

EAST AFR. PROT.

C.O  
27671

REC'D  
JUN 20

27671

L. A. G.  
DOWRING

422

DIFFERENCE OF OPINION BETWEEN NAIROBI MUNICIPAL  
COUNCIL AND HEALTH AUTHORITIES

1920

28th APRIL

Last previous Paper.

Trans correspondence re for decision on

Sir H. Head.

This point was raised by  
Sir E. Northey at the T.M.C. (2<sup>nd</sup> meeting  
of Dec 2<sup>nd</sup>) (see page 2 of minutes  
below) and he will, we doubt  
doubtless be very soon told on  
his return.

But we might in reply to  
this dispatch send out the  
appropriate extract from the  
minutes & say that, while  
existing houses, not exceeding the 60°  
angle used as the standard, & while  
new streets, and will be desirable  
as to give a 45° angle for existing  
houses, no new houses should be  
built that would be

Recd 8<sup>th</sup> 24 June 20

Next subsequent Paper.

45° is what you require about a  
that would be the construction of  
a sheet boundary of a rock etc  
according to 45°

[I do not think we need pin down  
the Municipal Council must be kept  
in full in hand on sanitary matters  
and I do not see any contradiction  
in B. Radford's views about  
knowing what a sanitary night  
is (a) sloppy, (b) draughty.]

C. Col. 18/6/70

I do briefly reply that the  
matter has been dealt with the  
T.A.M.S. etc by Mr. S. Mottley  
and will no doubt deal with  
the matter in his return - or  
and not to retreat from the  
point

at once  
H. J. R.  
18/6/70

Rings

27671

GOVERNMENT HOUSE 458  
NAIROBI  
BRITISH EAST AFRICA

28 April, 1920.

My Lord,

I have the honour to submit for Your Lordship's consideration a difference of opinion which has arisen between the Nairobi Municipal Council and the health authorities with regard to the suggested amendment of the present regulations governing the heights of buildings, abutting on a street, and more especially the angle of elevation specified in Rule 43 of the Nairobi Township Rules, 1917. The arguments adduced by the respective parties are summarized in two memoranda, copies of which accompany this despatch.

2. The point at issue formed the subject of a Deputation to Sir Edward Northey prior to his departure and a promise was given that the matter would be referred for adjudication to Your Lordship in consultation with your technical advisers.

3. It will be seen that the views of the Principal Sanitation Officer only reached me recently and it has been impossible, therefore, to forward the correspondence at an earlier date.

4.

RIGHT HONOURABLE  
VISCOUNT MILNER, P.C., G.C.B., G.C.M.G., &c., &c.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W.

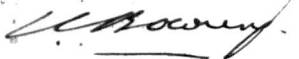
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4. I understand that Professor Simpson, prior to his departure from the Protectorate, drafted certain Rules for the guidance of the Nairobi Municipal Committee, recording his opinion, "inter alia", that "the height of a building should not exceed the width of the street on which it abuts" and that Rule No.43 of the Nairobi Township Rules, 1917, was based on that recommendation.

I have the honour to be,

Your Lordship's

humble, obedient servant,



ACTING GOVERNOR.

In Date 22. 29. 4. 1920

MEMORANDUM BY NAIROBI MUNICIPAL COUNCIL  
RE PROPOSED AMENDMENT OF RULES REGULATING HEIGHT OF  
BACKS OF BUILDINGS.

27671  
REC'D  
MAY 20

1. A print of existing rules is attached. The governing Rule is No43 which provides that the height of a building, both back and front, shall be governed by an angle of 45 degrees taken from the opposite side of the street or lane on which the building fronts or backs. Attention is also invited to (1) Rule 99, under which new buildings in the Commercial Area must be kept 15 feet back from the centre of any sanitary lane; (2) Rule 44, under which, where a building is used or designed for human habitation, one third of the plot must be kept open space, only a caretaker being allowed to reside on the premises where the plot is wholly built over; (3) Rule 501 controlling overcrowding; and (4) the recently passed Townplanning Ordinance, under which the Local Authority will have power to prescribe maximum height of buildings, number of storeys etc. in the different areas of the township.

2. The Municipal Council seek to alter Rule 43 so that backs of buildings shall be governed by an angle of 60 degrees instead of 45 degrees. A sketch showing the effect of the rule and of the Council's proposed amending Rule is attached.

3. The state of affairs which their proposal is designed to remedy is as follows. There are certain streets in the town, particularly Government Road (to which, if Government insist, their proposals might be restricted, as its commercial importance far exceeds that of the others) in which, owing to the fact that the back lanes are 30 feet in width, and the depth of the plots is only 75 feet, the existing rule prevents the erection of buildings of more than 2 storeys in height all over. (The height of storeys must be at least ten feet under

Enclosure 1.

Enclosure 2.

under Rule 56, plus thickness of floors and ceilings). Even under existing restrictions which only came into force in 1913, the average price of Government Road plots, bare of buildings, is £4000, or about 21 per square foot. It will be hardly be disputed that the imposition of such drastic restrictions on property whose commercial importance is attested by prices such as these, and which is situated in the principal commercial thoroughfare of the town, could only be justified by overwhelmingly serious sanitary considerations.

4. It might reasonably be assumed that if such considerations existed, the expert sanitary officers of the Government would be able to give some intelligible indication of their general nature: but it is not too much to say that the arguments urged by them have completely broken down under examination. The Principal Sanitation Officer brought forward three arguments, two of which (namely, that high buildings backing on narrow lanes lead to stagnation of air, or alternatively, to too violent gusts of wind, as in American cities) appear to be mutually destructive. His third argument was to cite Bombay as an instance of the best modern sanitary practice, and there, he stated, the 45 degree rule was in force. His information on this point appears to have been incorrect, as the Bombay Rules ( a print of which, forwarded by Bombay Municipality, is attached) prescribe an angle of 63½ degrees both back and front. It will be seen therefore that Nairobi under the Council's proposal will still be considerably ahead of the city which he selected as his model. Information regarding other cities is not readily accessible in Nairobi: but it is known that in Buenos Ayres, Laurence Marquee and the towns of the

Enclosure 3.

Union the regulations are not more stringent than those of Bombay, and the Council have yet to hear of a city of any importance where three storeys are not allowed in the main streets.

Enclosure 4.

Extract from the Report of the meeting at which Dr. Radford stated his case is attached. It should be explained that at that meeting the proposal under consideration was to do away with the application of Rule 43 to backs, in view of the recent alteration to Rule 99. In deference to Dr. Radford the Council abandoned this proposal in favour of that now under consideration. The latter however was rejected without explanation or discussion: and at the interview which His Excellency the Governor granted to a deputation of the Council on the subject, when Dr. Radford was unfortunately absent, the only argument which the Principal Medical Officer, Dr. Milne was able to advance was that overcrowding might occur in buildings of over two storeys in height.

5.

The only grounds on which the Council can conceive any sort of a case being stated against their proposal are (1) that it would lead to the lanes receiving insufficient light and sunshine: and (2) that it would lead to stagnation of air in the lanes. The argument as to light is one which Dr. Radford expressly stated to be of secondary importance. The 45 degree rule as a municipal regulation emanated originally from a garden city suburb of Liverpool: and it need hardly be pointed out that a 60 degree angle in Nairobi, where the sun's rays are vertical, admits more sunshine than a 45 degree angle in England even in midsummer. As regards stagnant air, the lanes are intersected at frequent intervals by side passages, so that the wind, from whatever direction it blows, can scarcely be kept out.

But in any case it seems extravagant to suggest that a 30 feet lane flanked by 3 storey buildings will become disagreeably stuffy in a climate as cool and fresh as that of Nairobi.

6. The Council yield to no one in their anxiety to establish the best possible sanitary conditions in Nairobi, and they are unanimous in their view that as a general rule sanitary considerations should take precedence over economic. Several of their number would certainly be financially benefited by the adoption of their proposal, but they repudiate any suggestion that their attitude on this matter is determined, or their views coloured, by private interest. All of them stand to gain by the economic advancement of Nairobi, but they cannot admit that they are on that account disqualified from discharging faithfully the trust imposed upon them. The balancing of economic against sanitary considerations may sometimes be a difficult matter: but in the present instance no sanitary considerations have been advanced to weigh against economic arguments the force of which cannot seriously be disputed.

7. They therefore submit that as it is scarcely conceivable that any valid reason can exist for the principal street of the capital of this Protectorate consisting of two storey structures, and as there are the weightiest of reasons to the contrary, the alteration which they have suggested should be allowed to pass.

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Enclosures of

GOVERNMENT ROAD  
100 feet

Building Line

SANITARY LANE  
30 wide

450  
GOVERNMENT ROAD  
100 feet

*Southampton*

CANTNEY LANE  
30 wide

Envelope 2  
to be inserted for Reference Purposes

2777  
S 1450

PUBLIC RECORD OFFICE

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Endorsement  
1/2 U  
**Bombay Municipality.**

466

EB No. 871/D of 1919-1920

Date 8.8.1919

The Town Clerk,  
Nairobi Municipality.

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Dear Sir,

Referring to your No. 518/19/3 of 19-6-19, I  
reg to forward herewith a copy of Building Bylaws  
Nos. 41, 41A, 41B, 41C, 41D and Section 349 B of  
the Municipal Act which give the required informa-  
tion.

Yours faithfully,



for Executive Engineer.

**Amended Building By-Laws.**

41. Every person who shall undertake construction work on a building shall, if such building is situate with in either of the areas scheduled in the margin hereof, cause the whole of at least one side of every room included in such work and intended for human habitation to abut on an interior or exterior open air space of the width or dimensions, and fulfilling the conditions hereinafter prescribed for such open air space, namely, or on an open verandah opening on to such an interior or exterior open air space aforesaid.

(a) Every such interior open air space shall be of a minimum width in accordance with following scale:—

Minimum width of interior open air space throughout.	Where height of building exceeds the height adjoining the interior open air space three feet or more.
10 feet.	22 feet.
12 ..	33 ..
14 ..	44 ..
16 ..	55 ..
18 ..	66 ..
20 ..	Where height exceeds 66 feet.

Every such exterior open air space shall, subject as hereinafter provided, extend throughout the entire length or depth, as the case may be, of the building on the side of which such room so abuts, and shall, unless the same is a covered, be maintained for the benefit of such building exclusively, and its minimum width shall subject to By-law 41-B in accordance with the following scale, varying according to the variation (if any) of the height of such building where it immediately adjoins each open air space, that is to

Minimum width of exterior open air space throughout.	Where height of building exceeds the height above ground.
10 feet.	22 feet.
12 ..	33 ..
14 ..	44 ..
16 ..	55 ..
18 ..	66 ..
20 ..	Where height exceeds 66 feet.

Provided that in determining the exterior open air space required any neighbouring open air space which is secured by legislative enactment, or by Municipal By-laws, or by contract to be permanently and irrevocably appropriated as an open air space, may be treated as a permanently open air space required for the purposes of this By-law.

Provided further that an exterior open air space 10 feet wide within the plane at which such room is situate shall be considered sufficient for the purposes of this By-law if the following conditions are satisfied:—

- (a) that at least one-fourth of the area defined by By-law 41-B is kept open to the sky and unobstructed above the first floor level, and
- (b) that the building is not more than 44 feet high above ground level where such building abuts on the said 10 feet wide open air space, and that if more than 44 feet high above ground level such building is set back 1 foot for every extra 2 feet in height.

41-A. The following provisions shall have effect with respect to construction work on land previously unbuilt upon or on which buildings of a moreable or better character only shall be standing or shall have stood previously or which is situated in an area of the City other than those scheduled in By-law 41 —

Every person who shall undertake on such land construction work on a building or building work such as is referred to in Section 342 (a) of the Act but not including work referred to in Section 342 (b), (c), (cc) or (d) of the Act, shall provide adequate means of access for external air on its front and rear sides and shall provide every room intended for human habitation or capable of being so used with adequate means of access for light and air to the satisfaction of the Commissioner in accordance with the following rules:

DEFINITIONS.

I. The plane contained between the ground in front of the building and the lines drawn downwards and outwards from the line of intersection of the outer surface of any front wall of the building with a perpendicular to that line and at an angle of 63 1/2° to the horizontal is for the purposes described as a "front air plane".

Note.—The 63 1/2° angle has a tangent of 2:1 so that if the ground is level, the reaches the ground at a distance from the exterior wall equal to half the height of above the level of that ground.

II. The plane contained between the ground behind the building and the lines drawn downwards and outwards from the line of intersection of the outer surface of any rear wall of the building with a perpendicular to that line and at an angle of 63 1/2° to the horizontal is for the purposes described as a "rear air plane" (vide Diagram No. 1).

In all cases it shall rest with the Commissioner to decide which are the rear and front air planes.

Note.—In case of the front or rear wall of a building being curved or irregular the front and rear air plane shall be as determined by the Commissioner.

III. The plane lying between the line of intersection of the floor of any room with the outer surface of an exterior wall of the building and the straight lines drawn upwards and outwards from the perpendicular thereto and at an angle of 63 1/2° to the horizontal is for the purposes described as a "light plane" (vide Diagram No. 11).

Note.—For the purposes of the above definition of light plane the "outer surface" of any verandah abutting on an interior or side open space shall be considered as the exterior wall of the building.

\* Permanently open air space. IV. An air space is deemed to be permanently open if—

- (i) it is encroached upon by no structure of any kind, and
(ii) its freedom from encroachment in future by a structure of any kind is assured either by legislative enactment or by Municipal By-laws or by contract by the fact that the ground below it is a street or is permanently and irrevocably appropriated as an open space;

Provided that in determining the open air space required in connection with construction work on a building any space occupied by an existing structure may be treated as if it were already a permanently open air space if it is ultimately to become a permanently open air space when this By-law is applied to the said existing structure or to any building to be erected on the site of the said existing structure.

V. For the purposes of these rules, the word "site" shall include not only the area actually covered by the building, but also the land in the front, rear, side and sides of such building required by these rules to be left open, and the words "an inseparable part of the site" shall mean that part of the site which is the property of the owner of the land on which the building is situated.

STANDARDS.

VI. Subject to Rules VIII and IX a building is deemed adequately provided in its front and rear air plane with means of access for external air if the whole space vertically above all its front and rear air planes is a permanently open air space.

VII. Subject to Rules VIII and IX a room is deemed adequately provided with access for external light for the purpose of human habitation, if the whole space vertically above at least one of its light planes is a permanently open air space.

MINIMUM FRONT, REAR AND SIDE OPEN SPACES AROUND BUILDINGS.

VIII. No building shall be erected within 15 feet from the centre line of any street as determined by the Commissioner, and every building not fronting on a street shall have a permanently open air space in front of it not less than 15 feet wide forming an inseparable part of the site of such building.

IX. Every building shall have a permanently open air space in the rear not less than 10 feet in width such air space forming an inseparable part of the site.

X. Every habitable room not receiving its light and air from either the front or rear of a building in accordance with the 63 1/2° rule shall have the whole of one side thereof abutting on a permanently open air space of not less than 10 feet in width.

41-B. (1) Every person who shall undertake construction work, other than that described in Section 342 (b), (c), (cc) or (d) of the Act, on a building situated away from a street, shall provide, in front of the said building and extending throughout its entire frontage an open air space at least half as broad as the building is high. Such open air space shall form an appurtenance to the building alone and of no other and shall be inclusive of any "space of access" provided under these By-laws. In the event of any dispute as to what constitutes the front of a building the same shall be referred to the Commissioner whose decision shall be final.

(2) Every building on which construction work, other than that described in Section 342 (b), (c), (cc) or (d) of the Act, is undertaken and which or any portion of which comes, or after alteration, will come within the definition of a "dwelling house" as defined by these By-laws, and any portion of which, is distant more than 80 feet from the street nearest to such building shall so far as it lies at a greater distance than the 80 feet aforesaid abut on an open air space at least half as broad as the building is high and co-extensive with the external walls of the said building and such open air space shall form an appurtenance of the said building alone and of no other and the said open space shall be provided with suitable and sufficient means of access to the satisfaction of the Commissioner.

41-C. No addition to a building shall be allowed unless the addition is such as would be permissible if the whole building were reconstructed from the plinth with the open space required under the By-laws appropriate to the site of the building, and no addition to a building shall be allowed which would diminish the extent of open air space being the minimum which is required by the By-laws appropriate to the site of the building.

41-D. Every open space, whether exterior or interior, provided in pursuance of these By-laws shall be, and be kept, free from any erection thereon and open to the sky, and no awning, roof or weather shade shall overhang or project over the said open space so as to reduce the width to less than the minimum provided by these By-laws. No open space, except for rain water, shall be constructed in any open space required by these By-laws.

Note—Pages 2 may be detached by the owner. Only the form on page 1 need be forwarded to the Executive Engineer.

*Extracts from the City of Bombay Municipal Act of 1888,  
as amended by Act of 1905.*

## BUILDING REGULATIONS.

### *Notices regarding Erection of Buildings.*

387. (1) Every person who shall intend to erect a building shall give to the Commissioner notice of his said intention in a form, obtained for this purpose under Section 844, specifying the position of the building intended to be erected, the description of building, the purpose for which it is intended, its dimensions, and the name of the person whom he intends to employ to supervise its erection.

(2) In this chapter 'to erect a building' means,

(a) newly to erect a building, or

(b) to re-erect

(i) Any building of which more than three-quarters of the external contents of the building above the level of the plinth have been pulled down, or

(ii) Any masonry walled building of which more than three-quarters of the superficial area of the external walls above the level of the plinth has been pulled down, or

(iii) Any frame-building, of which more than three-quarters of the number of posts have been pulled down, or

(c) to convert into a dwelling house any building not originally constructed for human habitation, or

(d) to convert into more than one dwelling house a building originally constructed as one dwelling house only;

and a dwelling so erected, re-erected or converted is called in this chapter a 'new building.'

388. (1) At any time within thirty days after receipt of any notice under Section 337, the Commissioner may, by written notice, require the person, who has given the notice first hereinbefore in this Section mentioned, to furnish to the Commissioner all or any of the following documents (namely):—

(a) Correct plans and sections of every floor of the building intended to be erected which shall be drawn to a scale of not less than one inch to every eight feet and shall show the position, form, dimensions and means of ventilation of and of access to the several parts of such building and its appurtenances, and the particular part or parts thereof which are, and those which are not, intended to be used for human habitation, and in the case of a building intended to be used as a dwelling-house for two or more families or for carrying on any trade or business in which a number of people exceeding twenty may be employed or as a place of public resort, the means of ingress and egress. Such plans and sections, shall also show the depth and nature of the foundations and the proposed dimensions of all the walls, posts, columns, beams, joists, and all girders and scullings to be used in the walls, staircases, floors, and roofs of such building.

(b) A specification of each description of work proposed to be executed and of the materials to be employed. Such specification shall include a description of the proposed method of drainage of the building intended to be erected and of the sanitary fittings to be used and also of the means of water supply and shall, if required by the Commissioner, be supplemented by detailed calculations showing the sufficiency of the strength of any part of such building.



837. A plan of each building, which shall be drawn to the scale of the largest survey map of the town being in existence for the locality in which the building is to be erected, and shall show the position and surroundings of the properties, if any, siting, at the rear of such building, the levels of the foundations and lowest floor of such building, and of any yard or ground belonging thereto, and the means of access to such building.

(4) A plan showing the intended line of drainage of such building and the intended site, depth and inclination, of each drain, and the details of the arrangement proposed for the ventilation of the drains.

838. (3) At any time within the said period, the Commissioner may also by written notice require the said person to open for inspection any portion or portions of the intended foundations, or any portion or portions of the foundations or walls of the existing building.

839. The Commissioner may decline to accept any plan, section, or description as sufficient for the purposes of the last preceding section which does not bear the signature of a licensed surveyor, in token of its having been prepared by such surveyor or under his supervision.

840. If the notice given under Section 837 and the documents, if any, furnished under Section 838 do not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, the Commissioner may, at any time within thirty days after receipt of the said documents, by written notice, require the production of such further particulars and details as he deems necessary.

841. If any requisition made under Section 838 or 840 is not complied with, the notice given under Section 837 shall be deemed not to have been given.

Notice regarding execution of works not amounting to the erection of a Building.

842. Every person who shall intend: (a) to make any addition to a building or:

(b) to make any alteration or repairs to a building, not being a frame-building, involving the removal or re-erection of any external or party-wall thereof, or of any wall, which supports the roof thereof, to an extent exceeding one-half of such wall above the plinth level, such half to be measured in superficial feet: or

(c) to make any alteration or repairs to a frame-building involving the removal or re-erection of more than one-half of the posts in any such wall thereof as aforesaid, or of one-half of such wall above plinth level, such half to be measured in superficial feet: or

(d) to make any alteration in a building involving— (i) the sub-division of any room in such building so as to convert the same into two or more separate rooms,

(ii) the conversion of any passage or space in such building into a room or rooms, or

(e) to remove or re-construct any portion of a building abutting on a street which stands within the regular line of such street; shall give to the Commissioner in a form obtained for this purpose under Section 844, notice of his said intention, specifying the position of building in which such work is to be executed, the nature and extent of the intended work, the particular part or parts, if any, of such work which is or are intended to be used for human habitation, and the name of the person whom he intends to employ to supervise its execution.

843. (1) If any notice given under the last preceding Section does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written notice, require the person who gave the notice to submit herebefore in this section mentioned to furnish plans and sections of the building, and of the intended new work or of any specified portion of the intended new work,

and the provisions of Sections 838, 839, 840, and 841 shall apply to the intended new work so far as the Commissioner may consider them to be applicable.

(2) The Commissioner may also, at any time within the said period, by written notice, require the said person to open for inspection any portion or portions of the foundations or walls of the existing building.

Forms of Notices.

844. (1) The Commissioner shall cause printed forms of notices for the purposes of Section 837 or 842 to be delivered to any person requiring the same, on payment of such fee not exceeding eight annas for each form as shall from time to time be prescribed in this behalf by the Committee, with the approval of the Standing Committee.

(2) There shall be printed on the reverse of every such notice, or on a separate paper supplied without extra charge, therewith, copy of Sections 837, 838, 839, 840, 841, 842, 343, 844A, 845, 846, 847, 848, 849A, 849B, 849C, and 849D and of all bye-laws made under clauses (c), (d), and (e) of Section 461 at the time in force.

Commencement of Work.

844A. (1) Every person who intends to erect a building, or execute any such work as is described in Section 342, shall employ a person, who shall be competent to the satisfaction of the Commissioner, to supervise the erection of such building or the execution of such work.

(2) The Commissioner may in each case require that the person to be so employed shall be a licensed surveyor; and the Commissioner shall, within seven days from the receipt of the notice given under Section 837 or 842, as the case may be,

(a) approve the person named therein to supervise the building or work, or

(b) return the said notice for amendment if the person so named

(i) is not a licensed surveyor, and

(ii) is not, in the opinion of the Commissioner, a fit and proper person to supervise such building or work.

(3) A notice of intention returned for amendment under Sub-section (2) shall be deemed not to have been given until it has been re-submitted duly amended.

(4) Where the person so employed dies or ceases to be so employed before such building or work is completed, the further erection of such building, or the further execution of such work, shall nevertheless be suspended until

(a) a licensed surveyor, whose name shall be forthwith reported to the Commissioner, or

(b) another person approved by the Commissioner, has been so employed.

845. If within thirty days after receipt of any notice under Section 837 or 842, or of the plan, section, description or further information if any, called for under Section 838, 840 or 843 as the case may be, the Commissioner fails to intimate in writing to the person who has given the notice his disapproval of the building which the said person proposes to erect, or of the work which he proposes to execute; or if, within the said period, the Commissioner signifies in writing to the said person, his approval of the said building or work;

the said person may at any time within one year from the date of the delivery of the notice to the Commissioner, proceed with the said building or work in accordance with his intention as expressed in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of this Act or any bye-law made under this Act at the time in force.

846. (1) If the Commissioner disapproves of any building or work of which notice has been given as aforesaid or of any portion or detail thereof, by reason that the same will contravene some provision of this Act or any bye-law made thereunder at the time in force or will be unsafe, he may, at any time within thirty days of the receipt of the notice or of the plan, section, description, or further information, if any, called for under Section 838, 840, 843, as the case may be, require the person who gave the notice to amend the same, or to withdraw the same, or to stop work thereon, or to do any such thing as he may think fit to require.

by a written notice intimating to the person who gave the notice first hereinbefore in this section that he disapproves and the reason for the same, and prescribe terms subject to which the building or work may be deemed to be approved by him.

(3) The person who gave the notice concerning any such building or work may proceed with the same, subject to the terms prescribed as aforesaid, but not otherwise, at any time within one year from the date of receipt by him under sub-section (1) of the written notice in this behalf, but not so as to contravene any of the provisions of this Act or any bye-law made hereunder at the time in force.

347. (1) No person shall commence to erect any building or to execute any such work, when work may be commenced, as is described in Section 345

(a) until he has given notice of his intention, as hereinbefore required, to erect such building or execute such work, and the Commissioner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period prescribed in this behalf in Section 345 or 346;

(aa) until he has given notice to the Municipal Executive Engineer of the proposed date of commencement. Where the commencement does not take place within seven clear days of the date so notified, the notice shall be deemed not to have been given.

(b) after the expiry of the period of one year prescribed in Sections 345 and 346, respectively, for proceeding with the same.

2. If a person who is entitled under Section 345 or 346 to proceed with any building or work fails to do so within the period of one year prescribed in the said sections, respectively, for proceeding with the same, he may at any subsequent time give fresh notice of his intention to erect such building or execute such work, and thereupon the provisions hereinbefore contained shall apply as if such fresh notice were a first notice of such person's intention.

348. No person shall, without the written permission of the Commissioner

use or permit to be used for human habitation any part of a building not originally

Building not to be converted to other purpose without the permission of the Commissioner

349. No person shall, without the written permission of the Commissioner, use or permit to be used, as a chawl or building, intended to form a part of separate rooms for lodgers, a building not originally designed or authorised to be so used.

### Provisions as to Structure, Materials, &c.

350. With respect to buildings which are to be newly erected, the following provisions

shall have effect, namely

(a) The position of any such building on either side of a new street may be disapproved by the Commissioner unless and until such new street has been levelled, metalled or paved, sewered and finished to the satisfaction of the Commissioner.

(b) The position of any such building in any part of the City in which the position of the streets likely to be required in the future have not yet been laid down or determined, with the assent of the Standing Committee as disapproved by the Commissioner, unless the proposed for such building is, in the opinion of the Commissioner such as, with reference to positions occupied by the buildings, if any, already existing in the neighbourhood, will admit of connection in the future of one or more new streets convenient for the occupiers of all the buildings in the neighbourhood and for the purposes of drainage, water supply and ventilation; provided that the position and direction of such new streets be, by written notice to the Commissioner, required and determined, and, if such requirement be not complied with within six months from the date thereof, subject to all other provisions of this Act applicable thereto, proceed to the erection of the building.

(c) The foundation of any such building shall not be constructed on any site which has been filled up with or has been used as a place for depositing, accumulating matter or the carriage

of dead animals or other filthy or offensive matter, until such matter shall have been properly removed to the satisfaction of the Commissioner.

(2) Every such building intended to be used as a dwelling shall be built with a plinth at least two feet above the centre of the nearest street and not below such standard level as may be fixed by the Commissioner in this behalf.

(3) In addition to any means of ventilation required by any bye-law made under this Act at the time in force, every such building intended to be used as a dwelling shall be so constructed that the whole of at least one side of every room thereof shall either be an external wall or abut on an interior open space. Such external wall, except where it faces a street not less than 24 feet in width, shall have between it and the boundary-line of the owner's premises, an open space, extending throughout the entire length of such wall, at least two feet wide or, in the case of a chawl or building intended to form a range of separate rooms for lodgers, at least five feet wide. Such interior open space shall have an area equal to not less than one-tenth of the aggregate floor-area of all the rooms abutting thereon and shall not be in any direction less than six feet across. And every open space, whether exterior or interior, required by this clause shall be and be kept free from any erection thereon and open to the sky and shall be and be kept open to access from each end thereof.

(4) Every room intended to be inhabited in any such building, except a room in the case thereof, shall be in every part at least ten feet in height from the floor to the ceiling.

(5) Every such room in the roof of any such building shall have an average height of at least eight feet from the floor to the ceiling and a minimum height of not less than four feet.

(6) Every such room shall have a clear superficial area of not less than one hundred square feet.

(7) In addition to any means of ventilation required by any bye-law made under this Act at the time in force, every such room shall be ventilated by means of doors or windows which open superficially area of the side of the room which faces an open space.

(8) Huts or sheds or ranges or blocks of huts or sheds, whether the same are to be used as dwellings or stables or for any other purpose, shall be built, if the Commissioner thinks fit so to require—

(i) so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the Commissioner thinks proper for ventilation and for facilitating scavenging; and

(ii) with such and so many privies, latrines and urinals and such means of drainage as the Commissioner deems necessary; and

(iii) at such a level as will suffice for the means of drainage required by the Commissioner.

(9) Nothing in clause (a) shall be deemed to effect the power of Government to determine under Section 38 of the Bombay Port Trust Act, 1879, any dispute which arises between the Trustees of the Port of Bombay and the Commissioner, as to whether any road within the limits of the property of the said Trustees has been duly levelled, metalled or paved, sewered and drained.

351. (1) No external wall and no covering of a roof built or renewed since the Bombay Building Act, 1879, came into force shall, except with written permission of the Commissioner, consist of wood, cloth, canvas, grass, leaves, mats or any other inflammable material.

(2) If any external wall or covering of a roof is or has been, since the said Act came into force, constructed of any such material, the Commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering.

352. (1) Except with the written permission of the Commissioner, no building shall be erected or raised to a greater height than seventy feet as measured from the level of the centre of the street in front:

(a) in the case of a pitched roof, up to the tie-beam of the roof, and

(b) in the case of a flat roof, up to the surface of the roof.

(8) In the case of a roof which, the roof shall rise at an angle of not more than forty five degrees.

(9) In the case of a flat roof, a portion of not more than three feet in height may be constructed above the maximum height specified in sub-section (8).

843. Subject to the maximum prescribed by Section 842, the height to which a building may be erected or raised shall be regulated by the width of the street on which it abuts in accordance with the following rules:—  
Height of buildings with street on which it abuts in accordance with the following rules:  
such is width of street.

(1) If the width of the street does not exceed twenty-six feet, the building shall not be erected or raised to a height greater than one and one-half times the width of the street;

(2) If the width of the street exceeds twenty-six feet but does not exceed forty feet, the building shall not be erected or raised to a height greater than forty feet; and

(3) If the width of the street exceeds forty feet, the buildings shall not be erected or raised to a height greater than the width of such street.

(4) Where the building abuts upon more than one street, its height shall be regulated by the width of such street so far as it abuts upon such wider street and also to a distance of eighty feet from such wider street, so far as it abuts upon the narrower of such streets:

Provided that, if the face of the building is set-back from the street at any height not exceeding the height specified in sub-section (1), sub-section (2) or sub-section (3), as the case may be, such building may be erected or raised to a height greater than that so specified, but not so that any portion of the building shall intersect any of a series of imaginary straight lines drawn from the line of set-back, in the direction of the portion set back, at an angle of forty-five degrees with the horizontal.

844. After the commencement of this Act, no building, the external walls of which are of timber-framed construction, shall be erected or re-erected so as to consist of more than one ground-floor and one upper storey.

Provided that the Commissioner may by special order grant permission for the erection of a building of more than two storeys or for the construction of one or more additional storeys if he is satisfied that such building will be or is of thoroughly sound material and construction and can properly support the same.

845. Where the Commissioner is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, he may, with the approval of the Standing Committee, by written notice require the owner or occupier of the building to alter or reconstruct any existing stair-cases in such building or to provide such additional or emergency stair-cases, as he may prescribe.

**Inspection.**

846. Every person who employs a licensed surveyor or person approved by the Commissioner to erect a building or execute any such work as is described in Section 843 shall, within one month after the completion of the erection of such building or the execution of such work, deliver to the Commissioner at his Office, notice in writing of such completion, accompanied by a certificate in the form of Schedule T signed by the person employed under Section 346 A, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such building or of such work:

provided that

(a) such inspection shall be commenced within seven days from the date of receipt of the notice of completion, and

(b) the Commissioner may, within seven days from the date of commencement of such inspection, by written intimation addressed to the person from whom the notice of completion was received, and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the building in which such notice is given;

(c) give permission for the occupation of such building or for the use of the building or part thereof affected by such work, or

(d) refuse such permission in case such building has been erected or such work executed as so as to contravene any provision of this Act or of the by-laws.

(5) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any such work until

(a) the permission referred to in proviso (4) to sub-section (1) has been received, or

(b) the Commissioner has failed for twenty-one days after receipt of the notice of completion to intimate as aforesaid his refusal of the said permission.

**Works unlawfully carried on.**

846A. Where the erection of a building or the execution of any such work as is described in Section 843 has been unlawfully commenced or is being unlawfully carried on upon any premises, the Commissioner may after three days' notice direct that any person directing or carrying on such erection or execution shall be removed from such premises by any Police Officer.

**SCHEDULE T.**

(See Section 353 A, sub-section (1).)

**Building Completion Certificate.**

I do hereby certify that the following building work (insert full particulars of the work), has been supervised by me and has been completed to my satisfaction that the workmanship and the whole of the materials used are good; and that no provision of the Act or the By-laws, and no condition made, condition prescribed or order issued thereunder has been transgressed in the course of the work.

(Signed).....

(Date).....

**WATER-CLOSETS, PRIVIES, URINALS, &c.**

249A. (1) It shall not be lawful to construct any water-closet or privy for any premises, except with the previous permission of the Commissioner, and for the same being in force as he may prescribe.

(2) In prescribing any such terms, the Commissioner may determine in each case—

(a) whether the premises shall be served by the water-closet or by the privy system, partly by one and partly by the other; and

(b) what shall be the site or portion of each water-closet or privy.

249B. If any water-closet or privy is constructed on any premises in contravention of section 249A, the Commissioner may after giving not less than ten days' notice to the owner or occupier of such premises, cause such water-closet or privy and, with the previous approval of the Standing Committee, also or in default of the same, and the expenses incurred by the Commissioner in so doing, shall be paid by such owner or occupier or by the person offending.

250. (1) It shall not be lawful to erect or to erect any building for or intended to be used as a human habitation, or as a place in which labourers or workmen are to be employed without such water-closet or privy accommodation, and such accommodation and accommodation for bathing or for the washing of clothes and dresses, as the Commissioner may prescribe.

(2) In prescribing any such accommodations, the Commissioner may determine in each case—

(a) whether such building shall be served by the water-closet or by the privy system, partly by one and partly by the other;

(b) what shall be the site or position of each water-closet, privy, urinal or bathing place, and their number.

250A. Where any premises are without a water-closet, or privy, or urinal, or bathing place, or if the Commissioner is of opinion that the existing water-closet, or privy, or urinal, or bathing or washing place accommodation available for the persons occupying or employed in any premises is insufficient for any necessary grounds objectionable, the Commissioner may, with the previous approval of the Standing Committee, require the owner of such premises—

(a) to provide such, or such additional water-closet, privy, urinal or bathing or washing place accommodation as he prescribes;

(b) to make such alterations or other alterations in the existing water-closet, privy, urinal or bathing or washing place accommodation as he prescribes; or

(c) to substitute water-closet accommodation for any privy accommodation.

250B. Provided that where the water-closet, privy, urinal, or bathing or washing place accommodation of any premises—

(a) has been, and is being used in common by the persons occupying or employing in such premises and any one or more other premises; or

(b) with the opinion of the Commissioner likely to be so used,

the Commissioner may, if he is of opinion that such accommodation is sufficient to afford the same being used by all the persons occupying or employed in all such premises, direct that separate water-closet, privy, urinal or bathing or washing place accommodation need not be provided on or in the site of such other premises.

250C. Provided also that the Commissioner may, if he is of opinion that there is sufficient water-closet, privy, or urinal accommodation available for all the persons occupying or employed in any premises, direct that separate water-closet, privy, or urinal accommodation need not be provided for such premises.

250D. Any regulations made under section (1) may comprise any detail specified in sub-section (2) of section 249.

250A. Where the Commissioner is of opinion that any privy is likely, by reason of its not being sufficiently detached from any building, to cause injury to the health of any person occupying such building, the Commissioner, with the previous approval of the Standing Committee, may, by written notice, require the owner or occupier of the premises in or on which such privy is situate either—

(a) to so close up such privy as to prevent any person using the same, and to provide in lieu thereof such water-closet or privy accommodation, or such urinal accommodation, as the Commissioner may prescribe;

(b) to provide between the said privy and any portion of the said building such air space, not exceeding three feet in width, open to the sky, and situate entirely within the limits of the said premises as the Commissioner may prescribe.

250. (1) The owner or occupier of any premises, on which there is a privy shall—

(a) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be, or may be intended to be employed for any manufacture, trade or business, an air-space of at least three feet in width and open to the sky;

(b) have such privy shut off by a sufficient room and wall or fence, from the view of persons dwelling in the neighbourhood or passing by;

(c) unless and except for such period as he shall be permitted by the Commissioner under the power next hereinafter conferred, to continue any existing door or trap-door, close up and not keep any door or trap-door in such privy opening on to a street.

(2) Provided that the Commissioner may permit the continuance for such period as he may think fit, of any existing door or trap-door in a privy opening on to a street, if a nuisance is not thereby created.

(3) Provided also that clause (a) shall not be deemed to apply to any privy in existence when this Act comes into force, unless:

(a) there is space available on the premises of the owner or occupier for the erection of a new privy conformably to the said clause; and

(b) the existing privy can be removed and a new one erected, as aforesaid without destroying any portion of a permanent building other than the existing privy.

251. The owner or occupier of any premises on which there is a water-closet shall—

(a) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation, or in which any person may be, or may be intended to be employed in any manufacture, trade or business, by such means as the Commissioner shall deem sufficient;

(b) have such water-closet in such a position that one of its sides at least shall be an external wall;

(c) have the seat of such water-closet placed against an external wall;

(d) cause such water-closet to be provided with such means of constant ventilation as the Commissioner shall deem adequate, by a window or other aperture in one of the walls of such water-closet opening directly into the external air or by any other suitable method or appliance;

(e) have such water-closet supplied by a supply cistern and flushing apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the Commissioner shall deem necessary: provided always a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is issued for supplying water for any other purpose.

251A. No person shall build a privy or water-closet in such position or manner as

(a) to be directly over or directly under any room or part of a building other than another privy or water-closet or a bathing place, bath-room or terrace;

(b) to be within a distance of twenty feet from any well or from any spring, tank or stream, the water whereof is or is likely to be used (whether in a natural or manufactured state) for human consumption for domestic purposes, or otherwise render the water of any well, spring, tank or stream liable to pollution.

237 B. No person shall use or permit to be used as a bathing place, or as a place for washing clothes or domestic utensils, any part of any premises which has not been provided with all such appliances and fittings as shall, in the opinion of the Commissioner, be necessary for collecting the drainage thereof and conveying the same therefrom.

Work to be done by licensed plumber; particulars to use as form.

239 A. (1) No person shall permit any work described in this chapter to be executed except by a licensed plumber.

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) Every such person shall, within one month after completion of any such work and before permitting the same or any portion thereof to be filled in or covered over, deliver or send or cause to be delivered or sent to the Commissioner at his office, notice in writing of the completion of such work accompanied by a certificate in the form of Schedule 5 signed by the licensed plumber by whom the same has been executed, who is hereby required immediately upon completion of the work and upon demand by the person employed him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such work:

Provided that—

(a) such inspection shall be made within seven days from the date of receipt of the notice of completion, and

(b) the Commissioner may, within seven days after such inspection by written intimation addressed to the person from whom the notice of completion was received and delivered at his address as stated in such notice, or in the absence of such address, affixed to a conspicuous part of the premises of which such work has been executed,

(c) no person shall permit the filling in or covering over of such work, or require that before such work is filled in or covered over, it shall be amended to the satisfaction of the Commissioner in any particular in respect of which it is not in accord with a regulation previously made by the Commissioner or contravene some provision of this Act or of the by-laws under this Act.

(4) No person shall permit any such work to be used as a drain or part of a drain until

(a) the permission referred to in proviso (b) to sub-section (3) has been received, or

(b) the Commissioner has failed for fourteen days after receipt of the notice of completion to intimate as aforesaid his refusal of permission for the filling in or covering over of such work.

## SCHEDULE 5.

(See Section 239 A, Sub-section (3))

### Drainage Completion Certificate.

I do hereby certify that the following work (insert full particulars of the work), has been completed to my satisfaction; that the workmanship and the whole of the materials used are good, and that no provision of the Act or the by-laws, and no regulation made, condition prescribed or order issued thereunder, has been contravened in the course of the work.

(Signed) .....

(Date) .....

Enclosure #  
Minutes of Council Municipal Council

**EXTRACT FROM REPORT OF  
TOWNPLANNING & PUBLIC HEALTH COMMITTEE**

474

16th. June, 1919.

Present, Messrs Coverdale, Henderson, Moynagh & Tannahill; also  
the Principal Sanitation Officer, Dr. Radford.

-----

X            X            X            X            X            X

als etc.  
light of  
books

2. Following on Minute 6 of 17th. March, Dr. Radford explained his objections to the Committee's proposal. It involved insufficient provision for (1) light, which however as a matter of comparatively secondary importance; and (2) free passage of air.

Mr. Tannahill having cited the case of American cities where high buildings with narrow streets between were found to produce too violent currents of air, Dr. Radford was understood to express the opinion that the amendment to the Rule would have a similar effect here and was also objectionable on that ground.

He would be willing to fall in with the Committee's proposal if provision existed for the public authority regulating (1) general amenity of buildings (2) height of buildings in different areas and (3) purpose of buildings in different areas, - as in that case the object aimed at could be ensured without special rules controlling the height of backs of buildings. At the same time, he stated that it was the modern practice to have such rules; while in Bombay they went so far as to apply the same rule to the sides of buildings also.

Dr. Radford having retired it was agreed after discussion to recommend as a compromise that a 60 degree angle should govern backs of buildings, this being the angle necessary to admit of three storey buildings being erected in Government Road; and the Town Clerk was instructed to write to the Principal Sanitation Officer asking if he could see his way to agree to this.

X            X            X            X            X            X

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475

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DRAFT.

bal  
bal  
no 874

24 June 1920

Sir,

MINUTE.

I have the honour to

- Mr. Parnley 21 June
- Mr. Boltonley 21.6.20
- Mr.
- Mr. Grindle.
- Sir H. Lambert.
- Sir H. Read.
- Sir G. Fiddes.
- Col. Amery.
- Lord Milner.

ack. the act. of June de p  
 no 422 of the 20th of April  
 reporting a difference of  
 opinion between the  
 Haverley Municipal  
 Council & the relevant  
 authorities with regard  
 to the suggested amendments  
 of the present regulations

numbered + on p. 2  
 printed 6907

provision for the benefit of buildings,  
situated on a street. To whom  
I have the matter was discussed  
with the <sup>Advisory Council</sup> Committee by  
Mr Edward <sup>Advisory Council</sup> ~~Advisory Council~~, who  
will no doubt deal with it  
in his relation to the.

I enclose for your info an  
extract from the proceedings  
of the ~~Advisory Council~~ Committee meeting  
when deals with this point.

W. MILNER