

CLIENT FACT SHEET 10 LICENCE TO ALTER

INTRODUCTION

The purpose of this fact sheet is to give an overview of application of the Building Safety Act where a licence to alter is applied to a building.

ORIGINS

[Building Safety Act 2022](#)

FURTHER INFORMATION

[Rendall & Rittner Broadcast Video](#)

DISCLAIMER

This fact sheet is intended as a summary of our understanding of this matter as at the time of publication and does not constitute advice.

Information correct as at 04.03.2024.

REQUIREMENTS

Most leases will prevent works to the structure or internal part of a building without written consent. The written consent is commonly referred to as a Licence to Alter.

Each lease will determine the extent of the works that require a licence to alter. Some works may be minor, whereas other work may be more extensive before requiring a licence.

The BSA and a Licence to Alter

The BSA introduces three gateways that are designed to establish new standards for building safety for higher-risk residential buildings (HRRBs). These gateways are intended to give the Building Safety Regulator (BSR) authority from design stage of an HRRB, through to completion stage. This process feeds into the existing planning control, although requires more comprehensive information to be submitted. The BSR will assess the information with consideration to risks identified, measures to mitigate and design being suitable and sufficient.

A licence to alter is unlikely to fall into the requirements of the gateways, unless they are significant alterations that affect the fire strategy, and/or the structural safety of the building. An example may include the removal of a protected stairway or addition of another floor.

High-Rise Residential Building Register

Where the building has been registered and changes under the licence to alter have changed details of registration, the HRRB register will need to be updated. Changing the layout of 2 flats to become one, would require an update on the number of residential units. Potentially the number of front doors may also need updating. However, unless these have altered the structural safety of the building, it will not need to go through the gateway process.

BUILDINGS IN SCOPE

The Building Safety Act 2022 (BSA) applies to residential buildings 18m and over, or 7 storeys. A residential building in this context is a building that has two or more dwellings. These buildings are referred to as higher-risk residential buildings (HRRBs).

KEY DATES

Gateway 1 came into force in August 2021. Gateways 2 & 3 came into force in October 2023