

Building Control Customer Guidance Note No 5	Subject	CONSERVATION OF FUEL AND POWER 2006. Guide to New areas of work that are covered by the Regulations (Energy Efficiency)						
	Issued	17/11/06	Rev	Page	1	of	6	

From 6th April 2006 there are significant changes to the Building Regulations that cover the Conservation of Fuel and Power in buildings (Energy Efficiency). This guide attempts to explain how these changes will impact on you.

As a result of the changes, works that may have been previously exempt or not covered by the Building Regulations, are now controlled. **As a consequence you are required to submit a Building Regulations application for such works.**

REPAIRS, ALTERATION, REPLACEMENT AND RENOVATIONS TO ELEMENTS OF A BUILDING EXTERNAL SHELL

Replacement windows have been covered for a number of years and have controls placed on what can or cannot be done on their replacement.

Some re-roofing works i.e. replacement of the roof tiles have similarly been controlled, where the weight of the roof materials used in the re-covering are either lighter (to prevent wind uplift) or are heavier (which could potentially cause a structural failure of the supporting structure).

The regulations have now been extended to cover repairs, alterations, replacement and renovation of what are called the buildings 'Thermal Elements'. This applies equally to both domestic and commercial buildings.

"THERMAL ELEMENT" – is defined as wall, floor or roof (not including windows, doors, roof windows or roof-lights), which separates a thermally conditioned part of the building ("the conditioned space - i.e. heated or cooled space") from –

(a) The outside air or ground; or

(b) In the case of floors and walls, another part of the building which is –

- (i) Unconditioned (unheated or cooled); e.g. floor over an unheated garage.
- (ii) An conservatory / carport / porch extension; or
- (iii) Conditioned to a different temperature, e.g. wall between a low level heated stock area and the main shop-floor, etc*

It will include all parts of the thermal elements between the surfaces bounding the conditioned space and the external environment or other part of the building as the case may be.

Building Control Guidance Note	Subject	CONSERVATION OF FUEL AND POWER 2006.					
		Guide to New areas of work that are covered by the Regulations.					
	Issued	17/11/06	Rev	Page	2	of	6

Also for the avoidance of doubt:

“RENOVATION” in relation to a thermal element is defined as the provision of a new layer in the thermal element or the replacement of an existing layer, but excludes decorative finishes, and “renovate” shall be construed accordingly;”

REQUIREMENTS RELATING TO THERMAL ELEMENTS:

- Works to such thermal elements will require the submission of a Building Regulation application.
- Where you intend to renovate or replace a thermal element - you are required to carryout cost effective insulation improvements. The new building regulations provide guidance on what are considered cost effective insulation upgrades and the requirements for new replacements (ref AD L1B & L2B)
- You must also carryout a condensation risk assessment of the effects of carrying out the improvement works and take suitable precautions to prevent condensation damage.

EXAMPLES OF CONTROLLABLE WORKS REQUIRING THE SUBMISSION OF A BUILDING REGULATION APPLICATION:

- Renewal of pitched or flat roof coverings – e.g. re-tiling, re slating of pitched roofs or re-felting of flat roofs.
- Renewal or replacement of ceilings under a roof space or flat roof (with or without the renewal of the supporting structure).
- Renewal of cladding to external walls or dormer cheeks.
- Renewal of a finish or cladding to an external wall area or elevation (render or other cladding) or applying a finish or cladding for the first time.
- Renewal of internal wall finishes to an external wall (excluding decoration) or where you are applying a finishes for the first time e.g. re-plastering or dry lining of walls.
- Renovation or replacement of a solid or suspended floor, involving the replacement of screed or a timber floor deck.

Note - Replacement windows / roof lights, and doors (more than 50% glazed), are not by definition thermal elements but are covered else where as controlled fittings building work.

Building Control Guidance Note	Subject	CONSERVATION OF FUEL AND POWER 2006.					
		Guide to New areas of work that are covered by the Regulations.					
	Issued	17/11/06	Rev	Page	3	of	6

MAKING A BUILDING REGULATION APPLICATION

Refer to guidance notes on making a full plan or building notice application.

- **Works to thermal elements only** – charges will be based on cost of the thermal improvement works, unless the work being undertaken constitutes a 'Material Alteration' in its own right and requires the submission of an application anyway for all the works proposed – then the charges will be based on the full cost of the works proposed – subject to a minimum charge of the lowest charge on our estimated cost of works schedule 3 (Refer to our charges guidance sheets).

Building Control will only be concerned with the Conservation of Fuel and Power elements of the work – unless it constitutes a 'Material Alteration or Building Work in its own right.

- **Works to thermal elements as part of a larger Building Regulation application e.g. extensions / alterations etc** – you will pay the charges for the main application work elements and you must then add the cost of the thermal improvement works into the estimated cost of works part of the submission charge calculation (unless a 'Material Alteration as described previously) - (Refer to our charges guidance sheets).

Building Control will only be concerned with the Conservation of Fuel and Power elements of the thermal element work – unless it constitutes a 'Material Alteration or Building Work in their own right.

Your applications must include a full specification of all works to be undertaken to thermal elements, the works to be carried out to upgrade them in compliance with the regulations (including thermal performance of chosen materials) and the precautions to be taken to prevent condensation in the upgraded works.

PAYBACK CALCULATIONS

The regulations allow for you to employ a suitably qualified person to provide a simple payback calculation for the cost of the thermal elements upgrading works or to prove the upgrading is not technically feasible. If the works do not achieve a simple payback of 15 years or less through energy cost savings or it is not technically possible - *then the element should be upgraded to the best standard that is technically and functionally feasible and that would achieve a simple payback of 15 years or less.*

This evidence should be submitted at the time of making your application for approval by Building Control.

EMERGENCY REPAIRS

In certain situations it may be necessary to carryout emergency repairs to controlled fixed building services e.g. emergency repairs to heating and hot water systems and to thermal elements, works that would be controlled by the new regulations and notification may not be possible at the time of the repair. If this is the case you must at the earliest opportunity after commencement submit a Building Notice to Building Control to resolve the situation – repairs must comply with requirements of Regulation L1.

Building Control Guidance Note	Subject	CONSERVATION OF FUEL AND POWER 2006. Guide to New areas of work that are covered by the Regulations.					
	Issued	17/11/06	Rev	Page	4	of	6

EXEMPT BUILDINGS

For a number of years certain building types and some domestic extensions were exempt from Building Regulation control (see Schedule 2 extract below). However as a result of Part P (Electrical Safety in Dwellings) and these new thermal regulations it is now possible that previously exempt buildings **will now not be exempt from building control**.

You must make a Building Regulation application and comply with the regulations 'energy efficiency' requirements for the erection of new buildings or building extensions or if undertaking work to the buildings that were previously exempt - irrespective of their exemption compliance provided the building / extension has a roof and walls enclosing it and it will use energy to condition the indoor climate i.e. cooling or heating, other than extensions forming a **conservatory, porch, covered yard or covered way; or carport complying with the other provisions of the exemption clause**.

So for example if you erect a 30m²- detached building of non-combustible construction, containing no sleeping accommodation - this would be previously exempt. If however you provided electrics to it regulations apply to the electric works and if you decide to then heat it, then you must make an application showing compliance with the thermal regulations.

MAKING AN APPLICATION FOR PREVIOUSLY EXEMPT BUILDINGS:

Full details must be submitted of the energy efficiency provisions to be carried out. Charges will be based on cost of the thermal improvement works, unless the work being undertaken constitutes a 'Material Alteration' in its own right and in which case it requires the submission of an application anyway – then the charges will be based on the full cost of the works proposed - subject to a minimum charge of the lowest charge on our estimated cost of works schedule (Refer to our charges guidance sheets).

CHANGING A BUILDING'S ENERGY STATUS

This is a completely new area of coverage, where by virtue of undertaking certain works to either a commercial or domestic building you change the buildings or part of the buildings energy status, the regulations regarding energy efficiency improvements applies. Examples – domestic garage conversion / providing heating say to an unheated warehouse etc. You will be required to submit a Building Regulation application for the works (see below) and comply with the provision of Building Regulation Part L.

"Change to a building's energy status" - means any change which results in a building becoming a building to which the energy efficiency requirements of these Regulations apply, where previously it was not;"

"Building" -means the building as a whole or parts of it that have been designed or altered to be used separately.

MAKING AN APPLICATION FOR CHANGING A BUILDING'S ENERGY STATUS:

Full details must be submitted of the change in energy status and the energy efficiency provisions to be carried out. Charges will be based on cost of the thermal improvement works, unless the work being undertaken constitutes a 'Material Alteration' in its own right and requires the submission of an application anyway – then the charges will be based on the full cost of the works proposed - subject to a minimum charge of the lowest charge on our estimated cost of works schedule (Refer to our charges guidance sheets).

Building Control Guidance Note	Subject	CONSERVATION OF FUEL AND POWER 2006. Guide to New areas of work that are covered by the Regulations .						
	Issued	17/11/06	Rev	Page	5	of	6	

MATERIAL CHANGE OF USE

Where you change the use of the premises or part of the premise to any of the uses below, you must submit a building regulation application and comply with the requirements of Part L – Conservation of Fuel and Power.

- (a) The building is used as a dwelling, where previously it was not;
- (b) The building contains a flat, where previously it did not;
- (c) The building is used as an hotel or a boarding house, where previously it was not;
- (d) The building is used as an institution, where previously it was not;
- (e) The building is used as a public building, where previously it was not;
- (f) The building is not a exempt building described in Classes I to VI in Schedule 2, where previously it was;
- (g) The building, which contains at least one dwelling, contains a greater or lesser number of dwellings than it did previously.
- (h) The building contains a room for residential purposes, where previously it did not;
- (i) The building, which contains at least one room for residential purposes, contains a greater or lesser number of such rooms than it did previously.
- (j) The building is used as a shop, where previously it was not.

CONSEQUENTIAL IMPROVEMENTS TO ENERGY PERFORMANCE

A new regulation 17D requires the application of the new energy efficiency requirements of Part L to an existing building with a total useful floor area over 1,000m² where the proposed building work consists of or includes —

- (a) An extension;
- (b) The initial provision of any fixed building services; or
- (c) An increase to the installed capacity of any fixed building services.

However nothing in this requirement needs to be carried to the existing building, if it the work to be carried out if it is not technically, functionally and economically feasible (see 'Payback Calculations' below).

"Fixed building services" - means any part of, or any controls associated with —

- (a) Fixed internal or external lighting systems, but does not include emergency escape lighting or specialist process lighting; or
- (b) Fixed systems for heating, hot water service, air conditioning or mechanical ventilation

Building Control Guidance Note	Subject	CONSERVATION OF FUEL AND POWER 2006.					
		Guide to New areas of work that are covered by the Regulations.					
	Issued	17/11/06	Rev	Page	6	of	6

PAYBACK CALCULATIONS

The regulations allow for you to employ a suitably qualified person to provide a simple payback calculation for the cost of the thermal elements upgrading works or to prove the upgrading is not technically feasible. If the works do not achieve a simple payback of 15 years or less through energy cost savings or it is not technically possible - *then the element should be upgraded to the best standard that is technically and functionally feasible and that would achieve a simple payback of 15 years or less.*

This evidence should be submitted at the time of making your application for approval by Building Control.

MAKING AN APPLICATION FOR CONSEQUENTIAL IMPROVEMENTS TO ENERGY PERFORMANCE

Full details must be submitted of the energy efficiency provisions to be carried out. Charges will be based on cost of the thermal improvement works, unless the work being undertaken constitutes a 'Material Alteration' or 'Building Work' in its own right and requires the submission of an application anyway – then the charges will be based on the full cost of the works proposed - subject to a minimum charge of the lowest charge on our estimated cost of works schedule (Refer to our charges guidance sheets).

MATERIAL ALTERATION OF SERVICES

The provision, alteration or extension of a controlled services or fittings in or in connection with a building; is considered to be a 'Material Alteration' of a building or controlled services or fittings - a Building Regulation application must be submitted for such work.

There has been little change to the provisions under this requirement, but because '**Material Alteration**' to controlled services or fittings are covered under the Part L and the provisions have been extended some changes have occurred.

Examples of such are, alterations of or provisions of: "new above and below ground drainage provisions; installation of new sanitary appliances and sinks; heating appliances and systems, fixed internal or external lighting systems; but not emergency escape lighting or specialist process lighting; fixed systems for heating, hot water service, air conditioning or mechanical ventilation;"