to all separating walls;
   - Sound insulation to all separating floors;
   - Sound insulation to separating stair;
   - Thermal insulation to existing eternal walls;
   - Thermal insulation to existing roofs;
   - Thermal insulation to exposed floors;
   - Replacement of single glazing to double glazing, could affect existing sash windows;
   - Preparation and submission of ‘Energy Performance Certificate’ EPC;
   - Energy Efficient Lighting;
   - Energy efficient heating and controls;
   - Consultation with LFEPA (Fire Brigade), who have continuing control of common parts;
   - Drains test.
b. Conversion to form one or more self-contained unit(s) and one or more non-self contained unit(s)
   - Fire lobbies to protect self-contained units;
   - Smoke detection/alarm system to BS throughout;
   - Sound insulation to separating walls, floors, stairs;
   - Sound testing to be carried out to self contained units only;
   - Thermal insulation provision to walls, floors and roof as above;
   - Energy efficient measures same as above;
   - Drains test.
Building Regulations 2010

c. Installation of sanitary and/or washing facilities only – shared cooking facility.
   - New drainage to comply with Part H;
   - Adequate mechanical ventilation provision;
   - Maintain existing fire protection.

d. Installation of sanitary and/or washing facility only in any building
   - New drainage to comply with Part H;
   - Adequate ventilation provision;
   - Maintain existing fire protection
Building Regulations 2010

e. **Installation of cooking facility to room with existing washing and sanitary facilities.**
   - Same requirements as A above, the installation of cooking facilities in rooms with exclusive washing and sanitary facilities will render them self-contained units;
   - Fire lobby required to new room/unit in single stair buildings;
   - Smoke detection fire alarm provision;
   - Emergency lighting to common parts;
   - Sound insulation to all separating walls;
   - Sound insulation to all separating floors;
   - Sound insulation to separating stair;
   - Thermal insulation to existing external walls;
   - Thermal insulation to existing roofs;
   - Thermal insulation to exposed floors;
   - Replacement of single glazing to double glazing, could affect existing sash windows;
   - Preparation and submission of ‘Energy Performance Certificate’ EPC;
   - Energy Efficient Lighting;
   - Energy efficient heating and controls;
   - Consultation with LFEPA (Fire Brigade), who have continuing control of common parts;
   - Drains test.
g. Increasing or decreasing the number of units.
- Fire lobby required throughout in single stair buildings;
- Smoke detection fire alarm provision;
- Emergency lighting to common parts;
- Sound insulation to all separating walls;
- Sound insulation to all separating floors;
- Sound insulation to separating stair;
- Thermal insulation to existing external walls;
- Thermal insulation to existing roofs;
- Thermal insulation to exposed floors;
- Replacement of single glazing to double glazing, could affect existing sash windows;
- Preparation and submission of ‘Energy Performance Certificate’ EPC;
- Energy Efficient Lighting;
- Energy efficient heating and controls;
- Consultation with LFEPA (Fire Brigade), who have continuing control of common parts;
- Drains test
Finally ……

You are reminded once again that carrying out works under requirements requested by the Housing Improvement Team (Private Sector) or obtaining Planning Permission does not exempt you from the requirements of the Building Regulations.

Please feel free to contact us in Building Control to discuss your proposals to prevent expensive abortive work.
Questions?
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