

Building Regulations (Northern Ireland) 2000 (as amended)

Appeal against a Rejection of Plans

The following is a summary of the Department's determination of an appeal against a rejection of plans made under Article 17 of the Building Regulations (Northern Ireland) Order 1979 (as amended).

Appeal AP07/10 – regulation F2 (Conservation measures) as applied by regulation A8A (Application to thermal elements)

The proposed work

The appellant was proposing to refurbish an existing stone walled shop in which the internal plaster was stripped.

Regulation A8A (Application to thermal elements)

Regulation A8A (Application to thermal elements) states that –
“Where a thermal element is renovated or replaced such work shall be carried out as is necessary to ensure that the whole thermal element complies with the requirements of Part F (Conservation of fuel and power).

The District Council's decision

The District Council's decision to reject the plans was on the grounds that they did not comply with Part F of the Building Regulations (Northern Ireland) 2000.

In the Council's letter to the architect, the reason given for the non-compliance of the plans was –

“that insulation is required to external walls where the internal face of the external wall has been stripped by more than 25%. Technical Booklet F2, paragraph 3.26 still shows a requirement for insulation to be provided although to a lesser standard where the thickness of additional insulation reduces the usable floor area by 5%”.

The appellant's grounds for appeal

The appellant, to support the case that the proposals meet the requirements of Part F, provided the following information which is précised from the letter of appeal –

- the issue relates to re-plastering the inside of the external and party walls of the building which dates from the late 1800's
- initially only part of the plastering was to be replaced
- it is not technically, or functionally feasible to upgrade the U values of these elements
- in order to dry line the walls without causing interstitial condensation it is necessary to batten out the walls, introduce insulation and a vapour barrier
- this would result in a decrease in the usable floor area of more than 5%
- we believe that the building should be regarded as a building with historic merit and that dry lining these walls would cause problems in letting the walls breathe as mentioned in paragraph 3.5 (c) of Technical Booklet F2.
- we have enclosed an energy report to show significant improvements in the overall U values to the building envelope as a whole

Department's consideration of the appeal

In coming to a decision on this appeal, the Department considered –

- F2 (Conservation measures) as applied by Regulation A8A (Application to thermal elements)
- the cases submitted by both the district council and the appellant
- the plans indicating the development proposals

Conclusion

In this case –

- a thermal element was being renovated (more than 25% of the internal plaster was to be replaced)
- internal insulation would not unacceptably alter the character or appearance of the building
- use of a high performance insulant would not result in a disproportionate reduction of floor space
- the drawings indicated that the building would have CO₂ emissions which were approximately 34% greater than if it were renovated in accordance with the deemed-to-satisfy publications

Decision

The detailed examination and consideration of this case established that the plans did not comply with regulation F2 (Conservation measures) as applied by regulation A8A (Application to thermal elements). Therefore the Department confirmed the decision of the district council to reject the plans.