

Building Regulations

“lack of building regulation approval is fairly common”

What are Building Regulations?

Building regulations set standards for the design and construction of buildings with the aim of ensuring the health, safety and convenience of people in and around the building. They also incorporate measures to conserve power and prevent waste and to prevent contamination of water. They now also ensure that buildings can be accessed and used by people with disabilities.

When is Building Regulations Approval needed?

Building regulations are needed for the following:

- Construction of new buildings
- Structural alterations to existing buildings such as removing a load-bearing wall
- Extensions to existing buildings
- Installation of new fittings or services to an existing building such as installing a central heating system
- Making a material change to a building such as converting a house to flats
- Installation of replacement windows (unless done by a FENSA registered company)
- Rewiring or modification of electrical installations (unless done by a member of a Competent Person Self-Certification Scheme)

Who is responsible for granting Building Regulations Approval?

Your Local Authority is responsible for handling building regulations applications and arranging inspection of work carried out.

Contact us for more information

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How could this affect me when moving house?

During the conveyancing process it may come to light that a property you are buying has had alterations carried out which have not had the necessary building regulations approval. This is a fairly common occurrence and can be handled in couple of ways.

The first option is to ask the sellers to apply to the Local Authority for retrospective building regulations approval. It may be the case that the alterations meet with the relevant standards and simply that the owners did not apply for consent. This process will, however, delay the property transaction as a Building Control Officer has to carry out an inspection and any work needed will have to be done to bring the alterations up to standard before a certificate can be issued.

For alterations which have been carried out within the last 12 months, retrospective building regulations approval is always needed. For alterations over 12 months old another option is available.

The second option is to take out insurance against the risk of enforcement by the Local Authority. It is quite common to put in place such a policy when alterations have been made some years ago, possibly by previous owners. The policy covers the financial consequences of a successful enforcement action by the Local Authority regarding a breach of building regulations in respect of the work. The policy only covers the resultant cost of complying with a successful enforcement, it does not provide any cover for the cost of works arising from a breach of regulations (eg. if the alterations are defective and have to be remedied or replaced).

If you obtain a policy, you cannot then apply to the Local Authority for retrospective building regulations approval.

The best option for each individual case will depend on the type of alteration carried out and how recently the work was done and we will be happy to discuss this with you should it arise during your transaction.

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