



The Construction Permit for the Luxury Sathon Condo has been revoked

The Central Administrative Court revoked a construction permit and an environment impact assessment (EIA) report of a Sathorn Condominium because the actual project construction's size is larger than the permitted size of land, resulting in non-compliance with clause 5 of the Ministerial Regulation No. 33 (B.E. 2535) issued by virtue of Building Control Act ("BCA"). This luxurious condominium is comprised of 36-storey twin towers, including 755 units, 275 automatic parking spaces, and 158 traditional parking lots.

In accordance with clause 5 of the Ministerial regulation No. 33, any high-rise building or extra high-rise building, which is constructed on the land of its location, shall have the ratio of total floor area of all floors of every building to the land area of its location not exceeding 10 to 1.

Unfortunately, the issue of this case eventually arose from miscalculation of the floor area ratio, as abovementioned, by excluding the areas of the rooftop, stairs installed outside the roof, and a space for machinery installation, belonging to the existing building located in the same land areas, known as "The MET Condominium." This, hence, causes the miscalculation of floor area ratio of this Sathorn Condominium exceeding the specified ratio as

required by clause 5 of the Ministerial regulation No. 33. As a consequence, the Central Administrative Court retroactively revoked the EIA approval and building construction permit of this Sathorn Condominium project on 27 September 2023.

As a side note of this decision, it is noteworthy that under the Ministerial Regulation No.33, "High-Rise Building" is defined as a building with the height of more than 23 meters¹ and "Extra-Large Building" term is conceptually defined as a building with the total area of more than 10,000 square meters. This Regulation also provides other general restrictions and conditions for the construction of high-rise buildings and extra-large buildings, for examples, both types of buildings must have a distance at least 6 meters away from other people's plots of land or from public roads, excluding the building foundation; and both are required to have an open space at least 30 percent of the land of its location for residential buildings.

Last but not least, in any case, before constructing any buildings, a building owner needs to ensure that the building owner has provided the required information specified under section 39 bis of the BCA to a local competent official and obtains a permit for building construction.

¹ Height of a building is measured from the ground surface level to the rooftop floor. For gable roof or hip roof building, the height shall be measured from ground surface level to the topmost ceiling.