

## Alterations - don't cut corners!

Time and time again, we see what should be quick and easy conveyancing transactions delayed due to the failure of the seller to obtain the necessary statutory consents when alterations were made to their property. Whilst it might seem like a good idea at the time, cutting corners where planning permission and building regulation approval are concerned is a decision you might live to regret.

Part of your solicitor's job, when acting on your sale or purchase, is to ensure that all of the requisite statutory requirements were complied with when the property was altered.

For example, checking that planning permission was obtained when the property was extended, or that building regulation approval was obtained when a gas boiler was installed. If the necessary permissions and approvals were not obtained, your solicitor will take action to try and remedy the defect.

There are several reasons why planning permission and building regulation approval should not be overlooked: -

- **Enforcement Action** - on becoming aware of a lack of planning permission or building regulation approval, the local authority can take enforcement action which may result in the offending works having to be removed/replaced/amended.
- **Safety** - the purpose of building regulation approval is to ensure that any relevant works are carried out to a safe standard compliant with statutory requirements.
- **Mortgage Lenders** - mortgage lenders will often not lend on properties which are lacking planning permission or building regulation approval.
- **Buildings Insurance** - check the small print. The terms of your building's insurance policy will undoubtedly require you to have all the necessary statutory permissions and consents. Without them, a claim could legitimately be rejected.
- **Property Value** - without the requisite building regulation approval, a room in your house could be discounted for valuation purposes thereby reducing the amount you could sell your home for.

Whilst some issues can be dealt with by purchasing a defective title indemnity policy, many cannot. Take the following examples:

### Example 1: Loft Conversion

You convert your attic, at considerable expense, into a beautiful 4th bedroom, but fail to obtain building regulation approval. You later market your property for sale and are lucky enough to find a buyer. The buyer needs a mortgage, so a valuation is carried out on behalf of the mortgage lender in which the assumption is made that building regulation approval was obtained for the loft conversion. It is later established by the buyer's solicitor that building regulation approval was not obtained which means that the loft conversion has to be discounted for valuation purposes. All of a sudden, your '4 bedroom' house becomes a '3 bedroom' house and its value is reduced accordingly. Moreover, unless retrospective building regulation approval is obtained, it is extremely unlikely that the buyer's mortgage lender will accept the property as security.

### Example 2: Removal of a Load-bearing Wall

Another example to consider is where you buy a property where the seller has created a fantastic lounge-diner by removing a load-bearing wall and creating an archway through. You move in after failing to ensure that the necessary building regulation approval was obtained and, shortly after, the archway falls down creating a huge amount of damage. You make a claim under your buildings insurance thinking that this is just the sort of thing that it is there to cover, but after being unable to supply your insurer with evidence of building regulation approval, are told that you are not covered due to your failure to obtain statutory consent; case closed.

No one wants to face any of the circumstances described above and, whilst planning permission and building regulation approval can be obtained retrospectively, your property transaction will undoubtedly be delayed. For the sake of saving a relatively small fee and

avoiding the bureaucracy involved in making the necessary application, the risk is just not worth taking.

**Our advice?**

Check with your local authority's planning or building control departments before carrying out any alterations to your home and obtain any planning permission or building regulation approval that is required. Once you obtain the relevant certificate, place it with your property's title deeds to ensure that it is handed to your solicitor when you come to sell or mortgage your property.

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