

THE
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in practice
9TH EDITION

DAVID CHAPPELL & ANDREW WILLIS



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The Architect in Practice

Ninth Edition

David Chappell

Andrew Willis



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The Inspiration

From a pseudonymous letter of a quantity surveyor to
the *Builder*, 9 March 1951

'I have great admiration for an architect who does his job well, because he has one of the most difficult jobs in the world. He must be an artist but at the same time in his administration of a building contract be a business man, and in interpreting it even something of a lawyer.'

The Dedication

To Arthur Willis, Christopher Willis and Bruce George
and

To the architectural profession
in the hope that the book may encourage that co-operation of which its joint authorship is
a symbol

Preface

Architecture is undoubtedly one of the professions that can be enjoyed. It offers a wealth of interest in a variety of fields which few other professions can match, and provides an emotional satisfaction which only the other arts can stimulate. It exacts a high price for this enjoyment, however, and in order to derive the fullest pleasure from it architects must devote themselves completely to its study and practice. The more proficient they become and the greater mastery they can acquire, the more complete will be their enjoyment. In common with other professions architects owe a duty of care to their clients but they have a greater responsibility than most in that the buildings and environments they create may well have a profound effect on the population at large.

Ability to design and skill in draughtsmanship or in using computer-aided design (CAD) equipment will not on their own make an architect. The purpose of this book is to present to architectural students, and perhaps the less experienced practitioners, some indication of the practice and procedure with which they must be acquainted if they are to follow their profession with success. They must find clients to employ them, they must be able to manage an office and be responsible for a good deal of administrative work in connection with construction contracts, and they must know something of finance, law, the general structure of the construction industry and the organisation and requirements of those authorities who exercise so much control over their day-to-day work. Let the readers, therefore, leave their drawing boards or move away from their CAD equipment and settle down to their desk or armchair to study an aspect of their work which is essential to make them efficient architects.

The architect's work is here looked at mainly from the angle of the private practitioner dealing with the JCT forms of contract, though references are made where appropriate to public service practice and to the Government and other forms of contract. Architects in private practice are often commissioned to act for public authorities and they must therefore be able to adapt to the differing conditions which this type of work involves.

The chapters have been arranged in the natural sequence of the progress of a construction contract. Part I opens with an introduction to the construction industry and is followed by some basic principles of practice, sources of information, legal and administrative matters. Part 2 follows the running of a construction project, the chapters being based on the work stages of the RIBA Plan of Work. Part 3 ends the book with what can best be described as management matters, covering finance, insurance, obtaining work and employing staff. Each chapter includes some illustrations, and ends with notes of law cases together with a selected bibliography.

The Architect in Practice was first published over 50 years ago in 1952. It was written by a quantity surveyor and an architect, both of whom had a flair for writing and who, after working together for some years, came to the conclusion that a textbook on architectural practice was needed. Since then, through eight editions, it has remained a leading textbook used in the education of architects worldwide. It is of some note that the mantle of quantity surveying author has passed down through three generations of the Willis family.

After much heart-searching and after taking soundings in the profession and from the schools of architecture throughout the UK, it was decided to radically change the format for the seventh edition. To the relief of the authors, the revised format was well received and has been continued. While the format changed, the message and philosophy remain the same: here is a book which tries to present to the reader some of the elementary duties that architects owe to clients and contractors alike, and to endorse the adage that of the many responsibilities that are borne by the architect, the greatest is the duty of care.

Not only has practice changed; in many ways it has become more complicated. For instance, there is now a plethora of forms of building contract to choose from and it is not possible to write in any detail on such a wide subject; it warrants a set of textbooks on its own. The most helpful thing that we can do is to point the reader to relevant sources for this and other allied subjects.

This edition has been thoroughly revised to bring it up to date. Among other things, it takes a detailed account of changes to education of architects in the UK, substantial changes in Planning, including the Planning and Compulsory Purchase Act 2004, the Building Regulations 2000 (as amended), the Building (Approved Inspectors etc.) Act 2000, the new RIBA Code of Conduct which came into force on 1 January 2005, the Limited Liability Partnership Act 2000 and the April 2004 update of the Standard Form for the Appointment of an Architect 1999 (SFA/99). From May 2005, the Joint Contracts Tribunal commenced the issue of a new suite of main and sub-contracts to take the place of existing contracts. The new contracts have been substantially revised in both structure and detail. All references to JCT contracts in this book have been updated, where appropriate, to refer to the new contracts. At the time of writing, the RIBA and RICS have not issued revised contract administration forms, therefore the contract administration forms reproduced in this book are still referable to the old (1998) contract editions. In most cases, the old forms will still be useable with the new contracts, or useable if minor changes are made.

Finally, we hope that our efforts will assist future generations of architects in the way that Arthur Willis and Bruce George assisted our generation.

David Chappell
Andrew Willis
June 2005

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The RICS forms 'RICS Statement of Retention and Nominated Sub-contractors' Values' and 'RICS Valuation', reproduced on pages 245 and 248, can be purchased by contacting RICS books on 0870 33316000 option 3.

Abbreviations and Acronyms

AA	Architectural Association
ABE	Association of Building Engineers
AC	Appeal case
ACA	Association of Consultant Architects
ACAS	Advisory, Conciliation and Arbitration Service
ACE	Architects Council of Europe, Arts Council of Europe, Association of Consulting Engineers
All ER	All England Law Reports
APM	Association for Project Management
ARB	Architects Registration Board
ARCHOAS	National Architecture Student Association
ARCUK	Architects Registration Council of the United Kingdom
ASI	Architects and Surveyors Institute
BBA	British Board of Agrément
BCIS	Building Cost Information Service
BEC	Building Employers Confederation
BLR	Building Law Reports
BPF	British Property Federation
BRE	Building Research Establishment
BSI	British Standards Institution
BSRIA	Building Services Research and Information Association
BUILD	Building users insurance against latent defects
CABE	Commission for Architecture and the Built Environment
CAD	Computer-aided design
CAS	Clients Advisory Service (RIBA)
CAWS	Common Arrangement of Work Sections
CBI	Confederation of British Industry
CC	Construction Confederation
CCPI	Co-ordinating Committee for Project Information
CDM	Construction (Design and Management)
CIArb	Chartered Institute of Arbitrators
CIB	Construction Industry Board
CIBSE	Chartered Institution of Building Services Engineers
CIC	Construction Industry Council
CIJC	Construction Industry Joint Council
CILL	Construction Industry Law Letter
CIOB	Chartered Institute of Building

CIRIA	Construction Industry Research and Information Association
CI/SfB	Construction Information/Samarbetskommitten for Byggnadsfragar
CITB	Construction Industry Training Board
CLD	Construction Law Digest
CLEUD	Certificate of lawfulness of existing use or development
CLOPUD	Certificate of lawfulness of proposed use or development
ConLR	Construction Law Reports
ConstLJ	Construction Law Journal
CPA	Construction Products Association
CPD	Continuing professional development
CPI	Co-ordinated project information
CPIC	Construction Project Information Committee
DCMS	Department of Culture, Media and Sport
DOE	Department of the Environment
DLP	District Local Plan
EAAE	European Association for Architectural Education
ECTS	European Credits Transfer Scheme
EDC	European Development Council
EEA	European Economic Area
ENHSA	European Network of Heads of Schools of Architecture
EPIC	Electronic Product Information Co-operation
EU	European Union
FCEC	Federation of Civil Engineering Contractors
FSoS	First Secretary of State
GDP	Gross domestic product
GPDO	Town and Country Planning (General Permitted Development) Order 1995
IAAS	Incorporated Association of Architects and Surveyors
IC	JCT Intermediate Building Contract 2005 series
ICE	Institution of Civil Engineers
ICW	Institute of Clerks of Works of Great Britain Incorporated
IEE	Institution of Electrical Engineers
IFC 98	JCT Intermediate Form of Contract 1998 edition
ILA	Institute of Landscape Architects
IMechE	Institution of Mechanical Engineers
ISO	International Standards Organisation
IStructE	Institution of Structural Engineers
JCT	Joint Contracts Tribunal
JCT 98	JCT Standard Form of Building Contract 1998 edition
JVP	Joint validation panel
LADs	Liquidated and ascertained damages
LDD	Local Development Document
LDF	Local Development Framework

LI	Landscape Institute
LLP	Limited Liability Partnership
MW	JCT Minor Works Building Contract 2005 series
MW 98	JCT Agreement for Minor Building Works
NBS	National Building Specification
NEDO	National Economic Development Office
NJCBI	National Joint Committee for the Building Industry
NJCC	National Joint Consultative Committee for Building
NSC/A	Standard Form of Nominated Sub-contract Agreement
NSC/C	Standard Form of Nominated Sub-contract Conditions
NSC/N	Standard Form of Nominated Sub-contract Nomination
NSC/T	Standard Form of Nominated Sub-contract Tender
NSC/W	Standard Form of Nominated Sub-contract Warranty
ODPM	Office of the Deputy Prime Minister
PAYE	Pay as you earn
PC	Prime cost
PCC	Professional Conduct Committee
PD	Permitted Development
PERT	Performance Evaluation and Review Technique
PFI	Private Finance Initiative
PII	Professional indemnity insurance
PPG	Planning Policy Guidance
PPP	Public Private Partnership
PPS	Planning Policy Statement
PSA	Property Services Agency
QA	Quality assurance
RIAI	Royal Institute of the Architects of Ireland
RIAS	Royal Incorporation of Architects in Scotland
RIBA	Royal Institute of British Architects
RICS	Royal Institution of Chartered Surveyors
RPB	Regional Planning Body
RSS	Regional Spatial Strategy
RSAW	Royal Society of Architects in Wales
RSUA	Royal Society of Ulster Architects
RTPI	Royal Town Planning Institute
SBC	JCT Standard Building Contract 2005 series
SFA	Standard Form of Agreement
SMM	Standard Method of Measurement for Building Works
SPV	Special Purpose Vehicle
UCAS	Universities and Colleges Admissions Service
UCO	Town and Country (Use Classes) Order 1987
UDP	Unitary Development Plans
VO	Variation order
WLR	Weekly Law Reports

Contents

<i>Preface</i>	xi
<i>Acknowledgements</i>	xiii
<i>Abbreviations and acronyms</i>	xiv
Part 1 Background to Practice	1
1 The Construction Industry	3
1.1 Introduction	3
1.2 Importance of the construction industry	3
1.3 Characteristics of the construction industry	4
1.4 The people	4
1.5 Organisations	11
1.6 The future of the construction industry	16
2 Basics	18
2.1 From education to registration and beyond	18
2.2 Routes to architectural education and professional qualification	18
2.3 Schools of architecture, validation and prescription	19
2.4 Duration of programmes, fees, costs and financial assistance	24
2.5 Practising architecture in the UK system	24
2.6 Practising in other member states of Europe	25
2.7 Erasmus-Socrates student exchange programmes	27
2.8 Registering with ARB	29
2.9 The ARB Code: Standards of Conduct and Practice	30
2.10 RIBA Code of Conduct	38
2.11 Protection for the consumer	41
2.12 Continuing professional development (CPD)	46
3 Employment	49
3.1 Introduction	49
3.2 Private practice	49
3.3 Local authority	51
3.4 Other public organisations	53

3.5	Large companies	53
3.6	Contractors	54
3.7	Manufacturers	55
3.8	Teaching	55
3.9	Other specialisation	56
3.10	Adjudicator, arbitrator or expert witness	56
4	Types of Practice	59
4.1	Sole principal	59
4.2	Partnership	60
4.3	Unlimited liability	64
4.4	Limited liability	65
4.5	Public company	67
4.6	Limited partnership	68
4.7	Limited liability partnerships	68
4.8	Co-operative	69
4.9	Group practice	69
4.10	Developer/architect/contractor	71
5	Sources of Information	72
5.1	Basic library	72
5.2	Classification and proprietary systems	73
5.3	Information technology	75
5.4	Selected project records and feedback	75
5.5	Legal/administrative	76
5.6	RIBA information line	81
Part 2	Running a Project	83
6	Stage A: Architect's Services	85
6.1	Enquiries	85
6.2	Extent of services	85
6.3	Fee negotiation or tendering	95
6.4	Terms of appointment	101
6.5	Duty of care agreements (collateral warranties)	117
7	Stage A: Appraisal	124
7.1	Feasibility studies	124
7.2	Consultants	129
7.3	Project managers	130
7.4	Procurement paths and implications for the professional	133

7.5	PFI contracts	142
7.6	Partnering	144
8	Stage B: Strategic Briefing	147
8.1	Sequential framework and plan of work	147
8.2	Site and building acquisition	148
8.3	Surveys	150
8.4	The brief	156
8.5	Reporting	157
9	Stages C and D: Outline and Detailed Proposals	158
9.1	Design data	158
9.2	Outline proposals and development	159
9.3	Cost estimates and planning	161
9.4	Town planning applications and approvals	162
9.5	Other approvals	176
9.6	Property	176
9.7	Contract selection and implications	184
10	Stages E and F: Final Proposals and Production Information	189
10.1	Final design proposals	189
10.2	Building Regulations 2000 (as amended)	191
10.3	Production information	202
11	Stages G and H: Tender Documentation and Tender Action	206
11.1	Introduction	206
11.2	Co-ordinated project information	206
11.3	Bills of quantities	207
11.4	Specifications	213
11.5	Schedules of work	216
11.6	Activity schedules	216
11.7	Tendering	217
11.8	Preparing the contract documents	225
12	Stages J and K: Mobilisation and Construction to Practical Completion	227
12.1	Contractor's programme	227
12.2	Meetings	228
12.3	Site inspections	232
12.4	Safety	233
12.5	Architect's instructions and variations	234
12.6	Variations and their valuation	237

12.7	Controlling costs	240
12.8	Workmanship and materials	241
12.9	Certificates and payments	244
12.10	Delays and extensions of time	252
12.11	Financial claims	255
13	Stage L: After Practical Completion	258
13.1	Termination	258
13.2	Practical completion	261
13.3	Rectification period	265
13.4	Adjustment of contract sum	266
13.5	Final certificate	269
13.6	Feedback	272
Part 3	General Office Matters	277
14	Management Principles	279
14.1	Objectives	279
14.2	Leadership	280
14.3	Communication	281
14.4	Delegation	282
14.5	Motivation	283
15	General Office Practice	285
15.1	Introduction	285
15.2	Telephone, facsimile (fax) and e-mail	285
15.3	Information technology	287
15.4	Letter writing	288
15.5	Reports	289
15.6	Filing	290
15.7	Office-based meetings	292
15.8	Drawing office practice	292
15.9	Computer-aided design	296
15.10	Presentation	297
15.11	Reproduction	298
15.12	Work programming	298
16	Finance and Accounts	300
16.1	Introduction	300
16.2	The accounts	300
16.3	Profit and loss account	300

16.4	Balance sheet	301
16.5	Assets	302
16.6	Liabilities	303
16.7	Capital	303
16.8	Finance	303
16.9	Cash forecasting and budgeting	304
16.10	Books of account	305
16.11	Fee invoicing	305
16.12	VAT	305
16.13	Computerisation	306
16.14	Annual accounts/auditing	306
16.15	Staff time records	306
17	Insurance	309
17.1	Introduction	309
17.2	Premises and contents	310
17.3	Public liability	310
17.4	Employer's liability	311
17.5	Professional indemnity	311
17.6	BUILD insurance	312
17.7	Other insurances	313
18	The Architect as Employee	314
18.1	Finding employment	314
18.2	Acceptable job titles	330
18.3	Employment	331
18.4	Job description	335
18.5	Hours of work	337
18.6	Overtime	337
18.7	Salary	338
18.8	Perks	339
18.9	Professional activities	340
18.10	Expenses	341
18.11	Leave	342
18.12	Disciplinary and grievance procedure	346
18.13	Notice and dismissal	346
18.14	Spare-time practice	347
18.15	Discrimination	349
19	Attracting Work	351
19.1	Active marketing	351
19.2	Practice brochure	353

19.3	Advertising	353
19.4	Contacts	354
19.5	Competitions	354
19.6	Keeping clients	355
<i>Table of Cases</i>		356
<i>Index</i>		359

Part 1

Background to Practice