

**BUILDING (SCOTLAND) ACT 2003
BUILDING STANDARDS (SCOTLAND) REGULATIONS 2004**

**BUILDING WORK NOT REQUIRING BUILDING WARRANT APPROVAL
(WORK STILL REQUIRES TO MEET THE REQUIREMENTS OF REGULATIONS 8 TO 12)**

**Regulation 5
Mandatory**

For the purposes of section 8(8) of the Act, any work which consists solely of a *building* or *conversion*, including the provision of services, fittings or equipment, of a kind specified in Schedule 3, shall meet the standards required by regulations 8 to 12 but shall not, subject to the exceptions and conditions, require a warrant.

Explanation

Regulation 5 and Schedule 3 specifies what *work* can be done without the need to obtain a building warrant. The categories of *work* permitted without warrant are generally more extensive than under previous Scottish building regulations.

In particular Type 1 means more *work* in *houses* is freed from the need to obtain a warrant. The exceptions to this freedom are intended to safeguard against changes that might have significant effect, such as the removal of structural walls. The exception about increasing the floor area is intended to apply where there will be structural implications arising from such *work*. Examples are the creation of a mezzanine floor or the infill of a stairwell. (Note that other changes, such as the development of a roofspace or a garage as habitable space are *conversions* in terms of regulation 4 and the standards again apply.) Where a roofspace has limited boarding inserted to allow access to services or to allow attic storage, or where the removal of a non-loadbearing wall creates a marginal increase in floor area should not be considered as increasing the floor area.

Buildings, other than *domestic* or *residential buildings*, where the public are not normally admitted are granted a similar concession in Type 2, allowing many factories for example to make the kind of small alterations necessary to accommodate changes in production or process. Again however, the *work* done should be to the standard of the building regulations.

The broad types described above are followed by more specific *works* that do not require a warrant. These begin with small *buildings* (Type 3), particularly those within the *curtilage* of *dwellings* (Types 4 and 5). Note that some of these may now be in the *curtilage* of *flats* or *maisonettes* provided they are a sufficient distance from the *dwellings*. The list continues with minor *works* related to *building* services, minor fittings and notices, and continues with small *works* in gardens, limited in ways to prevent significant impact on others.

Types 24 to 26 are different in that they cover *work* that is closer to a repair than new *work*. These replacements are therefore required to be to a standard no worse than the existing rather than to the standard for completely new *work*. Replacement windows, doors and rooflights now have to meet the full requirements of the standards. There is no 'like for like' replacement. For historic *buildings* however, where there is a need to match the existing, the principle of 'like for like' may be permitted, as it is considered that such *work* might be treated as a repair.

Schedule 3

Descriptions of *building* and *work*, including the provision of services, fittings and equipment not requiring a warrant.

Type	Description	Exception
A	On condition that types 1-23 in all respects and/or in the manner of their fitting meet any relevant requirement of the regulations.	
1.	Any <i>work</i> to or in a <i>house</i> .	Any <i>work</i> which increases the floor area of the <i>house</i> . Any demolition or alteration of the roof, <i>external walls</i> or <i>elements of structure</i> . Any <i>work</i> adversely affecting a <i>separating wall</i> . Any change in the <i>wastewater</i> disposal system. <i>Work</i> , not being <i>work</i> of types 3 to 26 below, to a <i>house</i> having a <i>storey</i> , or creating a <i>storey</i> , at a height of more than 4.5 metres.
2.	Any <i>work</i> to a non-residential <i>building</i> to which the public does not have access.	A non-residential <i>building</i> within which there is a <i>domestic</i> or <i>residential building</i> . Any <i>work</i> which increases the floor area of the <i>building</i> . Any demolition or alteration of the roof, <i>external walls</i> or <i>elements of structure</i> . Any <i>work</i> adversely affecting a <i>separating wall</i> . Any change in the <i>wastewater</i> disposal system. <i>Work</i> , not being <i>work</i> of types 3 to 26 below, to a <i>building</i> having a <i>storey</i> , or creating a <i>storey</i> , at a height of more than 7.5 metres.
And, without prejudice to the generality of types 1 and 2 above,		
3.	A detached single-storey <i>building</i> , having an area exceeding 8 square metres but not exceeding 30 square metres.	A <i>dwelling</i> or <i>residential building</i> . A <i>building</i> ancillary to, or within the <i>curtilage</i> of, a <i>dwelling</i> . A <i>building</i> within 1 metre of a <i>boundary</i> . A <i>building</i> containing a fixed combustion appliance installation or <i>sanitary facility</i> . A swimming pool deeper than 1.2 metres.

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| 4. | A detached single-storey <i>building</i> , having an area exceeding 8 square metres but not exceeding 30 square metres, ancillary to and within the <i>curtilage</i> of a <i>house</i> . | A <i>building</i> within 1 metre of the <i>house</i> unless it is at least 1 metre from any <i>boundary</i> . A <i>building</i> containing a fixed combustion appliance installation or <i>sanitary facility</i> . A swimming pool deeper than 1.2 metres. |
| 5. | A detached single-storey <i>building</i> , having an area exceeding 8 square metres but not exceeding 30 square metres, ancillary to and within the <i>curtilage</i> of a <i>flat</i> or <i>maisonette</i> . | A <i>building</i> within 3 metres of the <i>flat</i> or <i>maisonette</i> or within 3 metres of any other part of the <i>building</i> containing the <i>flat</i> or <i>maisonette</i> . A <i>building</i> containing a fixed combustion appliance installation or <i>sanitary facility</i> . A swimming pool deeper than 1.2 metres. |
| 6. | Any <i>work</i> associated with a fixed combustion appliance installation or other part of a heating installation not being <i>work</i> of types 7 or 8 below. | Any <i>work</i> associated with a solid fuel appliance having an output rating more than 50kW, an oil-firing appliance with an output rating more than 45kW or a gas-fired appliance having a <i>net input rating</i> more than 70 kW. Any <i>work</i> associated with a <i>chimney</i> , <i>flue pipe</i> or hearth. An oil storage tank with a capacity of more than 90 litres, including any pipework connecting the tank to a combustion appliance providing space or water heating, or cooking facilities. Any <i>work</i> adversely affecting a <i>separating wall</i> . |
| 7. | Any <i>work</i> associated with a balanced <i>flue</i> serving a <i>roomsealed appliance</i> . | Any <i>work</i> associated with a balanced <i>flue</i> which passes through combustible material. |
| 8. | Any <i>work</i> associated with pipework, radiators, convector heaters and thermostatic controls for, or associated with, type 6 above. | |
| 9. | Any <i>work</i> associated with installing a <i>flue</i> liner. | |
| 10. | Any <i>work</i> associated with refillable liquefied petroleum gas storage cylinders supplying, via a fixed pipework installation, combustion appliances used principally for providing space heating, water heating, or cooking facilities. | |

11. Any *work* associated with the provision of a single *sanitary facility*, together with any relevant branch soil or waste pipe. Any *work* associated with a watercloset, waterless closet or urinal.
12. Any *work* associated with the relocation within the same *room* or space of any *sanitary facility*, together with any relevant branch soil or waste pipe.
13. Any *work* associated with the provision of an extractor fan.
14. Any *work* associated with a stairlift within a *dwelling*.
15. Any *work* associated with the provision of a notice or other fixture for which there is no requirement provided in these regulations.
16. Any *work* associated with an outdoor sign that is subject to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
17. Any *work* associated with thermal insulating material to or within a wall, ceiling, roof or floor. Any *work* associated with the application of thermal insulating material to the outer surface of an *external wall*.
18. A wall not exceeding 1.2 metres in height, or a fence not exceeding 2 metres in height.
19. Any *work* associated with open raised external decking that does not form part of the access provided to comply with the requirement in regulation 9 and paragraph 4.1 of Schedule 5. Any decking at a height of more than 1.2 metres.
20. A door, window, or rooflight when the *work* includes replacing the frame.
21. A paved area or hardstanding exceeding 200 square metres in area. A paved area forming part of an access to meet a requirement of these regulations.

22. An electrical installation, including a circuit for telecommunication, alarm purposes or for the transmission of sound, vision or data, which operates at extra-low voltage (not exceeding 50 volts alternating current or 120 volts direct current, measured between conductors or to earth) and which is not connected directly or indirectly to an electricity supply which operates at a voltage higher than either of those specified above.
23. The construction of a ramp not exceeding 5 metres in length.

B On condition that this work, service, fitting or equipment is to a standard no worse than at present.

24. Any *work* associated with the replacement of a fitting or equipment, in whole or in part, by another of the same general type, including a *sanitary facility* (together with any relevant branch soil or waste pipe), rainwater gutter or downpipe, solid fuel combustion appliance, electrical fixture, ventilation fan, *chimney* or *flue* outlet fitting or terminal, fire hydrant or main, lift or escalator, solid waste chute or container, *kitchen* fitments or other fitted furniture and ironmongery. Any door, window or rooflight. Any oil-firing or gas fired boiler.
25. Any *work* associated with the replacement in whole or in part, by material of the same general type, of flooring, lining, cladding, covering or rendering either internally or externally.
26. Any *work* to a door, window or rooflight, including *glazing* which is not a complete replacement falling within type 20 above.