

## **Question: What is exempted development?**

Exempted development is development for which planning permission is not required. Categories of exempted development are set out in planning law. There are usually certain thresholds relating to, for example, size or height; where these thresholds are exceeded, the exemptions no longer apply. The purpose of exemption is to avoid controls on developments of a minor nature, such as small extensions to houses. Leaflets [PL5](#), [PL6](#) and [PL7](#) which are available at the link below give details of the main exemptions.

<http://www.housing.gov.ie/search/archived/current/category/planning/sub-type/information-guideleaflet/topic/leaflets>

## **Can I build an extension to my home without having to seek planning permission?**

Broadly speaking, the construction of an extension or conservatory or conversion of garage attached to rear or side of house does not require planning permission when it is to the rear of the house; however, this is subject to the provisions of Part 1 of the 2<sup>nd</sup> Schedule to the *Planning and Development Regulations, 2001(as amended)*.

The following should be seen only as general guidelines;

### ***Terraced and Semi-Detached Houses***

If the house has not been previously extended, the floor area of the proposed extension cannot exceed 40 sq metres. This exemption also allows for extensions above ground-floor level (if the house is semi-detached or terraced, the area of the above ground extension cannot exceed 12 sq. m). This means, for a typical semi-detached house, one could have a ground floor extension of 28sq. m & 2nd floor extension of 12sq m without applying for planning permission.

### ***Detached Houses***

As with terraced and Semi-detached above, the overall area of extension must be less than 40 sq. metres. This exemption also allows for extensions above ground floor level, the area above ground floor are cannot exceed 20 sq. m. One could therefore have a ground floor extension of 20 sq. m., and a 2nd floor of 20 sq. m. The above-ground floor extension shall not be closer than 2m from any party boundary.

### **Both Cases**

If the proposed extension is in addition to an existing extension (post 01-10-1964), overall areas of all extensions must not exceed 40 sq. m. – including extensions which needed permission, e.g. to side of house.

***Can I cover my entire back garden with an extension of 40sqm?***

No. The extension shall not reduce the “Private Open Space” of the back garden to less than 25 sq. m. Hard surface areas to the rear of a house are exempted development, providing they are used for a purpose incidental to the enjoyment of the house and not used for the parking of cars

**N.B.** Existing or proposed garden shed/s are not reckoned as private open space.

**What height can I build my extension without permission?**

- (a) The highest point to which the wall of an exempt extension can be built is eaves level.
- (b) If the proposed extension has a flat roof, it must not exceed the eaves or parapet level.
- (c) If the proposed extension has a pitched roof, it must not exceed the ridge of the existing pitched roof.

**Can I build a window to the side of my extension?**

Yes, providing the following guidelines are applied;

***Terraced and Semi-Detached Houses***

Windows at ground floor level shall not be less than 1 metre from the boundary they face. Windows at above ground floor level shall not be less than 11m from the boundary they face. The above applies to terraced s/d dwellings.

***Detached Houses***

Where the dwelling is detached and the floor area of above ground floor extension is greater than 12sqm windows shall not be less than 11m from the boundary they face.

**If I build an attic conversion do I need permission?**

Normally no. However, if work involves dormer windows, on any elevation, permission is needed. If velux windows proposed to the rear, it is exempt. If velux windows proposed to the side/front elevation it is not exempt.

**Is the area of an attic conversion reckonable in assessing the 40sqm exemption limit for domestic extensions?**

No.

**6. Can I convert my garage to living accommodation without permission?**

Yes. Subject to the provisions of Part 1 of the 2<sup>nd</sup> Schedule to the Planning & Development Regulations 2001 (as amended) N.B. Garage must be attached to the dwelling.

**Can I build a balcony / roof garden on my extension without permission?**

No.

**Can I build a garden shed on my property without permission?**

Yes, provided that:

1. It is not forward of the front wall of the house.
2. Not greater than 25sqm (or no. of sheds aggregated)
3. 25sqm of garden space is left. N.B. extensions attached to house are not reckoned as private open space.
4. Shed finish is in keeping with the house.
5. Shed height: max 4m pitched roof; 3m flat roof.
6. It is not lived in or used for keeping of animals (pigs, ponies, horses, pigeons).

**Can I build a porch without permission?**

Yes, provided that:

1. Not less than 2 metres from roadway
2. Not more than 2sqm
3. Height: 3m max for a Flat Roof, 4m max Pitched R

**Can I build an extension to the side of my house without permission?**

No. Not exempted development. However an existing garage to the side /rear and attached to house may be converted (see above).

**Can I build an extension to the front of my house without permission?**

No. Not exempted development (except the porch – see above).

**Can I install a chimney, boiler house or oil tank for central heating without permission?**

Yes. The capacity of oil tanks shall not exceed 3,500 litres

**Can I erect a T.V. antenna on my roof without permission?**

Yes. The height of the antenna shall be no more than 6m above the roof.

**Can I erect a Satellite Dish without permission?**

Yes. Provided that:

1. Only 1 per house.
2. Max. Diameter 1 metre.
3. Not to be erected on, or forward to the front wall of the house.
4. Not to be erected on the front roof slope or higher than the highest part of the roof.

**Can I build an extension to the side of my house without permission?**

No. Not exempted development. However an existing garage to the side may be converted.

**Can I build walls around my house without planning permission?**

Yes. Subject to:

1. Not more than 2m high to the rear.
2. Not more than 1.2 metres to the front or forward of the front of the house

**NB: Metal palisade or other security fencing is not exempt.**

**Can I erect a gate within my property without permission?**

Yes, subject to a 2m maximum height.

**Can I provide car parking in my garden without permission?**

Yes. To the front or side for not more than 2 cars.  
The widening of vehicular entrances is not exempt. Car parking in the garden of protected structures is not exempt.

**Can I convert 2 or more dwellings to use as a single dwelling without permission?**

Yes. But only if the structure was previously used as a single dwelling. e.g. A house which was used as a single dwelling when built, later converted to flats can convert back to single dwelling use under this exemption.

**Does a "For Sale" sign on a dwelling need permission?**

No, subject to:

1. max area of 0.6sqm in case of a house / letting
2. max area 1.2sqm in case of any other structure / land.
3. Not more than 1 sign.
4. Remove not later than 7 days after sale / letting.

**Can I build a pond, path or landscaping works without permission?**

Yes. Provided that the ground level not be altered by more than 1 metre above or below the level of adjoining ground.

**Can I build a tennis court without permission?**

Strictly speaking, yes, to the rear. However, the provision of lighting and fencing over 2m would not be exempted. The 1 metre raising/lowering of ground levels also applies.

**Can I paint my house without permission?**

Yes, except for a mural. Consultation may be needed in relation to a Protected Structure.

**Can I keep a caravan / camper van or boat in my garden without permission?**

Yes, subject to:

1. Not more than 1 caravan / camper van or boat.
2. No commercial / advertising use.
3. Not used as a dwelling while stored.
4. Storage not greater than 9 months in any year.

**If my property is a Protected Structure, do these exemptions apply?**

No. Most works to a Protected Structure are not exempted. A declaration of what is / is not exempted is needed to clarify issues.

**Do bus shelters need permission?**

Yes, not exempted development.

**Can I erect a roadside shrine without permission?**

Yes, subject to maximum area of 2sqm, max height is 2m above the centre of the road opposite, and it is not lit.

**Is permission needed for a crèche childcare facility?**

Yes, unless the number of children, including carers is not more than 6, and caring is in carers own house.

### **Change of use**

The following changes of use are exempted development:

1. **from** use for the sale of hot foot for consumption off the premises, or for the sale or leasing or display for sale or leasing of motor vehicles, **to** use as a shop.
2. **from** use as a public house, **to** use as a shop.
3. **from** use for the director of funerals, as a funeral home, as an amusement arcade or a restaurant, **to** use as a shop.
4. **from** use for the provision of financial services, professional services (other than health or medical services, any other services where the services are provided principally to visiting members of the public, **to** use as a shop.
5. **from** use as 2 or more dwellings, **to** use as a single dwelling, of any structure previously used as a single dwelling.
6. **from** use as a house, **to** use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons (NB The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2)

**Please note that under the Planning and Development Regulations 2005, planning permission is required by those shops wishing to change to an off-licence or to sell alcohol other than wine.**

### **Occasional Use**

Occasional use for recreational, social purposes of any school, hall, club, art gallery, museum, library, reading room, gym or structures normally used for public worship.

### **Is permission needed for a telephone kiosk?**

No, provided not situated within 10m of the curtilage of any dwelling house save with the consent in writing of the owner occupier.

### **Do Statutory Undertakers need permission for routine works in the**

**provision / maintenance / overall of their facilities (e.g. Local Authorities, ESB, Telecoms, Iarnrod Eireann, Bord Gais, etc).**

Generally, No. Refer to Planning and Development exempted development regulations for limitations.

**Do the Council need permission to do its own work?**

No, not in the normal way, but, are subject to the consultation procedures contained in Part VIII of the 2001 Planning Regulations (as amended).

**How long does an applicant have to lodge additional information?**

6 months, however an applicant may apply to extend that period if additional time is required to get all the necessary information gathered.

**Under the Planning regulations how long do the public have to lodge objections to additional information?**

All objectors are notified in writing and usually given 2 weeks.

**Can I demolish a habitable home without permission?**

No. But you can demolish part of a habitable home to provide a domestic extension.