



## **BER Assessors – Dwellings Technical Bulletin**

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The archive of previous bulletins is available under  
[http://www.sei.ie/Your\\_Building/BER/BER\\_FAQ/FAQ\\_BER/Assessors/SEI\\_BER\\_Reports.html](http://www.sei.ie/Your_Building/BER/BER_FAQ/FAQ_BER/Assessors/SEI_BER_Reports.html)

## Identifying the relevant Building Regulations Part L for a dwelling

DEAP is used to demonstrate a building's conformance with specific aspects of Part L of the Building Regulations. In completing a BER for a new dwelling, the assessor must identify the particular Building Regulations which apply to the dwelling. DEAP performs checks for new dwellings for which either Building Regulations 2005 TGD L or 2008 TGD L apply.

As per Section 18 of the Code of Practice, if the Building Regulations Part L applies to the building being rated and the BER Assessor finds that it does not conform to the requirements of Part L, then the BER Assessor is obliged to notify the client and to identify which elements of the design do not conform to these Regulations.

Please refer to Section 13 of the DEAP manual for further details.

Building Regulations 2008 TGD L applies to new dwellings, where the work commences or takes place, as the case may be, on or after 1 July 2008. Earlier versions of TGD L cease to have effect from 1 July 2008.

However, Building Regulations 2005 TGD L<sup>1</sup> apply in the case of new dwellings:

- where the work, material alteration or the change of use commences or takes place, as the case may be, on or before 30 June 2008, or
- where planning approval or permission has been applied for on or before 30 June 2008, and substantial work has been completed by 1 July 2009.

"Substantial work has been completed" means that the structure of the external walls has been erected.

## Data collection and retention for BER Assessments

Section 8 of the Code of Practice details the type of data which must be collected and retained for BER assessments. The code of practice is available under the following link:

[http://www.sei.ie/Your\\_Building/BER/BER\\_Assessors/Code\\_of\\_Practice.pdf](http://www.sei.ie/Your_Building/BER/BER_Assessors/Code_of_Practice.pdf)

Every BER Assessor is responsible for retention and maintenance of records and any calculations that may be required to support a BER assessment. Data must be retained securely both during the time when a BER Assessor is registered as a BER Assessor and until the related certificates expire or are otherwise superseded. This requirement remains even if the BER assessor ceases their registration.

For new buildings, a BER Assessor shall compile the data required from the plans and specifications submitted by or on behalf of the owner. In cases where certain details are not available from the client, a site visit may be carried out to supplement data from plans and specifications. Any on-site survey data must be recorded on a BER Survey Form (or an equivalent form containing the same information) and retained as evidence. In this way, a combination of the plans/specifications and survey data is acceptable for BER assessments of new dwellings.

A provisional BER can be carried out by a BER Assessor based on design drawings and specification of an unfinished building providing that, on completion of the building in question, a final BER is carried out on the completed building.

In the case of existing buildings, a BER Assessor is required to visit the premises to collect verifiable data required for the assessment. A BER Assessor may also review plans and specifications which are available in conducting the BER assessment.

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<sup>1</sup> TGD L - Conservation of Fuel and Energy (1997 edition and 2002 edition) cease to have effect from 1 July 2006. However, these documents may continue to be used in the case of buildings:

- where the work, material alteration or the change of use commences or takes place, as the case may be, on or before 30 June 2006, or
- where planning approval or permission has been applied for on or before 30 June 2006, and substantial work has been completed by 30 June 2008.

Note that DEAP does not check for new dwelling conformance to versions of TGD L prior to that for 2005 Building Regulations. If you wish to perform these checks, please refer to archived versions of TGD L under <http://www.environ.ie/en/Publications/DevelopmentandHousing/BuildingStandards/>

Under Section 5 of the Code of Practice, a BER Assessor shall not submit any BER assessment if there are reasonable grounds to doubt the credibility of the design or intent and capacity of the owner or developer to construct the building in accordance with drawings and specifications submitted.

## Assessments classed as 'Repairable' on NAS

A BER submission will be placed in the Repair Queue on the National Administration System (NAS) when the BER and/or MPRN number submitted is incompatible with a record already held on the National BER Register. Repairs can be found by clicking on the 'Repairable' tab within your NAS account.

If the assessor can identify the error, they can discard the rating which is in repair, and resubmit the rating after correcting it in DEAP and re-exporting and uploading the .XML file.

If the assessor is unable to identify an error and the numbers are correct, they can await final determination of the status of the rating by the BER Administrator. SEI reviews the Repair Queue on a regular basis and resolves "Repairable" assessments as part of this review. This may involve contacting the assessor directly to help resolve the issue.

## Verifying data entered into DEAP

On foot of data audits performed by SEI over the past number of months we would encourage assessors to ensure that they are satisfied with data entered into all DEAP assessments. The following list is a sample of some of the areas in which issues are arising:

- Low energy lighting – refer to Appendix L in the DEAP manual and the May Technical Bulletin.
- Thermal bridging factor – refer to Appendix K in the DEAP manual and the April Technical Bulletin.
- Heat loss areas – refer to Section 3 of the DEAP manual and the May Technical Bulletin
- Heating system controls – always ensure that data entered in DEAP is based on the relevant tables in the DEAP manual such as Table 2 and Table 4 even when using the control lookup functions in DEAP.

## Extension age bands

When an extension is identified in the assessment of an existing dwelling, the heat loss building elements of that extension should have the extension age band applied rather than the age band of the original dwelling.

The DEAP Survey Guide gives guidelines on determining the age of an extension: [www.seai.ie/deap](http://www.seai.ie/deap)

In cases where the extension age is unknown, it should be defaulted to the same age as the original dwelling.

## Further detail on "habitable" attics

The June '09 edition of the Technical Bulletin defined habitable attics as generally meeting the following criteria:

- Part of the attic should be at least 2m in height.
- The room should be "finished". A finished room would typically have finished internal surfaces (walls and ceiling are papered and/or plastered and flooring is in place rather than having exposed joists and rafters).
- Attic Room has lighting and possibly a window/rooflight.
- Structural timbers not preventing free movement.
- Water cistern not present in the attic room.

In cases where an attic meets most of these criteria and is clearly and effectively employed as a habitable area by the occupants then it may be considered as habitable for the purposes of DEAP assessments. For

example, an attic which contains bedrooms, has finished surfaces, lighting, windows, no water cistern and no obstructive structural timbers, but is 1.95m high would be considered as habitable in a DEAP assessment.

Where the attic is habitable and is accessed by a fixed staircase, then it is included as another storey under "dimensions" in DEAP.

Where an attic's floor area is not being included under "dimensions" (due to it not being heated and habitable):

- If the attic is open to the storey below i.e. with no door or partition wall around the attic stairs landing, the attic floor space is not included in the assessment as floor area. In such cases, the attic height is heated as it is open to the storey below. Therefore the storey below is treated as having a vaulted ceiling and it is considered to extend as far as the attic roof. This will result in a much higher average storey height.
- Where the attic is clearly separate from the storey below e.g. by a partition ceiling and closable attic hatch, then the storey height of the storey below is not considered to extend into the attic.

## When to include conservatories in dwelling floor area in DEAP

DEAP follows the requirements set out in Building Regulations 2008 TGD L Section 0.1.6 in relation to conservatories:

"An attached conservatory-style sunspace, or the like, forming part of a new dwelling construction should be treated as an integral part of the habitable area of the dwelling."

As this was not the case prior to that edition of TGD L, DEAP allows for thermally separated conservatories prior to this date as per Section 3.3.3 of the DEAP manual.

Examples:

- New dwelling constructed to Building Regulations 2008 TGD L including conservatory in original construction: the conservatory is included in new dwelling BER assessment floor area.
- New or existing dwelling constructed to any edition of the Building Regulations TGD L prior to 2008 including conservatory in original construction: the conservatory may or may not be included in the new dwelling BER assessment floor area subject to it being thermally separated as described in Section 3.3.3 of the DEAP manual.
- Existing dwelling which was built to Building Regulations 2008 TGD L with a conservatory at time of original construction: this conservatory is always included, on the basis that it was part of the original dwelling constructed to Building Regulations TGD L 2008.
- Existing dwelling which was built to Building Regulations 2008 TGD L without a conservatory. A conservatory was added after original construction: the conservatory may or may not be included in the new dwelling BER assessment floor area subject to it being thermally separated as described in Section 3.3.3 of the DEAP manual.

## Staircase leading to a single dwelling

Where there is a staircase between a single dwelling (such as an apartment) and an external door:

- If there is an internal door between the staircase and the dwelling, the staircase is excluded from the assessment and is treated as a heated or unheated space (as relevant) adjoining the dwelling.
- If there is no door between the staircase and the dwelling (the staircase is open to the dwelling), then the staircase is included in the assessment. This is counted as an extra storey in DEAP.

## Identification of gas room heaters and gas fires

There are a number of different gas fuelled roomheaters in DEAP. The following table gives guidance on identifying these heaters:

|    | <b>Appliance</b>   | <b>Identifying features</b>  |
|----|--|--|
| 1  | Gas fire, open flue, pre-1980 (open front) & Gas fire, open flue, 1980 or later (open fronted), sitting proud of, and sealed to, fireplace opening | The differentiating factor between these two gas fires is their age. If in doubt about the age, choose the more conservative option (pre-1980). "Open flue" means the fire draws its combustion air from the room (as opposed to balanced flue). See Section 2.1 of the DEAP manual to differentiate between an open flue and a chimney. "Open front" means there is no glass front or enclosure separating its flames from the room. It does not have solid fuel effect flames. It would typically have a line of uniform blue flames.<br>Typically, the flue outlet would be part of the heater. |
| 2  | Gas fire or wall heater, balanced flue   | Balanced flue (or "room sealed") is defined in Section 2.1 of the DEAP manual: "A room heater is considered to be room sealed if it does not have any air exchange with the room in which it is situated". Both the air intake and air outlet of this heater are ducted to the external environment. The balanced flue intake and outlet may be in the form of a concentric flue (two pipes centered around a single point).   |
| 3  | Gas fire, open flue (open fronted), sitting proud of, and sealed to, fireplace opening, with back boiler unit                                      | This is the same as (1) above but has a back boiler.   |
| 4  | Flush fitting Live Fuel Effect gas fire (open fronted), sealed to fireplace opening, with back boiler unit   | This has flickering solid fuel effect flames rather than uniform blue flames in (1).<br>The flue outlet is likely to be part of the heater.<br>This type of heater has a back boiler.  |
| 5  | Gas fire, closed front, fan assisted   | This unit would usually be glass fronted. It does not have a balanced flue as described in (2). A fan draws air into the unit from the room or is used to send heat out into the room from the unit.   |
| 6  | Condensing gas fire  | This unit is likely to have a back boiler. If it is not clear whether the unit has a condenser or not, check for manufacturers detail or instruction manuals.  |
| 7  | Flush fitting Live Fuel Effect gas fire (open fronted), sealed to fireplace opening  | This unit has flickering solid fuel effect flames rather than uniform blue flames in (1).<br>The flue outlet is likely to be part of the heater and there is no back boiler.   |
| 8  | Flush fitting Live Fuel Effect gas fire (open fronted), fan assisted, sealed to fireplace opening  | This has flickering solid fuel effect flames rather than uniform blue flames in (1).<br>The flue outlet is likely to be part of the heater and there is no back boiler.<br>A fan draws air into the unit from the room or is used to send heat out into the room.  |
| 9  | Decorative Fuel Effect gas fire, open to chimney   | This unit has flickering solid fuel effect flames rather than uniform blue lines and is open to the chimney. It would typically sit in the lower part of an existing fireplace, with the original chimney opening over it. The amount of air being drawn up through the chimney will be uncontrolled.  |
| 10 | Gas fire, flueless   | This unit does not have an open flue, chimney or balanced flue exhaust outlet. In this case there are likely to be 2 permanent vents in the room in which this fire is situated.   |