



## Comparison between the Law of Issuing a Building Permit in Iran and England

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### ABSTRACT

Building permit or building technical certificate is a booklet issued by municipalities for the owner of the buildings. One of the most important activities of municipalities is to issue building permit and control and supervision over constructions, as in 2012, 23,757 building permits were issued by Tehran's municipality. In fact, municipalities play the main role in running urban development plans. There are different departments in municipality that are responsible for issuing building permit, which include: urban planning department, license issuing department and building department. Each country has different technical standards for construction according to which, it issues the building permit. Studying the process of issuing building permit in each country let it law makers to evaluate and know the strength and weaknesses of this process in order to improve it. Urban planning rules in Iran are mainly adopted from European rules, especially English rules and regulations; therefore we tried to study the process of issuing building permit in Iran and England and compare these two processes in this article.

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## INTRODUCTION

Building construction activities in any country that covers a significant percentage of the annual budget and it can be considered as a part of a nation's capital due to the costs and expenses. Furthermore, optimization is also among the issues that has always been considered in the construction industry and in most cases it has deficiencies like: The lack of an efficient program in terms of construction quality control, Lack of experienced and skilled professionals, Excessive use of fossil energy (non-renewable), Inappropriate use of material (during the production, use and disposal), Lack of appropriate architecture plans and the lack of regular inspections on the run. These factors have resulted in buildings that are contrary to the rules and standards of building construction (with poor quality) and also have caused serious damage to the country's capital. Hence, due to importance of this issue, we decided to study the process of how to provide construction permits (building permit) prior to construction and certification of completion at the end of construction. Building permit is an official and legal document, according to which, landowner (the applicant) can take action to building based on rules and regulations determined by the Government. The applicant can receive the building permit if the plans comply with the determined construction rules. In this paper, we first briefly review the current process of issuing building permit in Iran and then study this process in England (London). Finally we compare these two processes and study their strength and weaknesses.

**Institutions:**

Currently, municipalities of each region has the most important role in issuing the building permit and deputy of urban planning and architecture of the municipality and other different units cooperate with the municipality and in fact, licensing activity takes place in the following units: registry and filing units, Planning Secretariat, internal council, Department of Licensing, Department of Technical Inspection. It should be noted that local councils makes decisions on issues relating to street with width less than 12 m. The Council consists of four members, which include: Deputy Director of Planning and Architecture, Director of Licensing, Head of Planning and Director of the detailed plan of the region. Internal council of the municipality takes actions on minor mistakes and receiving the high density and Parking dues.

*Issuing Process:*

In the current process of issuing building permit, the landowner (applicant) should refer to municipality and obtain the building permit according to the following process:

*First stage: Registration:*

- 1- Filling the application for building permit
- 2- Presenting the property deed, paying the fee for the renewal of the building
- 3- Completion of all required documents.

*Second stage: Inspection:*

- 1- Inspection by the supervisor officer
- 2- Presenting the report to the Urban Planning engineer of the area

*Third stage: Inquiry and Detection of the type of ownership:*

- 1- Issuing pass card
- 2- Positioning the block through sketch and detecting type of land use
- 3- Locating the block on a map with scale 1:500 or 1:2500

*Fourth Stage: Determining land and floor, adaptation with the detailed plan and obtain guidelines to prepare the map:*

- 1- Determining land and floor of the block
- 2- Adaptation of the map and its land use with those of the latest detailed plan and receive an approval
- 3- providing license for the owner in order to create the plan
- 4- Offering the license to the architect to initiate designing the map

*Fifth Stage: Technical control:*

- 1- Reviewing architectural map along with its permission by the Urban Planning engineer of the region
- 2- Approving the maps and receiving a recommendation from the supervising engineer
- 3- Pay for Monitoring costs by the owner and delivering the signed paper to the municipality

*Sixth Stage: Paying other expenses, complete records and issuing building permit:*

- 1- Paying dues and taxes to department of Computing and receive a Receipt of payment
- 2- Deliver Receipt of payment to the municipality and Preparation of draft of building permit in the municipality
- 3- Approving the draft by head of issuing department and delivery to the Deputy Director of Architecture and Urban planning
- 4- Signing the license by the mayor and urban planning engineer of the region
- 5- Delivering the building permit to the owner

*Required documents:*

The required documents in the current process of issuing building permit include:

- 1- Property deed
- 2- A copy of birth certificate
- 3- Renovation pony form
- 4- A sketch map of the block
- 5- Location map of the block with scale 1:500 or 1:2500
- 6- Architectural design map with scale 1:100

*Certificate of building compliance and completion:*

In order to receive the certificate of compliance and completion, the owner (applicant) should fill and application and provide the required documents. This certificate is based on supervisions of the supervisor Engineer during building constructions so that the constructions progress according to the defined plan and Iran's National Building Regulations. Supervision takes place during the following steps:

- 1- After excavation
- 2- After Concreting and placing pillars
- 3- After completion of the building frame
- 4- During the joinery and finishing the façade

After above stages, the supervising engineer fills and approves the construction form and after presenting the report of compliance and completion, all the required documents should be studied by urban planning engineer of the region. After that another urban planning expert should inspect the building. If the constructions

fully conforms the building permit, then the draft of building completion certificate will be issued. After the approval of the head of technical inspection, architecture and urban planning, the certificate will be presented to the owner (applicant). It should be mentioned that if any contravention happens during the construction, the case should be studied in the internal council and after troubleshooting, the file goes through the next steps.

*Assessment of current process of issuing building permit in Iran:*

With regard to the issues that are mentioned in the above steps, we face with many problems, the most important of which, are mentioned below:

- 1- Lack of awareness and precise information of the applicant from the process of issuing license
- 2- Lack of up to date and practicable urban detailed plan
- 3- Necessity of a continuous following by the applicant, otherwise the process will face a delay
- 4- More attention to the office procedures rather than effective research work by the municipality experts
- 5- Lack of full compliance of Iran's national building standards and regulations
- 6- Lack of continuous presence of supervising engineer during the construction
- 7- Failure to provide structural and architectural plans when obtaining the building permit
- 8- The lack of specialists in various professional groups and a consequent degrade the quality of buildings
- 9- Lack of defined checklists for the supervising engineer to check in each step of construction
- 10- Failure to implement a phased construction after passing each step of inspection
- 11- Allowing increase in density in exchange for paying Duties without considering the facilities and infrastructures
- 12- Taking a long time for issuing the License due to the complexity of the process

As mentioned in the above, the current process of issuing building permit faces a lot of problems. The municipality of Tehran therefor presented a new idea and made changes in this process. However, before explaining the new system, we study the process of issuing this license in England to learn more about this process in other countries. At the end we compare the two processes and briefly study the proposed system of guidance and control of construction in Tehran.

*The process of issuing building permit in England (London):*

Issuing building permit in England is in fact providing public service and there are specific criteria for single detached, semi-detached and row housing in order to improve urban developments. This trend is consistent with the standards of housing construction, safety standards, and all standards for public safety and health.

Building permit is essential for any construction operations in the area over 10 square meters, based on "Ontario Building Code guidelines" and other rules that regulate construction.

*Institutions:*

Building permits in England are issued by the building office of planning and development department in London. It may also be necessary to refer to different institutions like Kettle Creek Conservation Authority (KCCA), Lower Thames Valley Conservation Authority (LTVCA), and Upper Thames River Conservation Authority (UTRCA) in order to receive a license, based on the block circumstances. But in fact, the entire process is done on the building office.

*Issuing Process:*

There are sample projects with both metric and an experimental system to demonstrate the quality of a desirable project to guide the owner, who is applying for a building permit in the building office. In London, the owner who wants to build his building should first refer to the building office and provide the list of plans and submit an application along with the drawings to the office so that the license is issued according to the following steps:

First Step: Requesting an application form and preparing the required maps:

- 1- Receiving an application
- 2- Slope map of the block
- 3- Architectural maps
- 4- Structure maps
- 5- Facility maps

Second step: Submitting an application along with the required maps and paying for the fees of issuing a license

Third step: Surveying the maps (Technical control) and issuing the building permit

*Documents:*

In order to receive a building permit, it is necessary to provide a comprehensive and detailed plan of the slope of the block, architecture, structure and facility. However, a certain number of them will be presented along with the application form that includes the following:

*Slope map of the block:*

- Setback of the four face of the building
- Building facades
- Area and surroundings of the block ( consisting of
- Parking ( car and pedestrian path)
- Housing pattern

*Architectural plans:*

- Underground plans
- Floor plans
- Facades
- Sections and details

It is also necessary to mention the type of materials or the level of thermal and humidity insulation and they should be carefully considered.

*Structure plans:*

- Foundation plan
- Ceiling or roof framing plan
- Floor framing plan
- Connection details
- Dimensions of pillars

Plan details should all be carefully drawn on the maps. Moreover details of fireplaces, heaters, prefabricated roofs etc. should also be mentioned in plans.

*Plan of facilities (heating system, Ventilating System and Air Conditioning [HVAC]):*

These information are presented in order to study the following items:

- Computing the outgoing and entered heat to the building
- Air channel design calculations
- ventilating system design
- details of size and model of all heating and cooling systems

*Control and supervision:*

In order to make sure that the construction follows the Ontario Building Code, it should be inspected for several times. The following items include the inspection that is required for single detached housing:

- 1- Before pouring concrete
- 2- Before filling the foundation
- 3- Before Internal plumbing coverage
- 4- Before running channel coverage for heating system, Ventilating System and Air Conditioning
- 5- After completion of the structure
- 6- Before humidity insulation for walls and ceilings
- 7- The last air test
- 8- The last inspection after completion of the project

Assessing the process of issuing building permit in United Kingdom

After studying the process of issuing building permit in UK and by considering the problems in the current system of issuing building permit in Iran, we can review the licensing process in UK as follow:

- 1- Identifying the need for a building permit for projects in guidelines
- 2- Providing a detailed guideline for the owner along with required plans (with samples)
- 3- Up to date detailed plans and an easy access to them
- 4- No need to continuous follow-up, and owner's presence in building section. (In case of preference, the license can be mailed to the owner.)
- 5- Obeying the zoning regulations and construction standards, based on Ontario construction codes.
- 6- Overlooking and inspection at the time of representing the plans and constructing the building.
- 7- Leveling the construction and starting each level if the previous one is accepted by an official inspector.

8- Representing detailed plans of slope, structure, facility and architecture at the time of construction, and consequently improving the quality of that.

9- Existing specific check lists for inspection at each level.

10- Introducing new technologies of construction to designers and contractors.

11- Opposing any violations from rules, and stopping the construction until such violations exist.

12- Adjustment of plans with zoning rules.

13- Shortening the duration of getting the building permit. (It must be said that in contrast with Iran, there is no need to continuous presence of the owner. The procedures are done through the automation system, and it lasts utmost two weeks from the time informed to the owner.)

In comparison with Iran, in England, the process of issuing the building permit is completely clear, and is done before going through further steps, while the owner is well informed, which makes them feel comfortable, and prevents them from wasting their time by referring to different sections for a large number of times. The owner can be informed about the status of his or her request via internet. This, in company with mailing the building permit to them, would result in saving time and simplifying the regulations.

All the mentioned items are positive aspects of issuing building permit in England, and considering the large number of problems in current process of issuing building permit in Iran, these items can be considered as ways of improving the current state. It must be mentioned that Tehran's municipality published a comprehensive report about the system of *controlling and leading constructions* at Tehran, which will be discussed later in this manuscript.

*The survey of the new controlling and leading system for urban constructions (Tehran):*

The team of *controlling and leading constructions* as the supreme supervisor consists of the following sections:

1. Central section:

Tasks: Arranging, leading, and managing all the steps of issuing required justifications for construction such as building permit.

2. Regional section:

Tasks: supervision on sub-sections, controlling the issued building permits, and codifying the procedure of issuing it and other licenses.

3. Engineering companies:

Tasks: consulting with designing groups, supervision, and technical control based on issued licenses.

4. Designing and supervision groups:

Tasks: Designing, supervision, and representing reports to engineering companies.

*The process of issuing building permits in the new system of controlling and leading constructions First Step:*

1. Referring to one of the engineering companies.

2. Getting guidance, an application form, a list of required documents and the procedure of getting the license.

3. Preparing required documents and completing the application form by the applicant.

*Second Stage: Initial Review:*

1. Reviewing the represented documents by one of the engineering companies.

2. Submitting the initial dossier (if completed) along with the comment request form of the detailed plan to regional section.

3. Reviewing documents, represented by the engineering companies about the result.

*Third Stage: Finalizing the Dossier:*

1. Selecting the designing and supervisor group by the applicant (in case of being admitted).

2. Filling the relating form and survey report by the design and supervisor group.

3. Representing all of the documents and filled forms to the engineering company for judicial dossier.

*Forth Stage: Preparing Designs, Architecture and Executive Plans; and Paying Imposition:*

1. Reviewing the represented dossier by the engineering company and the justification of drawing plans for designing and supervision groups.

2. Drawing the first phase of architectural plans by drawing and supervision groups and representing them to the engineering company.

3. Controlling the first phase plans by the engineering company, and representing a justification for drawing executive plans.

4. Drawing second phase executive plans by design and supervision groups and representing plans and calculation documents to engineering company for reviewing

5. Paying relating imposition by the owner and representing bills to engineering companies.

*Fifth Stage: controlling the dossiers issuing the license:*

1. Reviewing phase two plans by the company and representing the draft of license along with the dossier to regional section for final confirmation.
2. Issuing the building permit, signed by authorities. And representing that to engineering companies.
3. Representing the license to the applicant and designing group.

*Required documents:*

Required documents to receive the building permit, includes plans, designs and other documents in the following:

1. The 1:2000 plan (It can be prepared by GIS)
2. Plans, which help to omit inquiries for the path of strands; metro and railway lines; high power lines; green areas, to name but a few.
3. Plans of land use, density and executive plans based on urban rules and comprehensive scheme.
4. Partial plans (including the plans of fault; sanctum; location of valuable houses; cultural, entertainment, and educational centers; to name but a few.
5. Plans, designs and studies of some special regions of the city, which include some specific confines.

Regional Drawings consist of:

1. Plans of the status of the land and the location
2. Architectural plans of phase two

*Verification of Implementation License:*

1. To have this license issued, following steps must be passed:
2. Request for the license and representing that to designing and supervision group.
3. Surveillance by the designing and surveillance company.
4. Reviewing the report of designing and surveillance group by the authorities of engineering company.
5. Preparing the draft by the engineering group and representing that to regional section.
6. Checking the dossier and visiting the site by the regional section.
7. Submitting the license to the engineering company to be delivered to the applicant.

*Certificate of building completion:*

8. Filling the relating form by the designing and supervision company
9. Reviewing the form by the engineering company; controlling and reviewing it by the auditing company.
10. Preparing and submitting the draft of the license to regional section.
11. Issuing the license, signed by the authorities and submitting it to the engineering company to be delivered to the applicant and designing group.

*Conclusion: Evaluation of the new system of directing and control of construction:*

In conclusion, as it was mentioned the article, the current process of issuing building permit has many deficiencies and even the new controlling and leading system could not resolve this problem. One of the main drawbacks in this process is ambiguous regulations that are referred to by municipalities and the lack of defined rules in controlling architectural plans. Another problem in this process is evaluation of architectural plans based on rigid regulations and lack of qualitative evaluation of plans. Municipalities can benefit from technical and professional organizations like engineering council of provinces in qualitative evaluation of plans.

The new controlling and leading system not only could not solve the problems of traditional licensing process, but also confronted with a more complex bureaucracy. In this new system the owner first refers to engineering and technical companies to submit his application and then all his documents will be sent to the municipality to be controlled and this sweeping process between the engineering company and the municipality prolongs the process of issuing building permit. Moreover, in action, this system cannot provide the continuous observation on building construction that it was supposed to provide.

The following suggestions are based on the current system of issuing license in Iran and the study on the process of issuing a building permit in UK:

- 1- Separation of duties in institutions and informing the owner of the process beforehand
- 2- Preparing up to date detailed plans by using GIS
- 3- There be no need for the owner to continually track the process and undertaking
- 4- Decentralization of activities in the municipality
- 5- Full compliance with national building standards and regulations through continuous monitoring and control of the observers

- 6- continuous monitoring and control of the observers over preparation of plans and their implementation
- 7- Providing architectural, structure and facility plans and necessity to approve them before issuing the license
- 8- Necessity to follow defined checklists in each step of the process
- 9- Compliance of plans and their implementation with building regulations

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