

Building Works without Statutory Consent ('Letter of Comfort')

Building works without statutory consent

The Building (Scotland) Act 2003 and its predecessor, The Building (Scotland) Act 1959, both contain a requirement that a Building Warrant is granted prior to any building or demolition work being undertaken. However, the Service often finds itself being requested to assist owners, who are having difficulty selling their property due to unauthorised alterations having been carried out, often by previous owners. The process for dealing with such circumstances is often known as a 'Letter of Comfort'.

Inspection of unauthorised works

The consideration of unauthorised works is categorised by date.

1. Works **completed** between 15th June 1964 and 30th April 2005 inclusive.
2. Works **completed** from 1st May 2005

Applications for 'Letters of Comfort'

Only works falling into the first category will be considered for a Letter of Comfort. However, an application falling within this category is only accepted at the discretion of this Authority, as there are cases that may not be appropriate for the Letter of Comfort process.

When accepted, a non-disruptive inspection of the work will be carried out with regard to the Health and Safety of people in and around the building. If appropriate, a letter will be issued stating that the Department does not intend to take statutory action in respect of the unauthorised works.

Please note that the inspection may result in the need for remedial works to be undertaken prior to the Letter of Comfort being issued. Failure to do so may result in statutory action being taken by this Authority.

For works completed on or after 1st May 2005, or rejected as inappropriate for a Letter of Comfort, a **Completion Certificate Where no Building Warrant Obtained (Form 6)** should be submitted. This follows the same process for applying for a Building Warrant; details of this process can be found on this web site.

Who will accept a Letter of Comfort?

This letter normally satisfies the parties involved in conveyancing and remortgaging transactions etc.

Who can apply for an inspection?

Anyone with an interest in a property. This includes owners, prospective owners, conveyancing solicitors etc., provided that the owner has given their permission to allow access for inspection.

How do I apply for an inspection?

Application can be made by yourself or your agent on the appropriate **Form LC**, available from our web site www.glasgow.gov.uk. The form requests the following information:

- Your name, address and daytime contact telephone number and the same details of agent (if applicable)
- Address of building where works have been carried out.
- Specific details of nature of completed works e.g., extension to rear of dwelling house to form an additional bedroom etc.
- The date when the works were completed (if unknown then estimate).
- Dependent on the extent of the works detailed, drawings may require to be submitted and processed at the applicant's expense.
- The value of the works detailed at today's market value.

A declaration then has to be signed agreeing to the inspection of works and acknowledging that you may have to expose any necessary elements of the work. Please note that if information supplied is found to be false any Letter of Comfort issued will be rendered void.

Are all building works covered by this inspection?

The majority of building works, whether it is to a domestic or commercial property are covered by this procedure and examples include internal alterations, extensions, loft-conversions, replacement windows, removal of walls etc.

It should be noted that an application relating to the sub-division of a dwelling house is an example where drawings may be required to be submitted and processed at the applicant's expense.

How long does the process take?

Building Standards recognise that, due to the nature of property sales/purchases, a Letter of Comfort is often not requested until the very last minute. To assist our customers the Service has performance targets for responding to a request for an inspection of works carried out without the necessary consent. These targets, and performance against targets, are available on request. Any remedial works required must be completed within a specified period, usually 28 days, after which time the application may be refused. On completion of a satisfactory inspection, including where remedial works have been requested, a Letter of Comfort will be issued. Again, targets and performance against these targets are available on request.

How much does this service cost?

The fee for Applications for Letter of Comfort is £350.00

Payment

If you are paying by Bank Transfer, please use the following details:

Payee:	Glasgow City Council
Bank Sort Code:	83-44-00
Account No:	10813403
Reference:	Please use the following format: LC-Address of Property

Please note that in exceptional circumstances additional visits may incur separate/additional fees.