

A Guide to Doing Work around the House



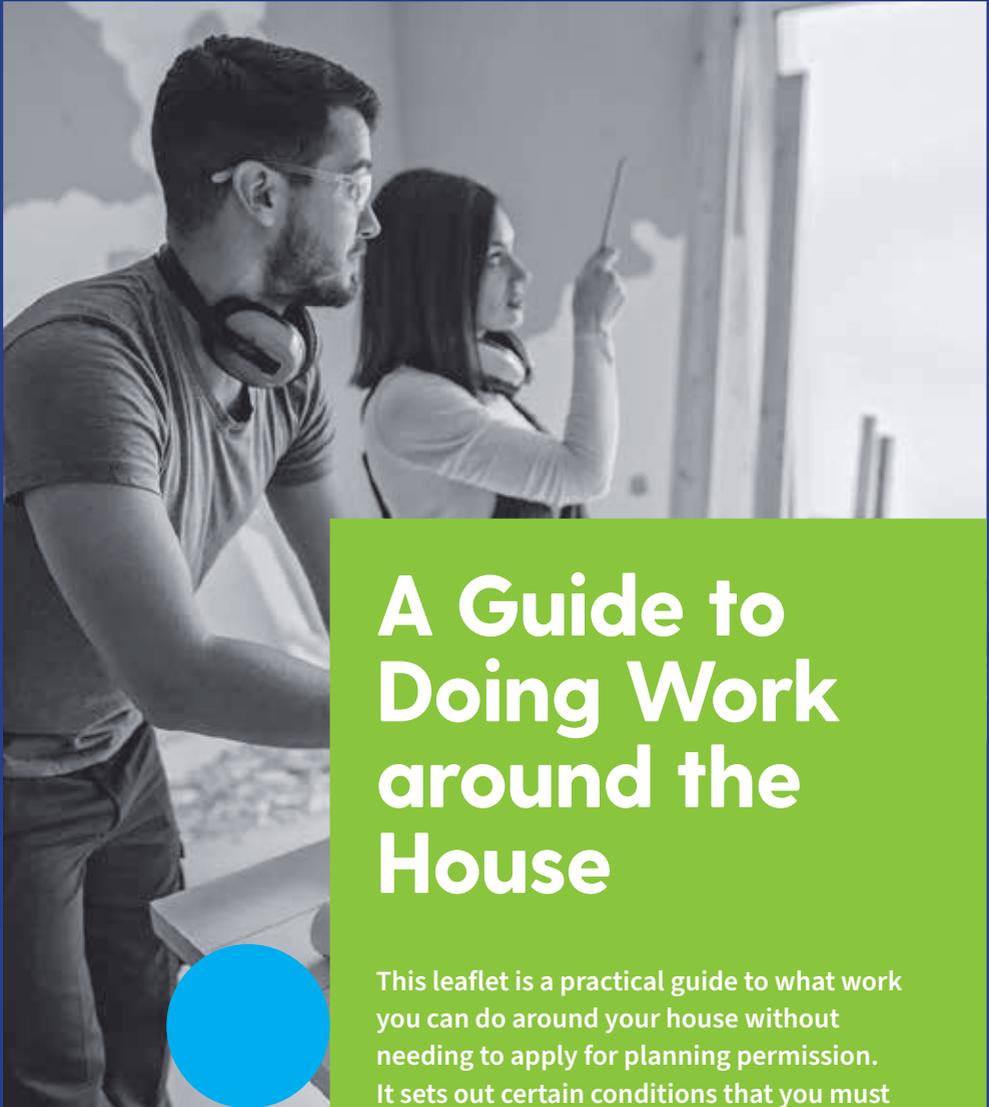
Planning
Leaflet **8**



Offig an
Rialaitheora Pleanála
Office of the
Planning Regulator



An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage



A Guide to Doing Work around the House

This leaflet is a practical guide to what work you can do around your house without needing to apply for planning permission. It sets out certain conditions that you must observe. This leaflet is not a definitive legal interpretation of planning law.

..... For more information, you should consult with your local authority (city or county council), which for its planning functions, is referred to as the planning authority.

1. When do I need planning permission?

When doing work around the house, such as building extensions, garages or sheds, it is important to check if you require planning permission. The Planning and Development Act 2000, as amended and the associated Planning and Development Regulations 2001, as amended, do allow a lot of minor works to be carried out, in and around most houses, without the need to first seek planning permission, as long as certain conditions are met.

Where conditions are specified, these are for the purposes of protecting the amenities and quality of the environment of the area. If you exceed these conditions, a planning application will be required to decide if the work is appropriate.

Generally, you need planning permission for developing land or property unless it is specifically listed as exempted development in planning legislation approved by the Oireachtas and through regulations made by the Minister for Housing, Local Government and Heritage. The term development includes carrying out works (building, demolition or alteration) on, in, over or under land or buildings, and making a material (i.e. significant) change to the use of land or buildings.

2. What is exempted development?

Exempted development is development for which planning permission is not required. This leaflet outlines some important exemptions regarding domestic developments. Exemptions are usually subject to conditions in areas such as height and/or floor area of structures. Where thresholds of the conditions are exceeded, the exemptions no longer apply.

3. Can a change of use be exempted development?

Yes. Where a change of use is not 'material', you do not need planning permission. Please refer to Planning Leaflet 10 – "A Guide to Planning for the Business Person" for further information.

4. What is a 'material change of use'?

This depends on the circumstances of each situation. Generally, any substantial change of use which has an impact or potential impact on neighbours or the local community (third parties) will need planning permission.

Your local planning authority can advise you whether it considers a particular change of use is significant enough to be considered 'material'. See Question 22 below for details of how to decide whether a development is exempted or not.

5. Do I need planning permission for 'short term letting'?

In areas designated as 'rent pressure zones' you can rent up to four bedrooms in your home (i.e. your principal private residence) for a total of 90 days per calendar year. A limit of a maximum of four persons per bedroom applies.

The planning authority must be notified at least two weeks in advance of the commencement of the proposed short term letting. A statutory declaration is required as part of this notification and there are notification forms, for both start of year and end of year, available on the relevant planning authority's website.

If the 90 day threshold is exceeded, planning permission for a change of use will be required.

'Short term letting' means the letting of a house or part of a house for any period not exceeding 14 days.

'Rent pressure zone' means (a) any area standing prescribed for the time being under Section 24A of the Residential Tenancies Act 2004, or (b) an administrative area deemed to be a rent pressure zone under Section 24B of that Act. Further information on rent pressure zones can be found at www.gov.ie

6. Can I build an extension?

Small scale extensions to a house, including constructing a conservatory, do not require planning permission if the extension is to the

rear of the house and the works comply with the following:

- the original floor area of the house is not increased by more than 40 square metres. It is important to note that where the house has been previously extended, the floor area of the extension you are now proposing and the floor area of any previous extension constructed after 1st October 1964, including any extension for which you got planning permission, cannot exceed 40 square metres;
- for terraced or semi-detached houses, the floor area of any extension above ground level must not exceed 12 square metres, this includes any previous extensions constructed after 1st October 1964;
- for houses that are detached including where they have been extended previously, the floor area of any extension above ground level must not exceed 20 square metres, this includes any previous extensions constructed after 1st October 1964;
- any extension above ground floor level must be a distance of at least 2 metres from any party boundary;
- any extension does not exceed the height of the house; *and*
- any extension does not reduce the area of private open space to the rear of the house reserved for the occupants of the house, to less than 25 square metres.

There are also rules about the height allowed in such an extension. These include:



- if the rear wall of the house does not include a gable, the height of the walls of the extension must not exceed the height of the rear wall of the house;
- if the rear wall of the existing house has a gable, the walls of the extension (excluding any gable being built as part of the extension) shall not be higher than the side walls of the house;
- in the case of a flat roofed extension, the height of the highest part of the roof may not exceed the height of the eaves or parapet; *or*
- in any other case, no part of the new roof may exceed the highest part of the roof of the house.

Note: a gable is the upper part of a wall (normally triangular), between the sloping ends of a pitched roof.

There are also rules about the required distances between windows in extensions, the facing boundary of the adjoining property and the use of the roof of the extension. These are:

- any windows proposed at ground floor level as part of an extension should be at least one metre from the boundary they face;
- any windows proposed above ground floor level should be at least 11 metres from the boundary they face; *or*
- where the house is detached and the floor area of the extension above ground floor level exceeds 12 square metres, any window proposed above ground level shall be at least 11 metres from the boundary it faces.

The roof of any such extension should not be used as a balcony or roof garden.

7. Can I convert my garage to domestic use?

Conversion for use as part of a dwelling house (e.g. as a living room or bedroom) of a garage, store, shed, etc. attached to the rear or to the side of a house, is normally considered exempted development, subject to the 40 square metres limit and compliance with conditions set out in Question 6 above.

Note: You should contact your planning authority if you are unsure of any of the conditions regarding a proposed extension.

8. Can I build a garage?

You can build a garage, store, shed, greenhouse or similar structure as long as:

- no part of the structure is constructed or placed forward of the front wall of the house;
- the height of the structure does not exceed four metres, (if it has a tiled or slated pitched roof), or three metres (if it has any other roof type);
- the external finishes of any garage, store, shed or other structure constructed to the side of a house must match the finish of the house, including the roof of the structure where that structure has a tiled or slated roof;
- the total area of the structure, taken on its own or in conjunction with any similar structures does not exceed 25 square metres;

- the area of private open space reserved exclusively for the use of the occupants of the house, at the side or rear of the house is not reduced below 25 square metres; *and*
- the structure is not used for human habitation, for keeping pigs, poultry, pigeons, ponies or horses, or any purpose other than for normal domestic purposes i.e. not for commercial businesses.

9. Can I build a front porch?

You can build a porch without planning permission, as long as it does not exceed two square metres in area and is more than two metres from any public road or footpath. Where the porch has a tiled or slated pitched roof, it must not exceed four metres in height, or three metres for any other roof type.

A front porch within these limits is the only type of development allowed to extend beyond the front wall of the house (the building line) and still remain exempted.

10. Can I erect walls, fences and gates?

Capped walls made of brick, stone or block with a decorative finish, railings and wooden fences, but not a metal palisade or security fence, can be erected as long as they do not exceed 1.2 metres in height in front of your house or two metres at the side or rear. If the wall is made of plain blocks or mass concrete it must be rendered or plastered.

Gates and gateways may be built or replaced, providing they do not exceed two metres in height. Please note that in some situations conditions attached to an original grant of planning permission, for example for a rural house, may have prohibited the building of a wall. Alternative natural boundary treatments such as fences and hedgerow planting may have been required. It is important to check the planning history of a site as exemptions do not apply where there is a pre-existing condition requiring to the contrary. See also Question 20 below.

In all cases, you will need planning permission if you wish to make a new or wider access to the public road.

11. Can I build a chimney and a boiler house?

A boiler house, chimney, or an oil storage tank (up to 3,500 litres capacity) provided as part of a central heating system is exempted development.

12. Can I erect a wind turbine within the curtilage of my house?

Installation of one wind turbine for domestic use is exempted development, provided that:

- it is not built on or attached to the house or any building or other structure within the curtilage (this means any land or outbuildings which are currently or were used for the purposes of the structure);
- the total height does not exceed 13 metres;

- the rotor diameter does not exceed six metres; *and*
- the clearance between the lower tip of the rotor and ground level is at least three metres.

The turbine must not be constructed, erected or placed forward of the front wall of the house. Minimum distances must be maintained between the supporting tower and any party wall equal to the total height of the turbine with its blade at the highest point, plus one metre. Maximum noise levels are also specified as well as requirements regarding external finishes. You should contact your planning authority for advice before erection.

13. Can I erect a solar panel on or within the curtilage of my house?

This does not require planning permission unless the building is a protected structure (you will find a list of these in the Record of Protected Structures included in your local authority's development plan) or is a building within an Architectural Conservation Area (ACA) where the works would materially affect the character of a protected structure or an ACA.

You can install solar panels without planning permission on the roof of a house, within the curtilage of a house or on a roof of any ancillary buildings within the curtilage of a house subject to limitations. The panel must be a minimum of 50cm from the edge of the roof on which it is mounted and the distance

between the outer surface of the roof and the panel must not exceed 50cm, in the case of a flat roof, or 15cm in any other case.

Alternatively you can install a free-standing solar installation without planning permission, once it is not positioned forward of the front wall of the house, the height does not exceed two and a half metres above ground level, the total aperture area of panels is less than 25 square metres (when taken together with any other such existing free standing panels) and the private open space area to the rear or side of the house is not reduced to less than 25 square metres. The placing of a free-standing solar installation within an Architectural Conservation Area shall only be exempted

development if those works would not materially affect the character of the area.

Please note that other limitations with respect to hazardous '*glint and glare*' apply so you should contact your planning authority for advice before the installation of any solar panels.

There are also exemptions for ground and air heat-pump systems.

14. Can I build paths, ponds and patios?

Car parking spaces, hard surface areas, garden paths, garden ponds, patios, etc., are classified as exempted development once they are not more than one metre above



or below the existing ground level. There are no other limitations on installing a hard surface for domestic use to the rear of the house. However, there are limitations in the area allowable when installing a hard surface forward of the front building line or in the area of the garden to the side. Further details are available from your local authority.

15. Can I put up a television aerial or satellite dish?

A radio or TV aerial on your roof is exempt once it is not six metres in height above the roof. Erecting a satellite dish up to one metre in diameter is exempt once it is below the top of the roof of the house and only to the rear or side of the house. Only one dish may be erected on a house. A dish to the front of a house always needs planning permission.

16. Can I carry out internal alterations, external repairs and maintenance?

You can carry out any internal alterations as long as you do not alter the domestic use of the house.

External works for repair, maintenance and improvement such as painting or re-plastering do not need planning permission, as long as they do not materially affect the external appearance of the house in a way that would make its appearance inconsistent with neighbouring buildings. For example, plastering a brick-finished house that is part of a terrace of brick-finished houses would need planning permission.

This exemption does not apply to protected structures or works to the exterior of a house, located within an Architectural Conservation Area, where the development would materially affect the character of the area, nor to the subdivision of a house into flats or granny flats. Planning permission must be obtained for this.

17. Can I demolish an old building?

You can demolish, without planning permission, a building other than:

- a habitable house;
- a protected structure or a proposed protected structure; *or*
- a building in a terrace, or one which is attached to another building in separate ownership.

However, it does not automatically follow that you will get permission to build a replacement.

The cumulative floor area of any such building, or buildings, shall not exceed 40 square metres when within the curtilage of a house and in all other cases 100 square metres.

A habitable house is one which is:

- used as a dwelling;
- is not in use, but when last used it was a dwelling and is not derelict;

- is provided for use as a dwelling but has not been occupied; *or*
- a building where the last permitted use was as a house, even if it has been in unauthorised use since then.

18. Can I store caravans and boats?

One caravan, one campervan or one boat may be stored in your garden for up to nine months of the year as long as it is not lived in or used for business purposes.

19. Can I put up advertisements?

You do not need planning permission for domestic advertisements up to 0.3 square metres in area, such as your house name, number or 'Beware of Dog' type signs. If selling or letting your house, the size increases to 0.6 square metres but only one advertisement is allowed and it may not be left up for more than seven days after the sale or letting.

20. Are there any limitations to exempted development?

Any development normally considered as exempted reverts to needing planning permission where it would:

- contravene a condition of a planning permission;
- endanger public safety by causing a traffic hazard or obstructing the view of road users;
- endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft;
- build forward of the building line (except in the case of small porches);
- involve a new or wider access to a public road;
- affect a building, feature, site, character of landscape, view of special amenity value or special interest (check your local development plan);
- obstruct a public right of way;
- not be wholly related to the use of the house for domestic purposes;
- involve development within a special amenity area;
- involve development to a protected structure or any archaeological monument;
- involve development where an Environmental Impact Assessment (EIA) or Appropriate Assessment (AA) is required; *or*
- include any works to, or changes to, an unauthorised structure, or one where there is an unauthorised use.

('Unauthorised' means without the benefit of planning permission or exempted development status).

Please note that other restrictions apply and are detailed in Article 9 of the Planning and Development Regulations, 2001, as amended.

21. Do the exemptions apply to apartments?

The exemptions outlined above in questions 6, 7, 8, 9, 11, 12, 13, 14, 15 and 18 do not apply to flats or apartments.

However, exemptions have been introduced to allow for the installation of solar panels on the rooftops of apartments or on the roof of any ancillary building within the apartment scheme, subject to conditions and limitations and the rooftop area limit in Solar Safeguarding Zones (SSZ), where applicable. SSZs are areas where rooftop limitations on solar panel installations apply, to avoid the creation of reflections, known as '*glint and glare*' that can affect the operation of airports, aerodromes and other sites with helipads like hospitals. There are 43 designated SSZs, these are outlined on maps, and by reference to townlands (in county councils) and local electoral divisions (in city councils). The SSZs maps are available for viewing in greater detail on

myplan.ie. Further details are available from your local planning authority.

Certain restrictions continue to apply with respect to protected structures and Architectural Conservation Areas.

In addition, the provision of car parking is only exempt when it is provided to the rear of an apartment.

22. Where can I get more information on exemptions?

The full list of exempted developments is set out in the Planning Acts and Regulations (details are provided at the end of this leaflet).



Your local planning authority will advise whether they consider planning permission is necessary in a particular case.

In order to find out whether a development requires planning permission, you can write to your local planning authority and ask them to provide a declaration. As part of your request, you may need to submit information to enable them to make a decision. This may include drawings. You have to pay for this service (the cost is available from your local planning authority).

If you disagree with the declaration of the planning authority, you can obtain a formal ruling by referring the decision to An Bord Pleanála. There is a fee for this service. Further information is available directly from An Bord Pleanála at 64 Marlborough Street, Dublin 1, telephone (01) 8588100 or via its website www.pleanala.ie.

23. What happens if exemption limits are exceeded?

If terms and conditions relating to exempted developments are exceeded when you undertake work, then you are in breach of planning law and you have engaged in unauthorised development.

That is why it is important to check first, then construct after, rather than finding yourself in breach of planning law and exposed to complaints and/or prosecution in relation to the development.

The planning authority has powers to prevent or stop unauthorised development and to restore the site to its original condition through planning enforcement and prosecution powers in the courts.

If, due to an oversight an error was made, you should apply to the planning authority for permission to retain the work done. This is generally known as 'retention' permission. It does not automatically mean that the work will be granted permission.

As unauthorised development has occurred, the fee for a retention application is three times more than the standard fee. You may also have to remove, alter or rectify work done, which can be costly.

Prosecution for breaches of planning law can result in heavy fines and in some cases, imprisonment. You may also find it difficult to sell property which does not comply with planning requirements. If buying property check that the building itself and any extensions or alterations comply with planning requirements or you, as the new owner, may be liable to enforcement action.

24. Should I consult the planning authority before carrying out exempted development?

If you have any doubts or queries on any planning aspect, you should contact your local planning authority. See also Question 26 – Building Regulations.

25. Should I consult any other bodies?

You should contact ESB Networks (see Planning Leaflet 7 – “A Guide to Applying for Planning Permission to Build a House” – Question 7) if your proposed works are near existing electricity lines, if there is a question of clearance heights under power lines or if the construction work will bring anyone within reach of the electricity supply to your house. You must contact ESB Networks where any overhead lines come within six metres of the construction works.

26. Do Building Regulations Apply?

Your development must comply with the building regulations. These regulations set out the basic design and construction requirements which apply to all new buildings, extensions, alterations and certain changes of use of existing buildings.

You can also obtain further information from your local authority. You may also need other types of approval if you are making a new connection to or building close to a sewer or drain. Contact your local authority and Irish Water in all such cases.

27. Should I notify my neighbours beforehand?

It is in your interest to inform neighbours about work you intend to carry out to your property. However, there is no legal requirement to do this.

Your neighbours are likely to be concerned about work which might affect them, so it is good practice to keep neighbours informed and to avoid any misunderstandings.

You may even be able to meet some of your neighbour’s concerns by modifying your proposals. Even if you decide not to change, it is always better to inform your neighbours before work starts.

If you or your contractor need to go on to a neighbouring property for access, you should obtain permission from the property owner in advance. Alterations or additions to your house may make it more vulnerable to burglary. Your local Garda station can provide helpful advice on ways of reducing risk.

Further information can be obtained from your local planning authority. The law governing the planning system is set out in the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended. You can purchase these from the Government Publications Office by phoning the call centre on (046) 9423100 or at publications@opw.ie or download them for free from the Department of Housing, Local Government and Heritage’s website www.gov.ie/housing. Legislation is also available to view and download from: www.irishstatutebook.ie.

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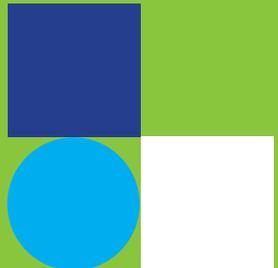
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