

## Architectural Work / New Build

### What is it?

Architects typically design buildings such as houses, offices, skyscrapers, schools, churches, warehouses and hospitals. They can also inspect the progress and quality of building work on the building site. Often they assume the role of project coordinator or contract administrator, monitoring the work undertaken by the project team and building contractor to see that the project is delivered on time and within budget.

### Types of claim

The architect will be liable to his or her client if the design produced is not in accordance with the art and science of architecture, as opposed to sound principles of building or engineering. In other words, whilst an architect will have certain knowledge of construction techniques and engineering principles, they are not specialist in either. They have a duty, therefore, to have regard for the difficulties their fellow professionals may face in making their design work, be it the structural design and calculations of the engineer, or the physical possibility of actually building a stable development. If the architect's design is too difficult, a claim is more likely to result, and the architect would doubtless be claimed against as a result. The architect has a continuing duty to see that the design will work, so the initial design must be constantly reviewed and, if necessary, corrected as the project proceeds. This includes consideration of fire regulations.

Cost overruns are common, usually where the architect's client changes their initial requirements and the architect fails to advise the client of the resultant additional cost and additional time required to complete the construction.

New buildings require planning permission from the local authority or an approved inspector before construction may commence. Failure to apply or failure to obtain the right type of permission can lead to significant claims.

## Architectural Work / Non-Structural Refurbishment

### What is it?

Work of this nature often involves the aesthetic restoration and repair of old buildings, as distinct from interior design.

### Types of claim

Claims can arise when the finished work is not in accordance with the former appearance. As the work does not involve load-bearing elements of construction, there is a much lesser likelihood of sizeable claims.

Where the work involves distinctive, architecturally challenging designs, as is often the case with churches and cathedrals, any claim is likely to be more significant due to complexity and perhaps cost of materials. Work on listed buildings is another potential area of concern.

## Town Planning / Feasibility Studies

### What is it?

The role of the architect in planning is often closely related to feasibility work. Virtually all construction projects will require some form of planning permission, should it be a single-storey extension to a house or a new football stadium. The architect will play a role in either obtaining the planning permission or advising on the likely planning restrictions or requirements. There are professionals who specialise purely in planning issues and are members of the Royal Institute of Town Planners. They are not architects and are usually involved in larger construction projects where there are more contentious planning issues that require their specialist advice.

Town planning involves design and consultancy work in connection with the outdoor environment, identifying where homes, transport links and community facilities should be located, but at the same time balancing the need for new development against conservation of wildlife, green areas and historic buildings and places.

Feasibility studies involve assessing the viability and practicality of a proposed new development, primarily in terms of financial projections, appropriateness of site and possible difficulties in obtaining planning permission.

### Types of claim

The very nature of town planning work means that planners are particularly familiar with local authorities, and are therefore well placed to assist clients in obtaining planning permission for building work, or becoming involved when a client requires advice regarding planning appeals. Although claims are very few in number, it is in these areas where they are particularly likely. Planning consents are subject to time limits and are frequently given with certain restrictions or requirements. If obtaining funding, for example, delays a project, consent may have to be renewed which could be expensive. Alternatively an architect involved in obtaining planning permission that does not meet the client's requirements may face a claim.

Liability for feasibility studies is usually only likely once a development reaches the physical building stage. If costs were to escalate above those indicated as likely by the feasibility study, the architect's client could exceed their budget and therefore claim that they would not have proceeded with the project if the study had been more accurate. As an aside, if a feasibility study indicated that a project was not commercially viable; the architect may have difficulty obtaining their fees for the work.

## Architectural Consultancy

### What is it?

Work could include structural refurbishment and renovation of existing buildings. Value engineering or value management could be undertaken where advice is given to reduce the running costs of a development whilst maintaining equivalent performance, and to assess the likely lifetime running

costs of a development. (Despite being referred to as “engineering”, there is often overlap in the work undertaken by construction professionals, and engineers, architects and surveyors are all able to perform this work.)

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## Interior Design

### What is it?

Architects are commissioned by clients wishing their offices, shops or other premises to convey certain qualities such as style, professionalism, power and serenity by the visual redesign and alteration of the existing layout, achieved through light, acoustics, furnishings and ornaments. Another term for interior design is “space planning”.

### Types of claim

Claims can result when the client is displeased with what can be a radically different appearance to what they envisaged. It is therefore important for architects to be good communicators, being able to explain their ideas and vision to their clients.

## Survey and Valuation

### What is it?

Architects may be asked to give a report of the general condition of a building, or even a more-specific survey and valuation. As value and condition are both areas for disagreement, architects should be wary of giving advice in this area, and advise their client to seek advice from a chartered surveyor.

### Types of claim

The problem with survey and valuation work for lending purposes is where the architect or surveyor values at one figure, the bank or other lending institution advances money to the purchaser based on the valuation, the purchaser defaults on the loan, and once the property (which is collateral for the loan) is repossessed by the lender, they find it is worth less than the valuation. The lender sells the property at a sum lower than the value of the loan minus any repayments from the purchaser, and then seeks recompense from the valuer for any shortfall. The recent property crash has significantly contributed to claims against surveyors and architects.