

FURTHER THOUGHTS ON THE BUILDING REGULATIONS

This postscript follows on from "Mandatory Double Glazing (?) Heat loss v. heritage' (Context 45 pp 24-26 and 46 pp 20-22), and has a further look at the pressures that can be placed upon historic buildings as a result of the revision of Part L of the Building Regulations - Conservation of fuel and power

David Wrightson's articles highlight the potential risks to the fabric of historic buildings where there are proposed alterations. The articles clearly articulate that the revision of the Building Regulations relates to new building work and existing buildings which are being con-vetted - involving building work - and that these buildings must be given an Energy Rating calculated by the Government's Standard Assessment Procedure (SAP). The revised Part L of the Regulations does not specifically affect existing buildings where there are no building works proposed. This means that there is no obligation for existing buildings to have a SAP Energy Rating.

However, SAP Energy Ratings are being applied to existing buildings. One of the reasons for this is because Energy Ratings are being looked at as an additional product and/or service that some mortgage lenders can provide to their customers. A SAP rating can be provided in conjunction with a mortgage valuation or a home purchaser's report. There are indications that in the future every house that is sold will have to have an Energy Rating. At the moment Energy Ratings are not a significant factor in the purchasing decision of a potential purchaser. If, however, this situation changes and greater credence is given to Energy Ratings their influence will be substantially increased. For this reason Conservation Officers, and others involved with historic buildings, must be aware of the potential impact of Energy Ratings before they become a common feature of the property purchasing process.

It is obvious that in most cases existing buildings will not have an Energy Rating that can compare favourably with those of new build properties. The consequence of this is that 'suggested improvements' will be recommended so that the Energy Rating of the building can be increased.

In order to quantify the potential risks to historic buildings I obtained an Energy Rating on the basis that the building in question was a Grade II listed building of a traditional timber-frame construction with brick mull panels and a Victorian two story addition.

The Energy Rating Certificate for this property provided an energy efficiency score of 51 Out of a possible 100 points, with CO₂ emissions attributable to the property estimated at 96 tonnes per annum. The Certificate stated that the "calculation of the above SAP score reveals that improvements to the Energy Efficiency of the property may be possible. These would have the effect of raising the Energy Efficiency, reducing the fuel bills and the emission of CO₂ gas".

The following Possible Improvements were recommended:

- "Install/improve loft insulation to 200 mm thickness. Draught proof doors and Windows." The Certificate stated that this would result in a saving on fuel bills of 8.4%. A new score of 55 points and a per annum reduction in CO₂ gas of 0.8 tonnes.

If the following recommendations were implemented:

- "Insulate wooden floor, install condensing boiler and replace windows with double glazed windows." This would bring the total saving on fuel bills to 35.1%, a new score of 72 points and a per annum reduction in CO₂ gas of 3.4 tonnes.

The company which provided the Certificate was informed that the building was Grade II listed. This did not influence the recommendations made on the Certificate. In light of the recommendations I corresponded with the director of the company in question. The director thought that the 'disclaimer' at

the bottom of the Certificate was sufficient enough to prevent unnecessary works being carried out. This assumption can be questioned on the basis of recent case law decisions involving the surveying profession, where it has been shown that surveyors owe a duty of care to third parties no matter what 'disclaimers' are used. The director also thought that, as surveyors were instructed to carry out the inspections to calculate a buildings rating, this would avoid the loss of historic fabric or the implementation of unnecessary works. The reliance on surveyors to provide the correct advice in respect of historic buildings, or even identify the architectural or historical interest of a building, assumes that all surveyors have the relevant skills. The RICS acknowledges in its Manual of Valuation Guidance Notes (The valuation of residential properties for mortgage purposes) that this is not the case where the property is: "of architectural or historical interest, or listed...or in a conservation area; or of unusual construction".

In my opinion the response from the director does not justify the inappropriate recommendations made. The company was made fully aware of all the relevant information and it did not take into account the potential loss of historic fabric that could be lost or put at risk as a result of owners implementing the recommendations.

It is apparent that the implementation of the recommendation to "replace windows with double glazed windows, which it must be emphasized is not mandatory, would result in the loss of historic fabric which would affect a buildings character and would therefore be in contravention of current legislation. This would expose the owner, surveyor and/or the company issuing the Certificate to potential criminal prosecution under The Planning (Listed Buildings and Conservation Areas) Act 1990. There is also the risk that if the owner of a Listed building installs the replacement windows without consent he/she will be served with an Enforcement Notice, the cost implications of which would be considerable. The other recommendations made by the Certificate would also be inappropriate to an historic building as they would reduce the ability of the building to 'breathe', thereby increasing the risk of dampness and associated defects within the building.

On the evidence of just this one example there is the need for greater vigilance to prevent this potential threat to our built heritage from taking precedent over the regular maintenance and retention of the fabric of historic buildings, which is effective both in terms of cost and the conservation of fuel and energy. There is a substantial investment of natural resources and workmanship within historic buildings that is irreplaceable. For these reasons the virtues of retaining the historic fabric need to be emphasized over and above the assumption that replacement is more beneficial. English Heritage's Framing Opinions windows campaign shows that it is more cost effective to retain, repair and maintain windows in the longer term than to replace them. The replacement of established windows with modern units must also be counter-productive from an environmental point of view, as there will be an increase in the production of CO₂ gases in the manufacturing process of the replacement windows, thus defeating the whole object of the initial exercise, that is the conservation of fuel and power.

REFERENCES

1. WRIGHTSON, D: 'Mandatory double glazing(?): Heat loss versus heritage', Context 45, March 1995, and 46, June 1995.
2. 'The Building Regulations Approved Document L (Conservation of fuel and power)', 1995 Edition.
3. 'The Government's Standard Assessment Procedure for energy rating of dwellings'. Energy Efficiency Office, DoE/BRE ~ reprinted July 1994.
4. Royal Institution of Chartered Surveyors 'Manual of Valuation Guidance Notes'. VGN 2A and Annex C to VGN 2A BN. April 1992.