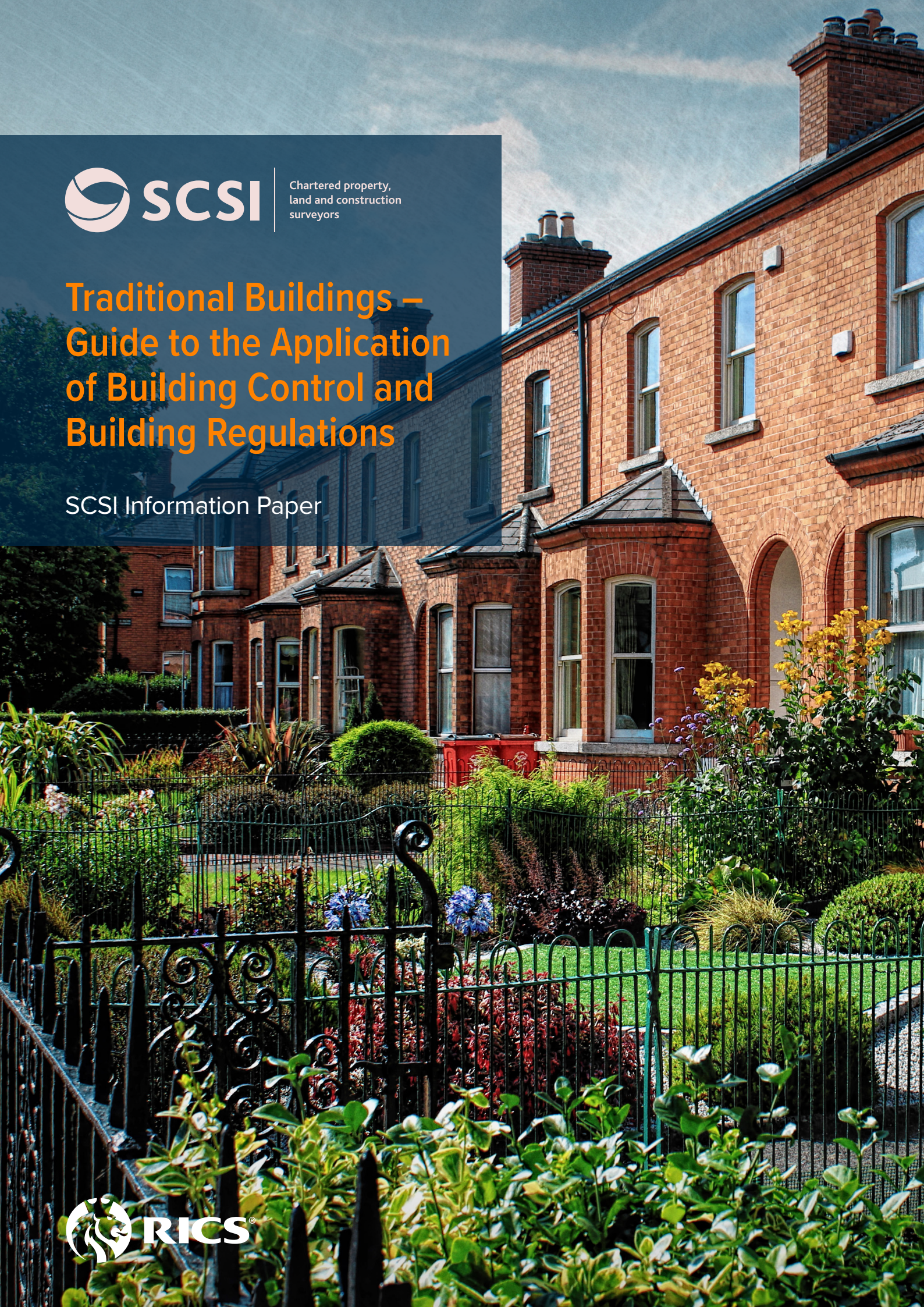

SCSI

Chartered property, land and construction surveyors

Traditional Buildings – Guide to the Application of Building Control and Building Regulations

SCSI Information Paper

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TRADITIONAL BUILDINGS – GUIDE TO THE APPLICATION OF BUILDING CONTROL AND BUILDING REGULATIONS

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This is an Information Paper (IP). IPs are intended to provide information and explanation to SCSI members on specific topics of relevance to the profession.

Although this IP does not advise on professional procedure to be adopted by members, it is relevant to professional competence to the extent that members should be up to date and have knowledge of IPs within a reasonable time of their coming into effect.

Members should note that when an allegation of professional negligence is made against a surveyor, a court or tribunal may take account of any relevant IPs published by SCSI when deciding whether or not the member has acted with reasonable competence.

SCSI and RICS produce a range of standards products. These have been defined in the below table. This document is an information paper.

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Contents

Document status defined

The SCSI/RICS produce a range of professional standards, guidance and information documents. These have been defined in the table below. This document is an Information Paper (IP).

Document status defined

Type of document	Definition	Status
Standard International standard	An international high level principle based standard developed in collaboration with other relevant bodies	Mandatory
Professional statement SCSI/RICS professional statement (PS)	A document that provides members with mandatory requirements or a rule that a member or firm is expected to adhere to. This term also encompasses practice statements, Red Book professional standards, global valuation practice statements, regulatory rules, SCSI/RICS Rules of Conduct and government codes of practice.	Mandatory
Guidance and information SCSI/RICS code of practice	Document approved by SCSI/RICS, and endorsed by another professional body/ stakeholder, that provides users with recommendations for accepted good practice as followed by conscientious practitioners.	Mandatory or recommended good practice (will be confirmed in the document itself). Usual principles apply in cases of negligence if best practice is not followed.
SCSI/RICS guidance note (GN)	Document that provides users with recommendations or approach for accepted good practice as followed by competent and conscientious practitioners.	Recommended best practice. Usual principles apply in cases of negligence if best practice is not followed.
SCSI/RICS information paper (IP)	Practice-based information that provides users with the latest technical information, knowledge or common findings from regulatory reviews.	Information and/or recommended best practice. Usual principles apply in cases of negligence if technical information is known in the market.
SCSI/RICS insight	Issues-based input that provides users with the latest information. This term encompasses thought leadership papers, market updates, topical items of interest, white papers, futures, reports and news alerts.	Information only.
SCSI/RICS economic/ market report	A document usually based on a survey of members, or a document highlighting economic trends.	Information only.
SCSI/RICS consumer guide	A document designed solely for use by consumers, providing some limited technical advice.	Information only.
Research	An independent peer-reviewed arm's length research document designed to inform members, market professionals, end users and other stakeholders.	Information only.

1.0 Introduction

1.1 Building Control Legislation

The Building Control Act 1990 (as amended) governs our building control system. The Building Regulations outline the technical requirements in the design and construction of building works. Article 3(2) of the Building Control Act 1990 identifies the provisions for which building regulations may be made. These are:

- Securing the health, safety and welfare of people in or about buildings
- Making provision for disabled persons
- Providing for the conservation of fuel and energy
- Providing for the efficient use of resources
- Encouragement of good building practice.

Building Regulations set out the minimum requirements to be observed in the design and construction of buildings and are expressed in simple functional statements. The regulations are supported by the Technical Guidance Documents (TGDs) which provide detailed guidance on compliance with the Building Regulations. These often refer to other associated standards and codes for further guidance with respect to the design and construction of buildings. Works carried out in accordance with the TGDs will *prima facie*, indicate compliance with the Building Regulations. The adoption of an alternative approach other than that outlined in the regulations is however not precluded, provided that the relevant requirements of the regulations are met (Note: wording here largely follows that in all TGDs). The Building Control Regulations are mandatory requirements to promote and demonstrate compliance with the Building Regulations. They require the lodgement of Commencement Notices for building works with the Building Control Authority. There are different types of commencement notice and it is critical the correct form of commencement notice is submitted at the correct time. Further information is provided in Section 5.0.

The Building Control Regulations also provide for Fire Safety Certificates (FSCs) and Disabled Accessibility Certificates (DACs) for certain building work. There may be a need during the course of a project to apply for a Revised FSC or Revised DAC or even consider applying for a Dispensation / Relaxation from the requirements of the Building Regulations.

The requirements of the regulations should be applied to each project on its own unique merits and advice is available from the local Building Control Authority where clarification is required on the necessity for any particular notice or application.

1.2 Traditional Buildings

For the purpose of this information paper traditional buildings are considered to include, but not limited to, buildings of solid wall construction, often using local materials such as stone, brick and earth, building using lime and/or earth-based mortars, renders and plasters. They are typically older buildings constructed with permeable and/or fragile materials.

They may have single glazed timber or metal windows, timber framed roof structure often finished with slate, copper, lead, or thatch or other traditional vernacular material.

The Heritage Council estimates there are 175,000 buildings standing in Ireland constructed before 1919. Regardless of age, buildings constructed using traditional or permeable materials will require similar application of construction technology techniques to ensure any work carried out is appropriate for the long term sustainability of the building.

2.0 BCAR and the implications for the Chartered Surveyor

The Building Control (Amendment) Regulations 2014 (colloquially known as BCAR) introduced new mandatory procedures for demonstrating compliance with the technical requirements of the Building Regulations. The Regulations are applicable to the majority of construction projects of any significant size or complexity and include all works which require a Fire Safety Certificate. Various roles and responsibilities attach to each stakeholder in a project under the system and these are well set out in the Code of Practice for Inspecting and Certifying Buildings or Works.

There are certain exemptions where simpler procedures apply for certain domestic works, one off homes or depending on the use of the building to which the work is being carried out. Given the variety of different construction projects in practice, there is a variation in requirements that must be assessed and established before any project commences.

For works to older buildings or traditional buildings which may be of solid masonry construction, or predate the use of modern cements, concrete and steel, it is accepted that the application of Building Regulations intended for the construction of new buildings will not necessarily be appropriate. It is essential to consider how the fabric of the building functions and it is critical

not to carry out any works which may cause harm, or accelerate harm, to the fabric of the building. A thorough understanding of construction technology and building pathology of older buildings is essential before specifying works to be carried out. If the building is a Protected Structure within the meaning of the Planning & Development Acts or is located within an Architectural Conservation Area (ACA), it is likely that planning permission will be required before any works are carried out that may alter the character or fabric of the building. Where planning permission is required, this may trigger the obligation to submit a commencement notice.

The additional requirements of BCAR introduced in 2014 provide for a much more comprehensive system of design and monitoring of the construction of new buildings, the material alteration or extension of existing buildings or the material change of use of a building. The legislation requires mandatory design certification, lodgement of plans and particulars, builder's supervision and certification. Compliance must be verified by a mandatory inspection plan prepared by an appointed Assigned Certifier (AC). Inspections with inter-reliance on ancillary certification is required by key parties involved in the building process.

The role of Design Certifier and Assigned Certifier is restricted to Registered Architects, Registered Building Surveyors or Chartered Engineers; set out specifically in the regulations as those persons named on a register maintained pursuant to Part 3 or Part 5 of the Building Control Act 2007 or Section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969. Chartered Surveyors, who are not also Registered Building Surveyors, cannot act as Design Certifier or Assigned Certifier for the purposes of building control. Further information on registering as a Building Surveyor is available from the SCSI Why you need to register – Society of Chartered Surveyors Ireland (scsi.ie).

The age or protected structure designation of a building will not influence whether BCAR applies or not to the works being carried out, but the very nature of work to older buildings demands a higher level of specialist care and attention than might be the case for a modern building of simple construction.[1] For reference, a list of SCSI Building Conservation Accredited Surveyors (BCAS) can be found here - Building Conservation Accreditation - Society of Chartered Surveyors Ireland (scsi.ie)

This Information Paper is intended to assist with the navigation of the Building Control Regulations but does not replace reference to the Regulations as they apply to your particular project. Each project should be assessed on its own unique merits to ensure appropriate consideration is given to the regulatory requirements.

3.0 Surveying Safely

Working with older traditional buildings carries a range of risks. The established principles of identifying, assessing, managing and controlling risks should be followed.

Different hazards require their own type of risk assessment, such as the following (by no means exhaustive) list of illustrative examples commonly found working with older buildings:

- Lone working
- Working at height
- Fire safety
- Hazardous substances and chemicals
- Mould, fungus and bacteria such as aspergillus or leptospirosis
- Asbestos, lead paint and other hazardous materials

It is vital to properly assess the risks involved in your work and be prepared to adapt or amend your practice if circumstances change or are different to that expected.

Further essential advice is provided for in the RICS Guidance Note; Surveying safely: health and safety principles for property professionals 2nd edition, November 2018.

Health and safety legislation, particularly the Safety Health and Welfare at work (Construction) Regulations will need to be considered.

4.0 Essential Terms to be Familiar With

The Building Control system is relatively simple in principle but quite complex to navigate in practice as no two projects are the same. There are some essential terms that every practitioner should be familiar with and how they apply to their project. These terms are defined across the Building Control Acts, Building Regulations and Building Control Regulations and proper consideration will impact the appropriate application the Building Regulations and Building Control Regulations to your project.

- "building" includes part of a building and any class or classes of structure which are prescribed by the Minister to be a building for the purposes of the Act;
- "material alteration" means an alteration (other than a repair or renewal), where the work, or any part of the work, carried out by itself would be subject to a requirement of Part A or B or M of the Second Schedule to the Building Regulations;
- "Material change of use" means—
    (a) a change of use, deemed by section 3(3) of the Building Control Act to be a material change of use, takes place, or

[1] A building subject to the National Monuments Acts may be exempt from certain requirements. Consult with your local Building Control Office.

(b) a building which was not being used as—
(i) a day centre, becomes so used, or
(ii) a hotel, hostel or guest building, becomes so used, or
(iii) an industrial building, becomes so used, or
(iv) an institutional building, becomes so used, or
(v) an office (which is not ancillary to the primary use of the building), becomes so used, or
(vi) a place of assembly, becomes so used, or
(vii) a shop (which is not ancillary to the primary use of the building), becomes so used, or
(viii) a shopping centre, becomes so used;

- "minor works" means works consisting of the installation, alteration or removal of a fixture or fitting, or works of a decorative nature;
- "repair or renewal" means works of maintenance or restoration of a routine nature relating to—
(a) the keeping of a building in good condition or working order, or
(b) the return of the fabric of a building to its original condition;

5.0 Obligation to give Notice of Works to the Building Control Authority

There are currently four options available to notify the Building Control Authority of work commencing;

1. 7 Day Notice accompanied by a statutory declaration
2. Commencement Notice with accompanying documentation
3. Commencement Notice accompanied by Opt-Out Declaration
4. Commencement Notice without accompanying documentation

The notices above form a descending level of control and oversight;

Option No. 1 and No. 2 above involve design certification, inspection and mandatory certification by registered, regulated, competent professionals and competent builders. This is required for almost all new builds and most complex projects and appointment of Design Certifier and Assigned Certifier is mandatory.

Option No. 3 is the so called 'opt out' commencement notice where the owner accepts a lesser level of professional expertise and oversight with no mandatory certification or registration of the work on completion. This is limited to domestic extensions greater than 40 m^2 or construction of one-off houses. It is worth noting that the 'opt out' relates to the form of notification and certification of the project only and does not provide any relief from compliance with the requirements of the technical Building Regulations which will, in any case, need to be complied with. It is important that the client is clear on the limitations associated with this form of commencement notice.

Option No. 4 is the simplest form of notification and is intended for less risky, typically smaller scale projects such as modest domestic extensions, alterations of existing buildings, shop fit-outs and so on.

There are many nuances in assessing the need for a commencement notice. The age or heritage value of a building is not relevant to the consideration whether a commencement notice is required or what type of notice is required. In the case of a residential house which is not a protected structure and where the works do not require planning permission there is no requirement to submit a commencement notice. Material alterations to a shop, office or industrial building where a fire safety certificate is not required must submit a commencement notice without accompanying documentation, as a minimum.

It is important that where a commencement notice is required that the right type of notice is submitted for the work. It is an offence to fail to submit a commencement notice where required and this may also lead to serious practical difficulties in later conveyancing transactions.

Where a building owner has the option of choosing the 'opt-out' commencement notice they may instead choose full certification and avail of the professional oversight of an Assigned Certifier along with statutory registration that the works comply with the Building Regulations.

These options should be fully explained to the building owner, so they fully understand the differences between the various notices.

6.0 Do the Building Regulations Apply?

Building regulations apply to the construction of a building, the material alteration or extension of a building and the material change of use of a building. When dealing with existing traditional buildings it is likely that some, but not necessarily all, of the Building Regulations will apply to the proposed work.

Building regulations are generally not retrospective, except in the case of major renovations involving Part L.

When it comes to older buildings including those of architectural or historical significance, the application of Building Regulations can present challenges. These buildings may not be designated as protected structures, but they are built using traditional construction techniques and building materials which readily absorb moisture and from which moisture should also readily evaporate.

The main goal should be to improve and sustain the performance of the building as much as possible without compromising the building's character or increasing the risk of long-term damage to the building's fabric through inappropriate repairs, interventions or upgrade works

Articles 9(2) and 11 of the Building Regulations 1997 (as amended) sets out that no work shall be carried out to a building that will cause a new or greater contravention of any provision of the Building Regulations of the works themselves or in the building affected. This is a fundamental concept in the successful application of the Building Regulations to works affecting existing buildings.

It is particularly important to note that Part A of the Building Regulations does apply to repair or renewals where the structural integrity of the building or building element is likely to be affected. Any such interventions need to be meticulously planned, as the combination of new and old materials, as well as inflexible and flexible materials, could potentially result in foreseeable deterioration of the building's fabric and potential structural failure.

The Building Regulations are set out in functional terms in the Second Schedule to the Building Regulations covering each part of the regulations.

There are 12 parts:
Part A – Structure
Part B – Fire Safety
Part C – Site Preparation and Resistance to Moisture
Part D – Materials and Workmanship
Part E – Sound
Part F – Ventilation
Part G – Hygiene
Part H – Drainage and Wastewater Disposal
Part J – Heat Producing Appliances
Part K – Stairways, Ladders, Ramps and Guards
Part L – Conservation of Fuel and Energy
Part M – Access and Use

Each of these various requirements to the regulations are supported by associated Technical Guidance Documents. The Technical Guidance Documents provide a route to demonstrating *prima facie* compliance with Building Regulations and include useful guidance in the application of the technical regulations to existing buildings.

Material alterations and change of use in existing buildings can provide situations where the adoption without modification of the guidance in the Technical Guidance Documents may not, in all circumstances, be appropriate. In particular, the adherence to guidance, including codes, standards or technical specifications, intended for application to new work may be unduly restrictive or impracticable. Buildings of architectural or historical interest are especially likely to give rise to such circumstances. In these situations, alternative approaches based on the principles contained in the Technical Guidance Documents may be more appropriate. While Technical Guidance Documents do provide a *prima facie* route to compliance, they do not preclude other approaches and routes to compliance; the important thing is that the functional requirement of the Building Regulations is complied with and that this is demonstrable.

Certain requirements of the Building Regulations apply to material change of use and the relevant applicable elements of the regulations are set Article 13(1) of the Building Regulations 1997 (as amended). The statutory instrument states:

(a) the requirements of the following Parts of the Second Schedule:
Parts A1 and A2
Part B
Part C4
Part E
Part F
Part G
Part H
Part J
Part L
shall apply to the building.

In addition, Part M shall apply to the building, where a material change of use as described in subparagraph (2)(b)(i), (ii), (iv), (vi),(vii) or (viii) of this article takes place. Therefore, Part M does not apply to a change of use where a building which was not an industrial building becomes so used or a building which was not an office building becomes so used[2].

Further guidance on the application of the Building Control Regulations and the Building Regulations can be found in "Bringing Back Homes, manual for the reuse of existing buildings" published by the Department of Housing, Planning and Local Government, now the Department of Housing, Local Government and Heritage.

[2] Consultation with your local Building Control Office is recommended in these circumstances.

6.1 Structural Interventions

Carrying out structural works to traditional buildings requires significant attention to detail. A thorough assessment of the building fabric components and condition, and a structural assessment and evaluation of the foundations, walls, columns, beams, load bearing, and other structural elements is essential. The architectural heritage value of the building is also relevant, especially if the building is a protected structure, as there may be statutory constraints on the use of modern materials.

Many older buildings will have reached a structural equilibrium which may be quite fragile and easily disrupted by structural interventions.

Good building conservation practice should be followed when carrying out structural work to older buildings. Ideally materials should be replaced on a like for like basis, such as timber for timber. Particular care is needed if introducing modern inflexible materials into older flexible building fabric. Differential movement between new and old materials may lead to cracking, deformation or even structural failure.

Old buildings are a product of the materials and construction techniques of their time and need to be understood as a whole. They perform and behave differently than new buildings, and as such present different challenges for the practitioner who would do well to take on board the following points;[3]

1. Absence of a discrete structure: the elements of the building combine to prevent collapse in its existing state, despite the lack of a discrete and calculable structure. This is particularly true of vertical elements where the load path to the ground may not be direct.
2. Quality of the original construction: this is something which exists, and which cannot be specified and subjected to control. The results of an assessment of quality can have a significant effect on the approach to further alterations.
3. Previous modifications: many old buildings have been modified a number of times, often on a piecemeal basis, so that their combined effect can make further work more difficult. An appreciation of the form and scale of these modifications is essential.
4. Change and decay: all buildings are subject to gradual decay from deterioration of the materials used, weathering, or lack of preventative maintenance. The scale of the decay influences the scale of the renovation work, and it determines how the life of the completed building may be extended.
5. Existing use: it is not unusual to find the building occupied at the time of the initial survey and assessment, which can hinder any investigation. Proposals should also consider the rights of the adjacent owners, particularly with regard to the stability and weather-tightness

Expert knowledge on the compatibility of materials, structural connections, management of moisture and allowances for expansion and contraction must be made. The advice of a specialist conservation structural engineer and/or an SCSI Building Conservation Accredited Surveyor should be sought if appropriate to the nature of the works.

6.2 Fire Safety

The provisions regarding fire safety have been subject to the process of Fire Safety Certificates since the Building Regulations were introduced in 1992. The grant of a Fire Safety Certificate provides confirmation that the works, or a material change of use will be compliant if constructed in accordance with the information submitted as part of the application i.e., the design is compliant.

It should be established early in a project if a Fire Safety Certificate is required for the works / material change of use and this can be done with reference to requirements set out in article 11 and 12, Part III of Building Control Regulations (consolidated versions are available on the Law Reform Commission website). A decision tree flow chart is included in Appendix A of this document which may also be helpful.

Material alterations in certain circumstances may not need a Fire Safety Certificate, however material alterations in higher risk buildings such as buildings which contain flats, hostels, hotels, guest buildings, places of assembly etc. will require a Fire Safety Certificate, as will a material change of use to such buildings. The expressions used in the Building Control Regulations (e.g., material alteration, material change of use, minor works, repair and renewal, class of use etc.) are defined terms within the regulation themselves, not to be confused with similar terms that might apply, for example, in planning legislation.

The practitioner should carefully consider the extent of works in the context of the definitions in the regulations and establish whether the requirement for a Fire Safety Certificate applies or not.

Where a Fire Safety Certificate is required for the works, the resultant time frame will need to be taken account of in the project program.

[3] Construction Industry Research and Information Association Report No. 111, Section 2.1

A Fire Safety Certificate application is not contingent on Planning Permission and may be applied for separately to that process. A Fire Safety Certificate must be granted prior to submitting a Commencement Notice and starting works on site. Alternatively, in the case where the program would benefit from works commencing prior to the grant of a Fire Safety Certificate, the 7 Day Notice procedure can be utilised. The 7 Day Notice submission must be accompanied by a valid application for a Fire Safety Certificate and a statutory declaration accepting the additional risks and obligations involved.

Construction projects commonly change during the works, and this might be particularly the case when dealing with existing buildings. Where there is a significant revision to the design or the works after the grant of a Fire Safety Certificate it is necessary to apply for a Revised Fire Safety Certificate or a Regularisation Certificate in certain circumstances. Works requiring a Revised Fire Safety Certificate must not be carried out before that certificate is granted by the Building Control Authority.

Guidance on compliance with the requirements of Part B (Fire Safety) of the Building Regulations is currently provided for in two Technical Guidance Documents, TGD B 2006 and TGD B (Volume 2) 2016 focussed on dwelling houses only. These documents recognise that alternative solutions may be appropriate and variation in provisions may be required given the constraints of existing buildings. There are provisions in existing guidance for acceptance of existing building constraints on such items as use of external escape stairs, existing timber stairs and existing timber floors and compartments.

In relation to existing buildings and material alterations being carried out for satisfying obligations under the Fire Services Act 1981 and 2003, various guides are available for existing hostels, guest accommodation, nursing homes, flats and preschools which provide useful guidance and information.

At the time of writing, a draft Technical Guidance Document B (Volume 1) to replace the 2006 edition has concluded the public consultation stage. This document is proposing a specific section in relation to existing buildings and provides some additional proposed provisions with regard to existing buildings.

6.3 Site Preparation and Resistance to Moisture

Moisture movement through the fabric of a traditional building is something that must be understood and accepted. It is often referred to as ‘breathing’ or ‘breathability’. Preventing vapour transfer from internal and interstitial spaces may ultimately cause the deterioration of fabric and have a negative impact on human health. To ensure vapour transfer the correct materials must be specified. Hygroscopic and hygrothermal properties are key here.

Excess or unwanted moisture impact must also be understood. It is broadly accepted that the single biggest negative impact on traditional buildings is that of penetrating moisture or damp. Again, specifying the correct material to prevent entry of unwanted moisture is paramount. This specification goes beyond building material into the wider environment, however. Robust and correctly sized rainwater goods will prevent direct impact by moisture. Appropriately sized surface water soakaways and percolation areas will protect against indirect impact by ensuring that grounds around the building is not subject to excess moisture that may make its way into the fabric above and below ground. It is also preferable, where possible, to have a lower external ground level relative to the internal level. Where this is not possible (e.g., basements or topography) then a solution must be found to manage moisture impact to relieve the building.

Dangerous substances must be considered, and due diligence carried out on the individual site. Radon is a known hazard in buildings and a risk assessment to include monitoring of radon gas levels may be appropriate. Solutions to address high radon levels may include active fan extraction with regular monitoring.

6.4 Materials and Workmanship

Traditional buildings often demonstrate construction methods and materials that have stood the test of time and demonstrated durability for intended function. The choice of materials and interventions in these buildings should be carefully considered to ensure sympathy with existing building materials, methods and performance.

Workmanship on traditional buildings may require certain skills and particular competencies that are important. The quality of the original construction and effects of change and decay may mean that supervision plays an important role in control of the works and achievement of an adequate level of workmanship.

The use of appropriate materials and proper workmanship apply to all parts of the Building Regulations. Technical Guidance Document D provides guidance on both materials and workmanship and includes guidance for performance in use, existing buildings and workmanship. The provisions of the Building Control (Amendment) Regulations provide a framework for workmanship and a methodology for securing the implementation of the requirements of the Building Regulations.

6.5 Resistance to Passage of Sound

Solid wall buildings offer an inherent advantage when it comes to sound. The very nature of their construction prevents sound transfer. When subdividing into e.g. flats there may have to

be interventions in the floors or walls. As this will likely occur to comply with Fire Safety anyway, advantage can be taken to comply with sound requirements. Where the building is a protected structure, provision of dropped ceilings, and/or building a secondary partition wall to protect cornicing and decoration may be considered. This approach can also be applied to traditional structures that do not have a protection status, where space is available. Consideration must be given to separating ground floor commercial premises from upper floors and where there is not access to the commercial unit this may have to be carried out on the residential side of the partition. This may impact on floor to ceiling heights in the flat which may in turn impact head heights of doors.

Where new internal walls meet the external wall of a traditional building it is important that consideration is given to vapour transfer at the junction. This may mean matching the original construction at the end of the new partition, at the interface of the solid wall construction.

6.6 Ventilation

Appropriate and adequate ventilation is vital to maintain a healthy indoor environment especially where air tightness and control of unwanted air leakage or draughts is substantially controlled. An appropriately ventilated indoor environment is essential to support good respiratory health, dilution of airborne pollutants and reducing the risk for the propagation of mould. The application of Part F of the Building Regulations to older buildings should be readily achievable particularly where the works are part of a deep energy retrofit where a mechanical ventilation system may be planned and installed as an integral part of the works.

Each building should be assessed in its own right, and the implications of various solutions on the indoor environment and the building fabric should influence the extent of the interventions required.

Designing a compliant solution to ensure adequate ventilation is provided to a building should be carried out in conjunction with other decisions made to conserve fuel and energy. Work to minimise uncontrolled heat losses due to draughts or other air leakage issues should be balanced against the necessity to maintain adequate ventilation. Further guidance and reading is provided by S.R. 54:2014 *Code of Practice for the energy efficient retrofit of dwellings* and I.S. EN 16883:2017 *Conservation of cultural heritage - Guidelines for improving the energy performance of historic buildings.*

6.7 Provision of Building Services, Fittings and Equipment

The provision of building services, fittings, and equipment is governed by Article 12 of S.I. No. 497 of 1997 of the Building Regulations, which applies to all works related to the installation or replacement of such items in a building. This is particularly relevant where Parts G (Hygiene), Part H (Drainage and Wastewater Disposal), or Part J (Heat Producing Appliances) of the Second Schedule to the Building Regulations impose a requirement. New work or replacement work must meet the current requirements.

As most traditional buildings do not have original building services, there is often wide scope to upgrade them to current requirements. Consider the reuse of existing service routes and remove redundant services where possible or appropriate.

6.8 Stairways and Guarding

Affording safe passage for users of buildings using stairs and relying on handrails, guardings for support, and protection from falls, is a critically important part of building design. The requirements of Part K of the Building Regulations (Stairways, Ladders, Ramps and Guards) are not retrospective and neither do they apply to the change of use of a building.

Other Parts of the Building Regulations may necessitate changes to existing stairways such as width of escape routes or access for disabled persons especially where works are required to facilitate a change of use.

In all situations however, stairways and guarding must be fit for purpose and safe to use and not present an unacceptable risk of accidents under normal use.

A risk assessment should be carried out on the suitability of the existing stairways, balustrading and guarding for the continuing use of the building and opportunities to address safety concerns or improve the safety of users of existing stairways should be taken where necessary or appropriate.

6.9 Conservation of Fuel and Energy;

Part L does not apply to protected structures but every appropriate opportunity should be explored to improve energy performance to support long term sustainability of the building. When works are performed on existing buildings, Part L (Conservation of Fuel and Energy) aims to limit energy requirements for the operation of the dwelling and associated CO2 emissions as far as is practicable. The key issues to address are fabric insulation, ventilation, airtightness, heat

generation, building services controls and the insulation of pipes, ducts and other hot water vessels. These are issues that must be addressed in every older building undergoing upgrade or refurbishment to ensure the works and overall investment are sustainable. Further guidance and reading is provided at I.S EN 16883:2017 Conservation of Cultural Heritage-Guidelines for improving the energy performance of historic buildings.

Where a building undergoes a 'major renovation' the energy performance of the whole building must be upgraded to a cost optimal level. Major renovation as described in Technical Guidance Document L 2022 for Dwellings is where more than 25% of the surface of the building envelope undergoes renovation. Further detailed advice is provided in the Technical Guidance Document.

Certain renovation works, such as replacing doors, windows, and roof lights, providing internal and/or external insulation, and damp-proofing walls and basements, have a very high potential for effecting the building's character and must be very carefully considered. Therefore, it is important to carefully assess the impact of such works on the performance of the physical fabric of the structure and the impact on the special character of the building. Specifically with regard to traditional buildings, it is advisable to repair rather than replace windows and doors, the introduction of insulation or damp-proofing should be carefully researched and not cause any damage to plasterwork, internal linings, historic floor finishes and other fabric or introduce further moisture into the structure which could lead to mould growth and compromise the internal air quality of the building.

When installing roof insulation, it is crucial to ensure that the slating is not damaged during the works and that the work is designed and installed to mitigate against future condensation risk. Roof vents or ducting should not negatively affect the building's character.

Specific situations may justify relaxing the required minimum requirements of the Building Regulations which may also be acceptable to the local Building Control Authority. This includes cases such as exemption from potential requirements to replace traditional/historical windows or insulating vapour-permeable constructions, as long as it can be demonstrated that it is necessary to maintain the building's architectural and historical integrity and protect against the risk of future deterioration of the building fabric. Further advice on applying for a dispensation or relaxation of Building Regulations is provided in Section 7.0.

6.10 Accessibility

Making existing buildings accessible to all can be challenging due to the unique characteristics, arrangement, and surroundings of each building. It may not always be appropriate to comply with the guidance set out in Technical Guidance Document M to the Building Regulations and this is recognised by the Building Control Authorities. While accessibility requirements may vary depending on the building and site, the primary goal should always be to ensure access for all to the building, its facilities, and its surroundings insofar as is practicable, and opportunities presented by the works to improve accessibility are fully examined and acted upon where possible.

When dealing with historic or architecturally significant buildings, applying modern accessibility guidelines can present significant challenges. It is essential to understand what makes the building significant, whether it's its physical structure, historical context, or archaeological value. Obtaining information on a building's significance can be done through a conservation plan or statement, or by consulting an architectural conservation officer from the relevant Local Authority.

7.0 Dispensation or Relaxation of Building Regulations

Section 4 of the Building Control Acts 1990 to 2020 provides for the local Building Control Authority to grant a dispensation from, or a relaxation of, any requirement of the Building Regulations if it considers it reasonable having regard to all circumstances of the case.

An application may be made on the prescribed form to the local Building Control Authority accompanied by drawings, a technical report, application fee and other relevant particulars setting out the circumstances of the situation and justifying why it is reasonable to grant the application.

The application is asking the Building Control Authority to set aside or relax requirements of the Building Regulations which are set down for the safety, health and welfare of people in and around buildings and therefore a Building Control Authority is likely to require a significant burden of evidence before it is convinced that it is appropriate to grant the application.

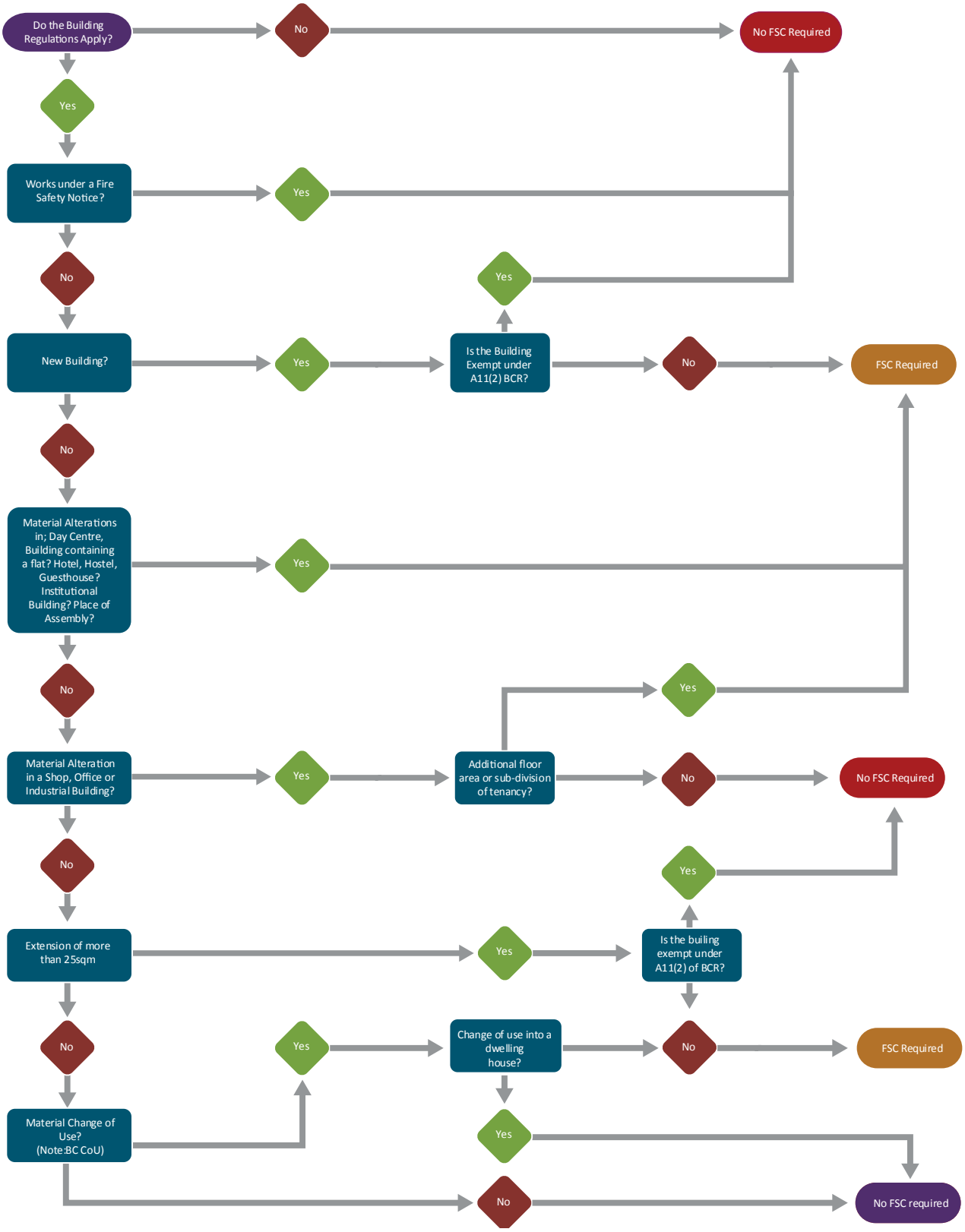
Situations where it may be appropriate to make such an application may include buildings of high heritage value which are not protected structures and complying with the requirements of Part L (Conservation of Fuel and Energy), or Part M (Access and Use) may be impracticable or require significant works which are contrary of the principles of conserving architectural heritage and are not sustainable in terms of the benefits gained.

8.0 Contacting your Local Authority Building Control Officer, Planning Officer or Conservation Officer

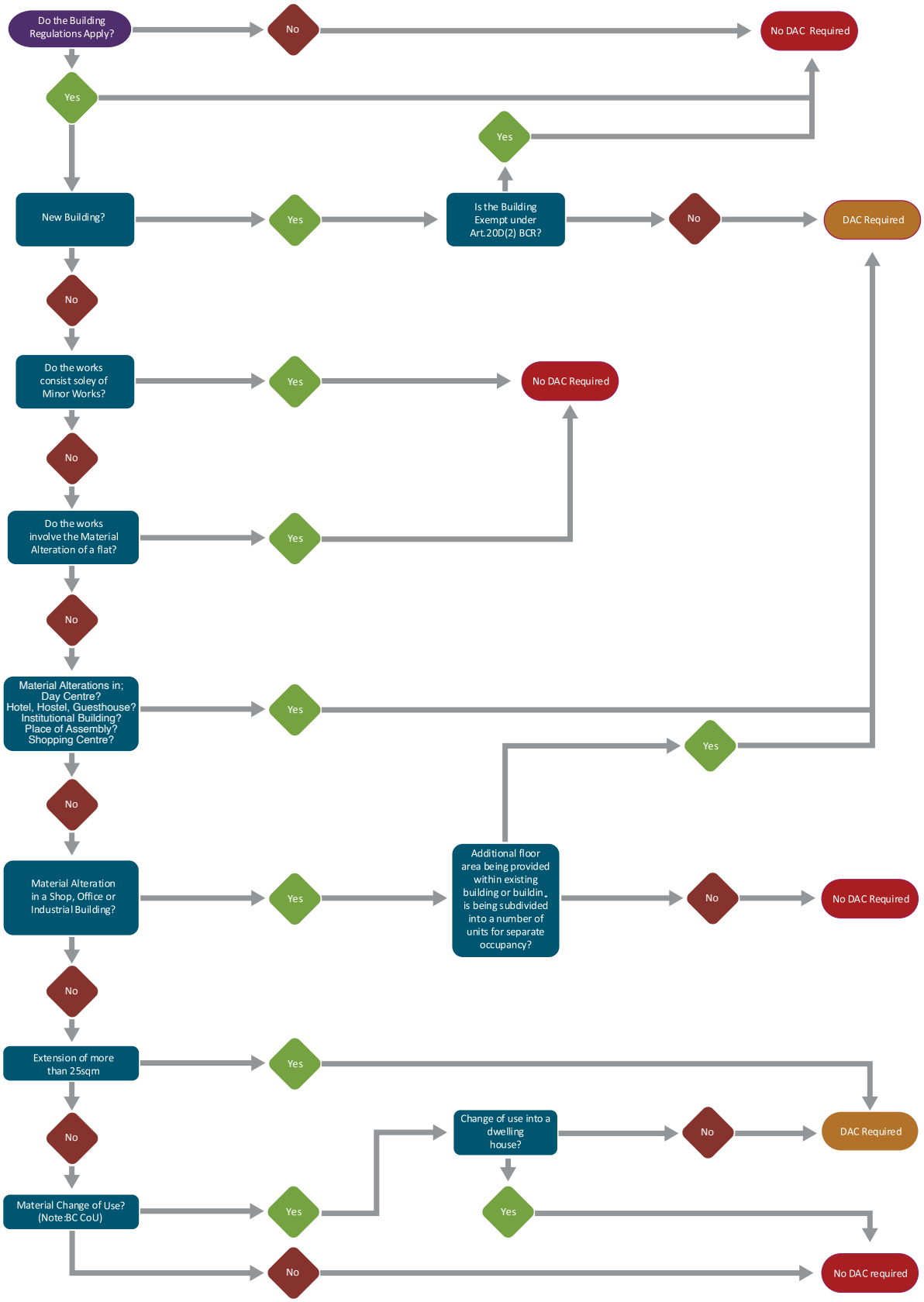
There may come a point when working on traditional or heritage buildings where it will be useful to contact the Local Authority, be it a planning related enquiry or to discuss compliance with Building Regulations. Before approaching the Local Authority, it is recommended you take the following steps;

1. Research: Analyse the building and its history. This will help you understand what kind of work is necessary and appropriate and whether there are any special considerations or restrictions that you need to be aware of. Consult the local development plan, the record of protected structures and the National Inventory of Architectural Heritage.
2. Identify the right people to contact: Find out who is responsible for building regulations, conservation or planning in your Local Authority. You can usually find this information on the Local Authority's website or by calling their main number. Addressing your enquiry to a specific person will help ensure it gets to the right person in a timely manner.
3. Schedule a meeting: Once you have identified the right person to contact, schedule a meeting to discuss your plans. It's best to do this in person so you can explain your ideas and ask questions. If your project is likely to involve planning, architectural conservation, fire safety or accessibility concerns, ask if one meeting could be arranged with all of the relevant officers attending. Many Local Authority's offer this 'one-stop-shop' service.
4. Come prepared: Make sure to bring any relevant documentation, including plans and drawings, to your meeting. You should also be prepared to discuss the benefits of the project to the community and how it aligns with the goals of the Local Authority.
5. Listen to feedback: The Local Authority officer may have suggestions or requirements that you hadn't considered, so be open to feedback and be prepared to adjust your plans if necessary. The Local Authority officer may also refer you to other departments or sections.
6. Follow up: After the meeting, follow up with the local authority officer to confirm any next steps or requirements especially if the outcome of your consultation is a statutory application such as a planning application or fire safety certificate.

Appendix A: Flowchart to establish if a Fire Safety Certificate is required



Appendix B: Flowchart to establish if a Disability Access Certificate is required



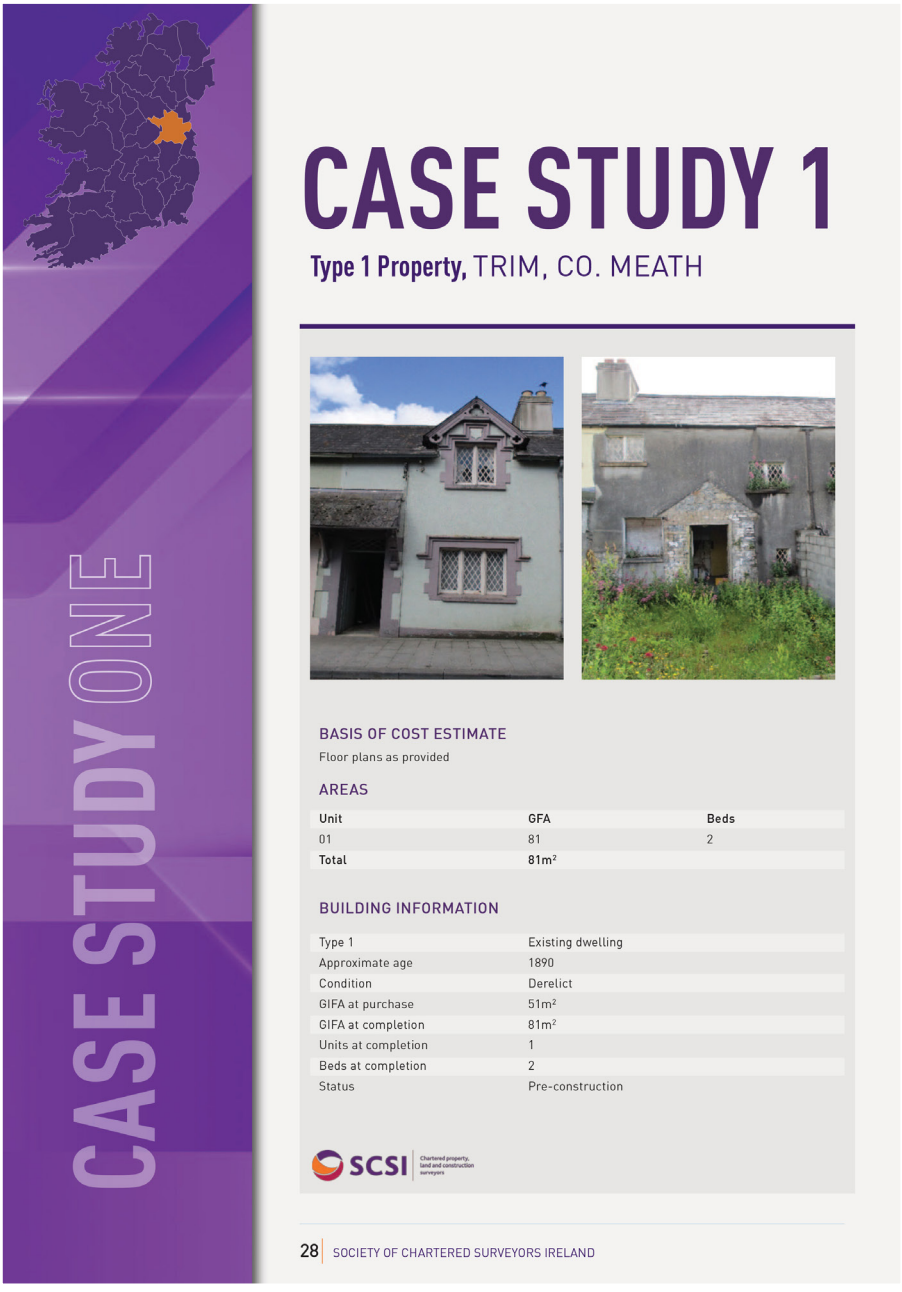
Appendix C: Regulatory and Legislative Requirements

- Building Control Act 1990 (as amended)
- Building Control Regulations 1997 (as amended)
- Building Regulations 1997 (as amended)
- Technical Guidance Documents Part A to Part M
- Code of Practice for Inspecting and Certifying Buildings and Works 2016
- II.S EN 16883:2017 Conservation of Cultural Heritage - Guidelines for improving the energy performance of historic buildings (NSAI)
- S.R. 54:2014/A2:2022 - Code of Practice for the Energy Efficient Retrofit of a Dwelling (NSAI)

Appendix D: Case Studies Analysis

These case studies have been extracted from The Real Cost of Renovation Report published by the SCSI in March 2023. Those case studies selected for inclusion here are intended to give a sample of the different building control requirements across a variety of common project types.

The full report may be accessed at Real Cost of Renovation Report - Society of Chartered Surveyors Ireland (scsi.ie)



CASE STUDY ONE

CASE STUDY 1

Type 1 Property, TRIM, CO. MEATH

BASIS OF COST ESTIMATE

Floor plans as provided

AREAS

Unit	GFA	Beds
01	81	2
Total	81m²	

BUILDING INFORMATION

Type 1	Existing dwelling
Approximate age	1890
Condition	Derelict
GIFA at purchase	51m²
GIFA at completion	81m²
Units at completion	1
Beds at completion	2
Status	Pre-construction

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28 | SOCIETY OF CHARTERED SURVEYORS IRELAND

Existing Use – Residential Dwelling

New Use – Residential Dwelling

No Fire Safety Certificate required; No Disability Access Certificate required

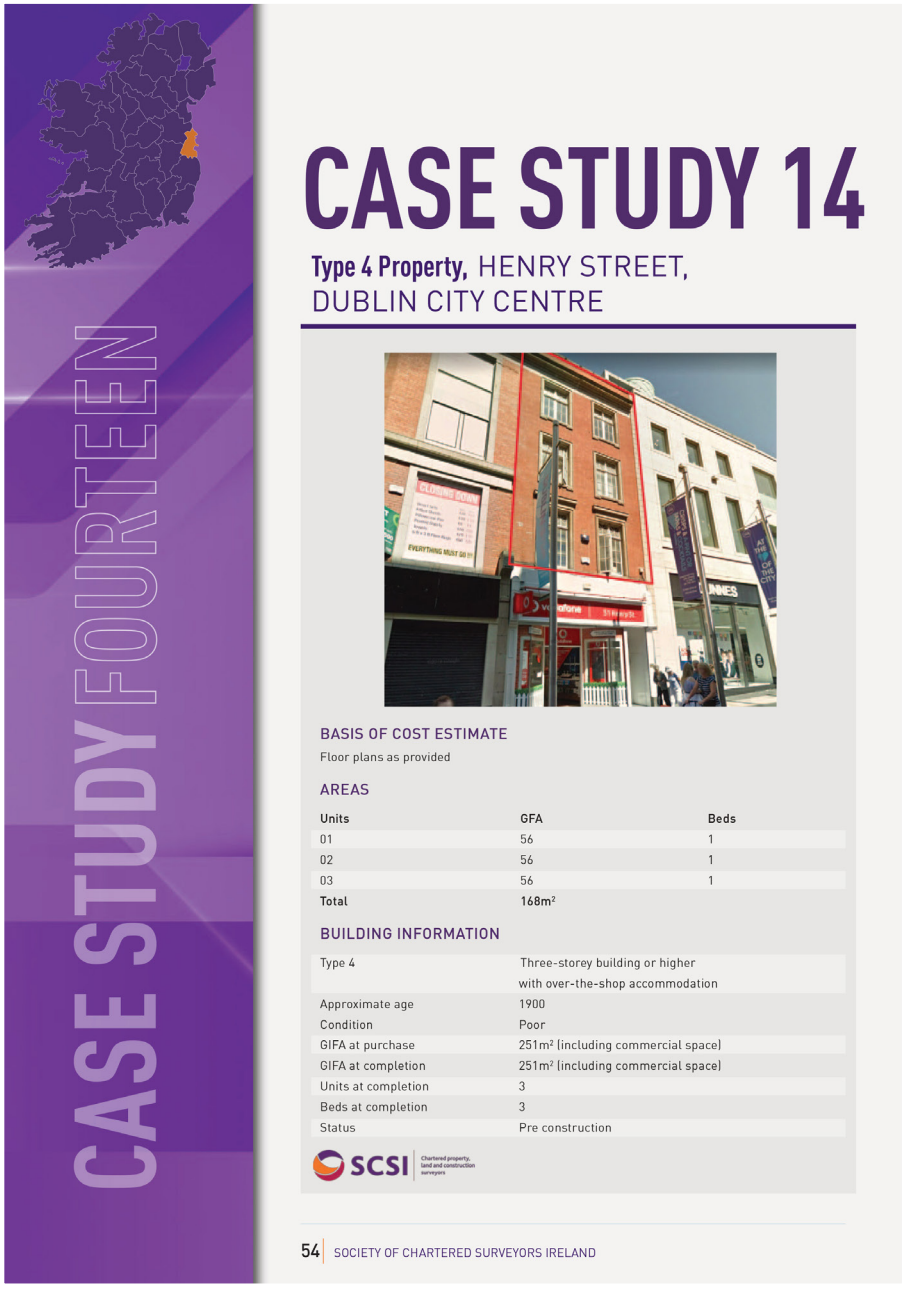
Works require planning permission

Extension less than 40sq m

Commencement Notice without accompanying documentation required.

Appendix D:

Case Studies Analysis



CASE STUDY FOURTEEN

CASE STUDY 14

Type 4 Property, HENRY STREET, DUBLIN CITY CENTRE

BASIS OF COST ESTIMATE

Floor plans as provided

AREAS

Units	GFA	Beds
01	56	1
02	56	1
03	56	1
Total	168m²	

BUILDING INFORMATION

Type 4	Three-storey building or higher with over-the-shop accommodation
Approximate age	1900
Condition	Poor
GIFA at purchase	251m² (including commercial space)
GIFA at completion	251m² (including commercial space)
Units at completion	3
Beds at completion	3
Status	Pre construction

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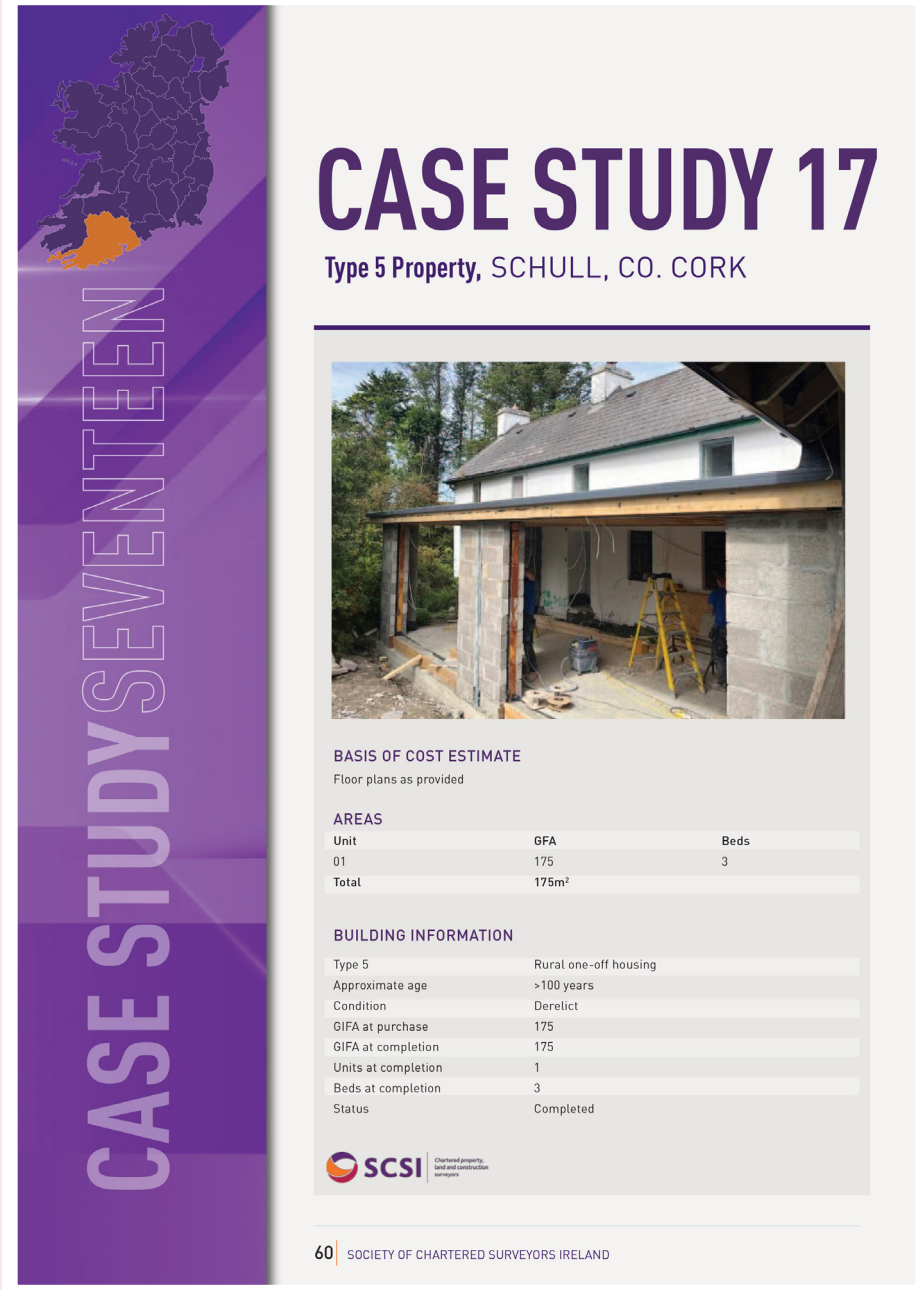
54 SOCIETY OF CHARTERED SURVEYORS IRELAND

- Existing Use – Residential Flats
- New Use – Residential Flats
- Material Alterations to a building containing a flat;
- Fire Safety Certificate required; No Disability Access Certificate required
- Works require planning permission
- Commencement Notice with Accompanying Documentation or 7 Day Notice required.

Appendix D:

Case Studies Analysis



CASE STUDY SEVENTEEN

CASE STUDY 17

Type 5 Property, SCHULL, CO. CORK

BASIS OF COST ESTIMATE

Floor plans as provided

AREAS

Unit	GFA	Beds
01	175	3
Total	175m²	

BUILDING INFORMATION

Type 5	Rural one-off housing
Approximate age	>100 years
Condition	Derelict
GIFA at purchase	175
GIFA at completion	175
Units at completion	1
Beds at completion	3
Status	Completed

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60 SOCIETY OF CHARTERED SURVEYORS IRELAND

Existing Use – Residential Dwelling

New Use – Residential Dwelling

No Fire Safety Certificate required; No Disability Access Certificate required

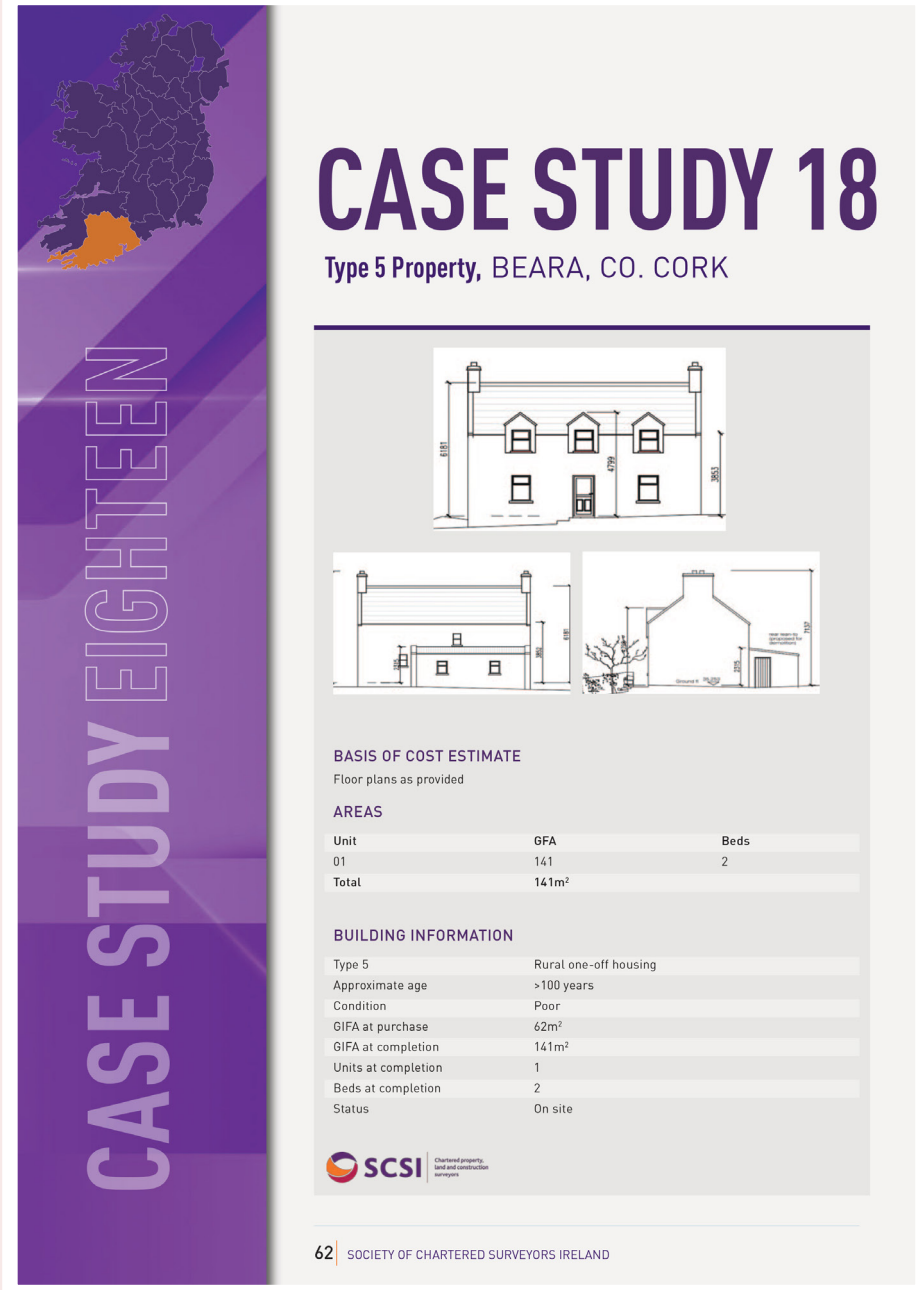
Works require planning permission

No extension

Commencement Notice without accompanying documentation required.

Appendix D:

Case Studies Analysis



Existing Use – Residential Dwelling

New Use – Residential Dwelling

No Fire Safety Certificate required; No Disability Access Certificate required

Works require planning permission

Extension greater than 40 sq.m

Commencement Notice with accompanying documentation or Commencement Notice accompanied by Opt-Out Declaration required.

Further Reading and References

- Boundaries: Procedures For Boundary Identification, Demarcation And Dispute Resolution in Ireland - 3rd Edition
- Bringing Back Homes, Manual for the Reuse of Existing Buildings (Dept. of Housing, Local Government and Heritage 2018)
- Code of Practice for Inspecting and Certifying Buildings and Works (Dept. of Housing, Local Government and Heritage 2016)
- Conservation Advice Series (Dept. of Housing, Local Government and Heritage)
- Deep Energy Renovation of Traditional Buildings. Addressing Knowledge Gaps and Skills Training in Ireland.(The Heritage Council 2018. Author Caroline Engel Purcell, PhD Arch, MSc Arch Cons, BA Arch)
- Heritage Resource Guide (The Heritage Council 2018)
- Irish Period Houses – A Conservation Guidance Manual (Frank Keohane 2016)
- South Georgian Core Townhouse Re-Use Guidance Document (Dublin City Council 2019)
- Surveying Safely: Health & Safety Principles for Property Professionals (RICS GN, Global. 2018)
- SCSI Guide to Project Management in Period Buildings (Society of Chartered Surveyors of Ireland 2016)
- SCSI Guide to the Building Control(Amendment) Regulations 2014 for Chartered Project Management Surveyors (Society of Chartered Surveyors Ireland 2016)

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