

1995 No. 473

BUILDING REGULATIONS**Building (Amendment) Regulations (Northern Ireland) 1995**

Made 15th December 1995

Coming into operation 15th January 1996

The Department of the Environment, in exercise of the powers conferred by Articles 3(1) and (2) and 5(1), (2) and (3) of, and paragraphs 1 to 7, 9 to 13 and 17 to 22 of Schedule 1 to the Building Regulations (Northern Ireland) Order 1979(a) and now vested in it(b) and of every other power enabling it in that behalf, after consultation with the Building Regulations Advisory Committee(c) and such other bodies as appear to the Department to be representative of the interests concerned, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Building (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 15th January 1996.

Transitional provisions

2.—(1) The Building Regulations (Northern Ireland) 1994(d) shall continue to apply to:—

(a) plans deposited in accordance with those Regulations before 15th January 1996;

(b) building work carried out in accordance with such plans with or without any departure or deviation from those plans; and

(c) building work completed before 15th January 1996,

as if the amendments effected by these Regulations had not been made.

(2) In paragraph (1) “building work” has the same meaning as in the Building Regulations (Northern Ireland) 1994.

Amendment of the Building Regulations (Northern Ireland) 1994

3. The Building Regulations (Northern Ireland) 1994 shall be amended as provided in regulations 4 to 6.

Amendment of Part A (Interpretation and general)

4.—(1) In regulation A2 (Interpretation) in paragraph (1)—

(a) S.I. 1979/1709 (N.I. 16) as amended by S.I. 1990/1510 (N.I. 14)

(b) S.I. 1982/338 (N.I. 6) Art. 5 and Sch. 1 Part II

(c) See S.I. 1979/1709 (N.I. 16) Art. 4(1)

(d) S.R. 1994 No. 243

- (a) after the definition of “EUROPEAN TECHNICAL APPROVAL” there shall be inserted the following definition:—
 “EXEMPTED BUILDING means any building falling within one of the classes described in Schedule 1;”;
- (b) the definition of a “GREENHOUSE” shall be deleted; and
- (c) the definitions of “PARTIALLY EXEMPTED BUILDING” and “WHOLLY EXEMPTED BUILDING” shall be deleted.
- (2) In regulation A5 (Exemptions)—
- (a) in paragraph (1) for sub-paragraphs (b) and (c) there shall be substituted:—
 “(b) the erection of any exempted building (including the provision of any service or fitting solely in connection therewith); and
 (c) the alteration of or extension to or the provision of any service or fitting solely in connection with an exempted building, if after the carrying out of that work the building remains an exempted building.”;
- (b) paragraph (2) shall be deleted; and
- (c) in paragraph (3) for the words “paragraphs (1) and (2)” there shall be substituted “paragraph (1)”.
- (3) In regulation A9 (Application to material change of use) in paragraph (1) for the words from “Case IV” to the end of the paragraph there shall be substituted:—
 “Case IV — the building, by virtue of the change of use, is not an exempted building where previously it was.”.

Amendment of Schedule 1

5. For Schedule 1 there shall be substituted the Schedule set out in the Schedule to these Regulations.

Amendment of Schedule 2 (Giving of notices and deposit of plans)

6. In Schedule 2—

(a) for Rule B there shall be substituted the following Rule:—

“Rule B: Erection of buildings

The following are the notices to be given and the plans, specifications and particulars to be deposited by a person intending to erect a building which is not exempted from the operation of these regulations under regulation A5:

1. Notice of intention to erect a building not exempted from the operation of these regulations.
2. Particulars, so far as necessary to show whether the building complies with all such requirements of these regulations as apply to it, of—
 - (a) the intended use of the building;

- (b) the materials of which the building will be constructed;
 - (c) the mode of drainage; and
 - (d) the means of water supply.
3. A block plan showing—
- (a) the size and position of the building and its relationship to adjoining buildings;
 - (b) the width and position of every street adjoining the premises; and
 - (c) the boundaries of the premises and the size and position of every other building and of every road, path, garden, yard and other open space within such boundaries.
4. A key plan showing the position of the site when it is not sufficiently identifiable from the block plan.
5. A plan of every floor and roof of the building and a section of every storey of the building, upon which shall be shown (where not already shown on the particulars and plans required by items 2 to 4), so far as necessary to enable the district council to determine whether the building complies with these regulations—
- (a) the levels of the site of the building, of the lowest floor of the building and of any street adjoining the premises, in relation to one another and above some known datum;
 - (b) the position of the damp-proof courses and any other barriers to moisture;
 - (c) the position, form and dimensions of the foundations, walls, windows, floors, roofs, chimneys and several parts of the building;
 - (d) the intended use of every room in the building;
 - (e) the provision made in the structure for protection against fire;
 - (f) the provision made in the building or part of the building for means of escape in case of fire and for securing that such means can be safely and effectively used at all material times; and
 - (g) the provision made in the structure for insulation against the transmission of heat and sound.”;
- (b) Rule C shall be deleted;
- (c) for Rule D there shall be substituted the following Rule:—

“Rule D: Alterations and extensions

The following are the notices to be given and the plans, sections, specifications and particulars to be deposited by a person intending to make any alteration of or extension to a building other than an alteration or extension which is exempted from these regulations:

1. Notice of intention to alter or extend a building.

2. In the case of alterations not involving any extension of a building—
 - (a) the plans and sections required by item 5 of Rule B of the alterations and of the building so far as affected by the alterations, so far as necessary to establish whether the proposals comply with these regulations; and
 - (b) a key plan showing the position of the site when it is not sufficiently identifiable from such plans.

3. In the case of an extension of a building—
 - (a) the plans, sections, specifications and particulars referred to in items 2, 3, 4 and 5 of Rule B in relation to the extension as if the extension was the building therein referred to; and
 - (b) the plans and sections as required by item 5 of Rule B of the building so far as affected by the extension,
so far as necessary to enable the district council to determine whether the proposals comply with the requirements of these regulations.”;
 - (d) in Rule E (Services and fittings) in item 3 for the words “Rule B, C or D” there shall be substituted “Rule B or D”; and
 - (e) in Rule G (Additional requirements) for the words “Rule B, C, D or F” there shall be substituted “Rule B, D or F”.

Sealed with the Official Seal of the Department of the Environment on
15th December 1995.

(L.S.)

J. O'Neill

Assistant Secretary

SCHEDULE 1

Classes of exempted buildings — Regulation A5(1)

In Classes 2 and 3 of this Part HEIGHT shall be measured from the lowest level of the ground adjoining the building to the highest point of the building.

Class Description of exempted building

(1) (2)

1 Buildings controlled under other legislation

- (a) Any building the construction of which is subject to the Explosives Acts (Northern Ireland) 1875 and 1924(a).
- (b) Any building (other than a building containing a dwelling or a building used for office or canteen accommodation) erected on a site in respect of which a licence under the Nuclear Installations Act 1965(b) is for the time being in force.
- (c) A building being any monument for the time being subject to Part II of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995(c) other than any such building or part thereof which is used as residential accommodation or as an institution.

2 Buildings not frequented by people

A detached building into which people do not normally go, or into which people go only intermittently and then only for the purpose of inspecting or maintaining fixed plant or machinery, unless any point of such a building is less than one and a half times its height from—

- (i) any point of a building into which people can or do normally go;
- (ii) the nearest part of a road; or
- (iii) the nearest point of the boundary of the land on which the building is to be erected.

3 Buildings for agriculture and keeping of animals

A building used for agriculture, but not including a building used principally for retailing (including storage for retailing), packaging, exhibiting or as an office, provided that—

- (i) no part of the building is used as a dwelling;
- (ii) no point of the building is less than one and half times its height from—
 - (A) any point of a building which contains sleeping accommodation;
 - (B) the nearest part of a road; or
 - (C) the nearest point of the boundary of the land on which it is to be erected; and
- (iii) the building is provided with a fire exit which is not more than 30 m from any point in the building.

(a) 1875 c. 17, 1924 c. 5 (N.I.)

(b) 1965 c. 57; the only relevant amending instrument is S.I. 1974/2056

(c) S.I. 1995/1625 (N.I. 9)

Class Description of exempted building

(1) (2)

4 Temporary buildings

A building, including an exhibition stand and a stand for viewing a public display, which is not intended to remain where it is erected for more than 28 days.

5 Ancillary buildings

- (a) A building on a construction site, being a building which is intended to be used only in connection with the disposal of buildings or building plots on that site and which contains no sleeping accommodation.
- (b) A building on or close to the site of construction or civil engineering work, which is intended to be used only by people engaged on those works during the course of those works and which contains no sleeping accommodation.
- (c) A building, other than a building containing a dwelling or used as an office or showroom, erected for use on the site of and in connection with a mine or quarry.

6 Small detached buildings

- (a) A detached single storey building, having a floor area which does not exceed 30 m², which contains no sleeping accommodation and is a building which is either—
 - (i) constructed substantially of non-combustible material; or
 - (ii) at no point less than 1 m from—
 - (A) the nearest point of a dwelling;
 - (B) the nearest part of a road; or
 - (C) the nearest point of the boundary of the land on which it is to be erected.
- (b) A detached building designed and intended to shelter people from the effects of nuclear, chemical or conventional weapons, and not used for any other purpose, if—
 - (i) its floor area does not exceed 30 m²; and
 - (ii) the excavation for the building is no closer to any exposed part of another building or structure than a distance equal to the depth of the excavation plus 1 m.
- (c) A detached single storey building, having a floor area which does not exceed 15 m², which contains no sleeping accommodation and is not less than 1 m from a dwelling.

7 Extensions

The extension of a building by the addition at ground level of—

- (a) a conservatory, porch, covered area or covered way; or
- (b) a carport open on at least 2 sides,

where the floor area of the extension does not exceed 30 m², provided that in the case of a conservatory or porch which is wholly or partially glazed, the glazing satisfies the requirements of Part V.

Class	Description of exempted building
(1)	(2)

- 8 Other buildings**
- (a) An air-supported structure which—
 - (i) does not exceed 15 m in length or diameter;
 - (ii) has alternative means of escape;
 - (iii) is not less than 2 m from any building to which these regulations apply; and
 - (iv) is used solely in connection with a dwelling.
 - (b) An air-supported structure which—
 - (i) after deflation is re-erected in accordance with plans previously approved and with any conditions imposed in connection with the approval of those plans; and
 - (ii) is used for the same purpose as that for which it was previously erected.
 - (c) A tent or marquee.
 - (d) A movable dwelling including a tent, caravan, shed or similar structure used for human habitation.
 - (e) Mobile accommodation used in a static condition, including a houseboat, caravan or railway carriage.
 - (f) Any part of a dock, wharf, pier, lighthouse, dam, reservoir, railway line, airfield, pavement, canal (including locks and other structures associated therewith), oil rig, tunnel, bridge, road, path, ramp, stairway, walkway or work of public utility which does not form part of, give support to or gain support from, a building to which these regulations apply and which is not required for the purposes of Part R of these regulations; sewage disposal works other than buildings designed to house plant or provide covered accommodation for persons.
 - (g) A structure (other than a chimney) not incorporating any covered space with headroom exceeding 1.5 m, except where the structure is attached to or within a building to which these regulations apply; a tower mast not attached to a building to which these regulations apply.
 - (h) Unclad plant or machinery, including a vending or weighing machine.
 - (i) Amusement, playground or fairground equipment, including a swing, roundabout and scenic railway.
 - (j) Scaffolding, falsework, lifts and hoists used in association with engineering or construction work.
 - (k) Storage racking not incorporating a floor.
 - (l) Road barriers, street furniture or similar structures, including a traffic light or sign.
 - (m) A fence, wall or gate not forming part of a building to which these regulations apply.
 - (n) An external storage tank, not being a septic tank, settlement tank, cesspool, liquefied petroleum gas storage tank or tower silo.

Class**Description of exempted building**

(1)

(2)

- (o) Gantries or galleries used solely for access to or the operation of plant or machinery.
- (p) Greenhouses, including greenhouses attached to other buildings, but not including greenhouses used principally for retailing, packaging or exhibiting.

EXPLANATORY NOTE

(This is not part of the Regulations.)

These Regulations amend the Building Regulations (Northern Ireland) 1994 (the principal Regulations). They come into operation on 15th January 1996. They do not apply to work which has been completed, or for which plans have been deposited with a district council before that date.

The Regulations classify extensions of a building at ground level to add a conservatory, porch, covered area or covered way or carport open on at least 2 sides which are under 30 m² in floor area and certain greenhouses as exempted buildings. If a conservatory or porch is wholly or partially glazed the glazing must satisfy the requirements of Part V of the principal Regulations. In effect, although the builder or owner of the property will have to ensure that the work of erecting a conservatory, porch or greenhouse does not create a new or greater contravention of the Building Regulations (Northern Ireland) 1994, there is no longer a requirement to submit plans to or have the work inspected by a district council.