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Our ref: TG:FW:23-TGS0100

Your ref:

Date: 14th November 2023

Paul Mallorie
Oasis Residents Association Ltd
c/o Mallorie Estates
Suite 8
The Old Pottery
Manor Way
Verwood
BH31 6HF

Dear Paul Mallorie,

re: The Oasis, 45 - 47 Lindsay Road, Poole, BH13 6BG

Further to your enquiry regarding the Building Safety Act and the classification of higher rise and relevant buildings, higher rise is established from the lowest floor of an accommodation to the top floor accommodation.

The Oasis has two blocks of flats.

Block A consists of Flats 1-48. The building has 7 floors and a height of 18.6 metres to the penthouse floor of accommodation. Block A will fall under the controls of the Building Safety Act.

Block B is below 18 metres and not 7 storeys. There are 4 floors of accommodation with a height of 8.7 metres to the top accommodation floor.

I am of the opinion that the block B does not reach the threshold of 18 metres under section 117.

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8-12 Ryall Road, Poole, Dorset, BH17 9FA
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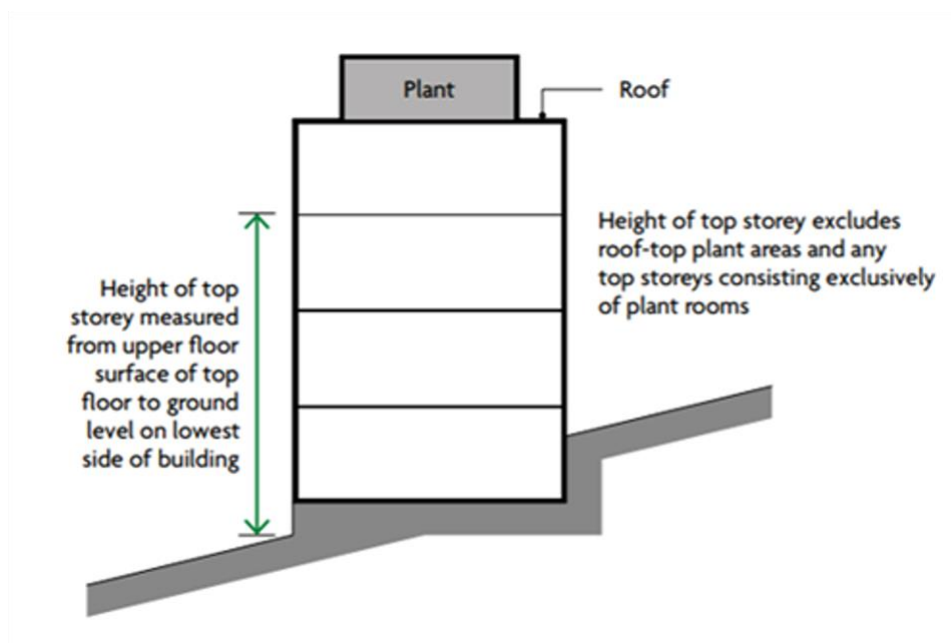
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2.5 The Building Safety Act 2022 sets the height threshold for buildings included in the new regime as at least 18 metres in height or at least 7 storeys. The Act means that buildings meeting this height threshold with at least two residential units will be within the scope of the new regime when they are occupied.



Relevant Building

1. The leaseholder protections in the Building Safety Act 2022 only apply to “relevant buildings”. This guidance explains what is meant by that term.
2. It also clarifies how to measure building height and how to determine the number of storeys a building has.

Definition of Relevant Building

For a building to be defined as a “relevant building”, **it must meet all of the following criteria:**

- a. it is at least 11 metres in height or has at least five storeys (whichever is reached first)
- b. it contains at least two dwellings
- c. it is not a leaseholder owned building

A relevant building can be either a self-contained building or a self-contained part of a building. A self-contained building is a detached building.

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Definition of Relevant Building *cont'd...*

Commonhold buildings are not relevant buildings because each unit-holder is entitled to be a member of the commonhold association (which owns the freehold to the structure and common parts of the building). There is no separate building owner to whom costs can be passed to. I believe Branksome Towers falls into this and therefore would not be a relevant building.

Leaseholder-owned buildings are also not “relevant buildings” as there is no separate building owner to whom costs can be passed. Leaseholder-owned buildings could include:

- a. collectively enfranchised buildings – where some, or all, of the qualifying leaseholders have bought the building’s freehold.
- b. any building where leaseholders directly own the freehold, including through a company, where there is no separate freeholder.
- c. other circumstances where the freehold is owned 100% by one or more leaseholder.

Conclusion

In conclusion, I am of the opinion that The Oasis’ Block A is a building of higher risk under the Building Safety Act and is not a “relevant building” as it is a commonhold or leasehold owned building.

Block B does not fall under the provision of the Building Safety Act and is not a higher risk or relevant building under the Act, being under 11 metres in height.

Should you have any queries with regard to the above, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Green'.

TOM GREEN MSc BSc (Hons) MCIAT MRICS C.Build E FCABE
MCI Arb IHBC IMA PS PG Dip (Const. Adj)
Managing Director