Overview

• Background

• Bringing Back Homes manual

• Building Control (Amendment) Regulations 2019
Rebuilding Ireland

The Action Plan for Housing and Homelessness includes a comprehensive Five Pillar approach.
Pillar 5 – Utilise Existing Housing

“support and facilitate the reuse and/or development of older / vacant buildings for residential use, such as unused commercial properties, under-utilised upper-floor accommodation over shops, as well as conversion/upgrading of vacant properties”.

Action 5.21 (Review) Rebuilding Ireland: Action Plan for Housing and Homelessness
Terms of Reference

i. To recommend optimal approaches by local authorities to ensure that, to the maximum extent possible, members of the public and property owners can obtain co-ordinated advice in relation to the necessary regulatory requirements when bringing existing buildings back into reuse.

ii. To gather evidence as to regulatory difficulties facing those bringing existing buildings back into use for residential purposes.

iii. To provide clarity to industry, local authorities, members of the public and property owners on the application of the current regulatory requirements to existing buildings and guidance on how best to facilitate their reuse.

iv. Having regard to the foregoing, to advise on any changes that should be made to the existing regulatory systems to streamline and co-ordinate the process.

v. To submit a guidance document and a report with recommendations to the Minister of State - Q2 2018.
Deliverables

• Report of the Working Group on the Reuse of Existing Buildings

• Bringing Back Homes – Manual for the reuse of existing buildings
Use of Bringing Back Homes manual

• Developed to support and facilitate the reuse of older/vacant buildings in our towns and cities for residential use.

• The objective is to increase the number of viable residential properties.

• Aims to provide property owners, members of the public, Local Authorities and those involved in the construction industry with clear guidance on how current regulatory requirements apply to common, existing building types.
Chapter 1 - Policy and Regulatory Context

The main regulations that affect the design, build and use of the building on completion are:

• The Planning System
• Exempted Development Regulations, 2018
• Specific Regulations Affecting Older Buildings
• The Building Control System
• Minimum Standards in Rented Accommodation
• Safety, Health and Welfare at Work Act, 2005
• The Fire Services Acts
Chapter 2 – The Basic Process

Step 1 – Consider reusing an existing building for residential purposes

What is the condition of the existing building?

What heritage value (if any) does the building have?

What are the building’s potential uses?

What incentives/grants are available?

What are the likely costs of the proposed works?

Are there any site specific constraints?

What utility connections are required e.g. electricity, gas, water, wastewater?
Chapter 2 – The Basic Process

Type 1
Existing Dwelling

Type 2
Two-Storey Building with Over-the-Shop Accommodation

Type 3
Three-Storey Building with Over-the-Shop Accommodation

Type 4
Multi-Storey Building (Non-Dwelling)

The Low Hanging Fruit
## Step 2 – Identify the Regulatory Approval Path

<table>
<thead>
<tr>
<th>Existing Building</th>
<th>Reuse Options</th>
<th>Do the works require Planning Permission?</th>
<th>Do the works require a Fire Safety Certificate?</th>
<th>Do the works require a Disability Access Certificate (DAC)?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type 1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing Dwelling</td>
<td>Option a</td>
<td>Refurbishment</td>
<td>There is no change to the building use, so, planning permission is not required.</td>
<td>A Fire Safety Certificate is not required for a dwelling house.</td>
</tr>
<tr>
<td></td>
<td>Option b</td>
<td>Conversion of dwelling into two dwellings</td>
<td>Planning permission is required for change of use to two dwellings.</td>
<td>A Fire Safety Certificate is required for a building which undergoes a material change of use, i.e. the whole building.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Type 2</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two-Storey Building with Over-the-Shop Accommodation</td>
<td>Option a</td>
<td>Inclusion of an ancillary shop as part of the existing dwelling</td>
<td>Planning permission generally not required.</td>
<td>Fire Safety Certificate is not required for a dwelling house.</td>
</tr>
<tr>
<td></td>
<td>Option b</td>
<td>Conversion of ancillary shop to an independent shop unit with an existing dwelling overhead</td>
<td>Planning permission generally required due to the change from ancillary shop to permanent shop.</td>
<td>A Fire Safety Certificate is required for a building which undergoes a material change of use, i.e. the shop only.</td>
</tr>
<tr>
<td></td>
<td>Option c</td>
<td>Conversion of an ancillary/ independent shop to an independent dwelling unit with another dwelling overhead</td>
<td>Planning permission required unless the Exempted Development Regulations, 2018 apply, (See Appendix 3).</td>
<td>A Fire Safety Certificate is required for a building which undergoes a material change of use, i.e. the whole building.</td>
</tr>
</tbody>
</table>

### 4 Building Types → 13 Reuse Options

- Planning Permission?
- Fire Safety Certificate?
- Disability Access Certificate?
### Step 3 – Identify the Key Design Work needed

<table>
<thead>
<tr>
<th>Option a</th>
<th>Option b</th>
<th>Option c</th>
<th>Option d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Need clear of an ancillary shop or part of the existing dwelling</td>
<td>Conversion of an ancillary shop to an independent shop unit with an existing two-storey dwelling overhead</td>
<td>Conversion of an ancillary shop into a independent shop unit with multiple dwellings overhead</td>
<td>Conversion of an ancillary shop into an independent shop unit with multiple dwellings overhead</td>
</tr>
</tbody>
</table>

**What standards (planning, building or rental) apply to the works?**

**Typical scale of Intervention**

**What standards (planning, building or rental) apply to the works?**

**Are there other site specific risks which should be considered in the design?**
### Step 4 – Confirm that Approvals are in place

<table>
<thead>
<tr>
<th>BUILDING TYPE</th>
<th>Reuse Option</th>
<th>Planning Permission</th>
<th>Fire Safety Certificate</th>
<th>Disability Access Certificate*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TYPE 1 Existing Dwelling</strong></td>
<td>Option a Refurbishment</td>
<td>✓</td>
<td>✓</td>
<td>❌</td>
</tr>
<tr>
<td></td>
<td>Option b Conversion of a dwelling into two dwellings</td>
<td>✓</td>
<td>✓</td>
<td>❌</td>
</tr>
<tr>
<td><strong>TYPE 2 Two-storey building with over the Shop Accommodation</strong></td>
<td>Option a Inclusion of an ancillary shop as part of the existing dwelling</td>
<td>Generally not required</td>
<td>✓ (for shop only)</td>
<td>❌</td>
</tr>
<tr>
<td></td>
<td>Option b Conversion of an ancillary shop to an independent shop unit with an existing dwelling overhead</td>
<td>Generally required</td>
<td>✓ (for shop only)</td>
<td>❌</td>
</tr>
<tr>
<td></td>
<td>Option c Conversion of an ancillary/ independent shop to an independent dwelling unit with another dwelling overhead</td>
<td>✓ (unless Exempted Development Regulations, 2018 apply)</td>
<td>✓</td>
<td>❌</td>
</tr>
</tbody>
</table>

When required:

Has Planning Permission/ Fire Safety Certificate/ Disability Access Certificate* been granted?

Are other specific permits required or restrictions? e.g. Road closure license, Hoarding license, Refuse skips etc?

*Not legally required before commencement of works*
Step 5 – Commence Building Work

Notifications?

Exempted Development Regulations 2018 (S.I. No. 30 of 2018)? → See Appendix 1

Commencement Notice/ 7 Day Notice?
Chapter 3 – Detailed Guidance

Possible Works Outlined
Chapter 3 – Detailed Guidance

Alternative Options – Greater Works
# Chapter 4 – Examples of Bringing Back Homes

## Number 35, Philip Street, Waterford City

This development aligns with Reuse Option Type 1a – "Refurbishment".

<table>
<thead>
<tr>
<th>BEFORE</th>
<th>AFTER</th>
</tr>
</thead>
</table>

Courtesy: Waterford City and County Council

## Number 73 York Road, Dun Laoghaire, Co. Dublin

This development aligns with Reuse Option Type 4a – "Conversion of a multi-storey building (non-dwelling) into a dwelling."

<table>
<thead>
<tr>
<th>BEFORE</th>
<th>AFTER</th>
</tr>
</thead>
</table>

Courtesy: Sherrard Design, Downey Property
Appendices

2. The Application of the Building Regulations to Works to Existing Buildings
3. Minimum Standards in Rented Accommodation
4. Typical Licenses Required
5. Assistance, Grants and Incentives
6. Frequently Asked Questions (70 No.)
Recommendation 5 of Working Group

“Recommends that a review of the Building Control Regulations 1997-2015 be undertaken to give further clarification with respect to the building control approvals required for material changes of use to dwellings.”

Action: DHPLG Building Standards
Material Change of Use

Section 3 (3) of Primary Act (No. 3 of 1990)

(a) a building, being a building which was not originally constructed for occupation as a dwelling, or which, though so constructed, has been appropriated to other purposes, becomes used as a dwelling,

(b) a building, being a building which was originally constructed for occupation as a dwelling by one family only, becomes occupied by two or more families, or

(c) where building regulations contain special provisions in relation to buildings used for any particular purpose, a building to which the regulations apply and which was not being used for that purpose, becomes so used.
What Regulations apply to Material Change of Use?

Article 13 of S.I. No 497 of 1997 (as amended)

“(1)(a) the requirements of the following Parts of the Second Schedule:

- Parts A1 and A2
- Part B
- Part C4
- Part E
- Part F
- Part G
- Part H
- Part J
- Part L

shall apply to the building.

In addition, Part M shall apply to the building, where a material change of use as described in subparagraph (2)(b)(i), (ii), (iv), (vi), (vii) or (viii) of this article takes place.”
Apply to the building undergoing the change of use to dwelling(s)
S.I. No. 351 of 2009


Disability Access Certificate.

20D (1) A certificate of compliance with respect to requirements under Part M of the Second Schedule of the Building Regulations (hereinafter referred to as a ‘disability access certificate’) shall be required in respect of all works or a building to which Part III applies pursuant to paragraphs (a) to (e) of Article 11(1) of these Regulations.
200  (f) Subject to sub-article (2) and articles 3 and 6, a certificate of compliance with respect to requirements under Part H of the Second Schedule of the Building Regulations (hereinafter referred to as a “disability access certificate”) shall be required in respect of—

(a) works in connection with the design and construction of a new building,

(b) works in connection with the material alteration of—

(i) a day centre,

(ii) a building containing a flat, or

(iii) a hotel, hostel or guest building, or

(iv) an institutional building, or

(v) a place of assembly, or

(vi) a shopping centre,

but excluding works to such buildings, consisting solely of minor works,

(c) works in connection with the material alteration of a shop, office or industrial building where—

(i) additional floor area is being provided within the existing building, or

(ii) the building is being subdivided into a number of units for separate occupancy,

(4) works in connection with the extension of a building by more than 25 square metres,

(e) a building as regards which a material change of use takes place, where a building which was not being used as—

(i) a day centre, becomes so used, or

(ii) a hotel, hostel or guest building, becomes so used, or

(iii) an institutional building, becomes so used, or

(iv) a place of assembly, becomes so used, or

(v) a shop (which is not ancillary to the primary use of the building), becomes so used, or

(vi) a shopping centre, becomes so used,

201  (g) A certificate of compliance under sub-article (2) shall be required in respect of—

(a) works in connection with the material alteration of a building, where the alteration—

(i) involves the subdivision of a building into two or more units for separate occupancy,

(ii) involves the extension of a building by more than 25 square metres, or

(iii) involves the extension of a building by more than 25 square metres, but excluding work to such buildings, consisting solely of minor works,

(b) a building as regards which a material change of use takes place, or

(c) a building which was not being used as—

(i) a day centre, becomes so used, or

(ii) a hotel, hostel or guest building, becomes so used, or

(iii) an institutional building, becomes so used, or

(iv) a place of assembly, becomes so used, or

(v) a shopping centre, becomes so used,
(2) For the purposes of this Part, the following buildings are exempted—

(a) a single storey building which —

(i) is used exclusively for the storage of materials or products, for the accommodation of plant or machinery or in connection with the housing, care or management of livestock,

(ii) is used solely for the purpose of agriculture, and

(iii) is a building in which the only persons habitually employed are engaged solely in the care, supervision, regulation, maintenance, storage or removal of the materials, products, plant, machinery or livestock in the building, and which is either attached to another such building or detached from any other building,

(b) a building used as a dwelling other than a flat,

(c) a single storey building used as a domestic garage,

(d) a single storey building (other than one described in (c)) ancillary to a dwelling (such as a summer house, poultry-house, aviary, conservatory, coal shed, garden tool shed or bicycle shed) which is used exclusively for recreational or storage purposes or the keeping of plants, birds or animals for domestic purposes and is not used for the purposes of any trade or business or for human habitation,

or to works in connection with such a building provided that, after the works are carried out, the building is or continues to be a building referred to in paragraphs (a) to (d).

Summary of S.I. No. 526 of 2018

1) There is **no change** to Part M (Access and Use) Building Regulations.

2) Requirement for a Disability Access Certificate (DAC) **separated** from the requirement for a Fire Safety Certificate in Building Control Regulations.

3) Clarification provided in relation to the classes of buildings, related to types of works which require a DAC and are directly related to the requirements of Part M (Access and Use) of the Second Schedule to the Building Regulations.

4) Clarification that a DAC is not required for a building solely used for inspection, repair or maintenance of plant, building services or machinery e.g. electric substations.

Conclusions

1) Engage with the Vacant Homes Officer in your Local Authority

2) Apply the Bringing Back Homes manual

3) Official launch - 10th April 2019

vh@housing.gov.ie
Thank You!