



Comhairle Cathrach na Gaillimhe

## ***Planning Application Process – Exempted Development***

Planning & Development Act, 2000 & Planning & Development Regulation, 2001  
Effective from 21st January 2002.

**This information is intended as a practical guide for Household/residential use only, it does not apply to commercial premises. It is not a definitive legal interpretation of planning law. For more information, you may consult - The Planning Section, Galway City Council, City Hall, College**

**Road, Galway – telephone No. 091 536400.**

**The law governing the planning system is set out in the Planning & Development Act, 2000 & The Planning & Development Regulations, 2001. These may be accessed by way of the link with the Department of the Environment [www.environ.ie/planning](http://www.environ.ie/planning) or purchased from the GOVERNMENT PUBLICATIONS SALE OFFICE, SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2. (Tel. 01-6476834/35/36/37)**

### **Explanatory Leaflet – Doing Work around the house**

This leaflet sets out the main planning issues when doing work around the house – domestic extensions, minor works etc.

#### **1. When do I need planning permission?**

Generally, you need planning permission for any development of land or property unless it is specifically exempted from this need. The term development includes the carrying out of works (building, demolition, and alterations) on land or buildings, and the making of a material (i.e. significant) change of use of land or buildings.

#### **2. 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. Relevant exemptions in relation to domestic developments are outlined in this leaflet. 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.

#### **3. Can a change of use be exempted development?**

Yes. Where a change of use is not "material", planning permission is not required.

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

This depends on the circumstances of each situation. Generally, any change of use of a

substantial nature which has an impact or potential impact on neighbours or the local community will need planning permission. Examples include converting a garage to a workshop with a business use, or opening a bed and breakfast with more than 4 guest bedrooms in your house or establishing a crèche. However “**childminding**” which is defined as “the activity of minding no more than 6 children, including the children, if any, of the person minding in the house of that person for profit or gain” does not require permission. The planning authority can give advice on whether they consider any particular change of use is significant enough to be "material" for planning purposes. See Questions 19 and 21 below for details of how Galway City Council can advise on whether planning permission is required or not and for details of An Bord Pleanála who can resolve a question as to whether a development is or is not exempted.

## **Exempted Household Works**

### **5. Can I build an extension?**

Small scale domestic extensions, including conservatories, do not require planning permission if the extension is to the rear of the house and

- does not increase the original floor area\* of the house by more than 40 square metres (where there have been earlier extensions, this threshold is cumulative),

*\* original floor area includes any extension or extensions constructed or erected before 1st October 1964*

- The floor area of any extension above ground level does not exceed 12 square metres for terraced or semidetached houses and does not exceed 20 square metres above ground level for detached houses (where there have been previous extensions above ground floor level, these thresholds are cumulative).
- does not exceed the height of the house, and
- does not reduce the area of private open space at the rear of the house to less than 25 square metres.

There are also rules about the height allowed in such an extension. These are that -

- the walls of the extension (excluding any gable\* being built as part of the extension) shall not be higher than the rear wall of the house, but
- 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, and
- in either case, no part of the new roof may exceed the highest part of the roof of the house,
- *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 the extension including any windows in extensions and the facing boundary of the adjoining property and the use of the roof of the extension. These are that –

- Any extension above ground floor level shall be a distance of not less than 2 metres from any party boundary
- Any windows proposed as part of an extension should not be less than 1 metre from the boundary they face in the case of ground floor windows and 1.1 metres from the boundary they face in the case of above ground floor windows.

- For detached houses, first floor windows of any extension which exceed 12 square metres in floor area, shall not be less than 1.1 metres from the boundary they face.
- The roof of any such extension should not be used as a balcony or roof garden.

### **6. Can I convert my garage to domestic use?**

The 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 side of a house is normally exempted development, subject to the 40 square metre limit above.

### **7. Can I build a garage?**

You can build a garage, carport, shed, greenhouse, kennel for domestic pets, etc., as long as it does not extend out in front of the building line of the house and does not exceed 4 metres in height, (if it has a tiled or slated pitched roof, or 3 metres (if it has any other roof type). The floor area limitation for exempted development is 25 square metres, including any existing stores garages etc

The structure may not be lived in, used for commercial purposes or for keeping pigs, poultry, pigeons, ponies or horses. Garages, sheds, etc. to the side of the house must match the finish of the house. You cannot reduce the open space at the side or rear of the house below 25 square metres.

### **8. Can I build a front porch?**

You can build a porch without planning permission, as long as it does not exceed 2 square metres in area and is more than 2 metres from any public road or footpath. Where the porch has a tiled or slated pitched roof, it must not exceed 4 metres in height, or 3 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 building (the building line) and still remain exempted.

### **9. Can I erect walls, fences and gates?**

Capped walls made of brick, stone or block with a decorative finish, railings and wooden fences can be erected as long as they do not exceed 1.2 metres in height in front of your house or 2 metres at the side or rear. If the wall is made of plain blocks or mass concrete it must be plastered. Gates and gateways may be built or replaced providing they do not exceed 2 metres in height. You will need planning permission if you wish to make a new or wider access to the public road.

### **10. Can I build a chimney and a boiler house?**

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

### **11. Can I build paths, ponds and patios?**

Car parking spaces, hard surfacing, garden paths, garden ponds and patios etc. are exempt once they are not more than 1 metre above or below existing ground level. There are no other limitations to the rear of the house but no more than 2 car parking spaces to the side or front of the house are exempt.

### **12. Can I put up a television aerial?**

A radio or TV aerial on your roof is exempt once it does not exceed 6 metres in height above the roof. A satellite dish up to 1 metre across and below the top of the roof is exempted development only to the rear or side of the house. A dish to the front needs permission.

### **13. Can I carry out internal alterations, external repairs and maintenance?**

You can carry out any internal alterations you wish as long as you do not alter the domestic use of the house. External works of repair, maintenance and improvement such as painting or replastering do not need planning permission so long as they do not materially affect the external appearance, thus rendering the appearance inconsistent with neighbouring buildings. You may need approval for certain external alterations e.g. a new connection to a sewer.

This exemption does not apply to buildings listed for preservation in the local development plan or draft development plan, nor to the subdivision of a house into flats or granny flats. Planning permission must be obtained for such works.

### **14. Can I demolish an old building?**

You can demolish without permission a building other than

- a habitable house, or
- one listed for preservation in the local development plan or draft plan
- 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. A habitable house includes a structure, which was last used as a dwelling even if it is now in an unliveable condition. It also includes a building where the last permitted use was as a house, even if it has been in unauthorised use since.

### **15. Can I store caravans and boats?**

One caravan or one boat may be stored in your garden for up to 9 months of the year as long it is not used for business purposes.

### **16. Can I put up advertisements?**

You do not need permission for domestic advertisements up to 0.3 square metres in area, such as your house name or number and "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 any longer than 7 days after the sale or letting.

### **17. Are there any limitations to exempted development?**

All forms of development which are normally exempted lose this status and require planning permission if they:

- contravene a condition of a planning permission;
- endanger public safety by causing a traffic hazard or obstructing the view of road users;
- 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, etc., listed for preservation in the development plan or draftplan (check your local development plan);
- obstruct a public right of way;
- are not wholly related to the use of the house for domestic purposes.

### **18. Do the exemptions apply to apartments?**

The exemptions listed above at 5, 8, 10 and 12 do not apply in the case of flats or apartments and the provision of car parking is only exempt when to the rear.

### **19. Where can I get more information on exemptions?**

The full list of exempted developments is set out in the Planning Acts and Regulations (details at the start and end of this leaflet). The planning authority can advise on whether they consider planning permission is necessary, or not, in a particular case.

If you disagree with Galway City on whether planning permission is needed, you can obtain a formal ruling by making a "**reference**" to An Bord Pleanála for a fee (currently € 150). Further information is available directly from the Board at An Bord Pleanála, 64 Marlborough Street, Dublin 1, Telephone (01) 8588100

### **20. What happens if exemption limits are exceeded?**

The limits must be observed and the planning authority has powers to stop the development if they are breached. If, due to an oversight an error is 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 follow that this will be granted. The fee for a retention application is **three** times more than the normal fee and you may have to take down, alter or rectify work done, which can be costly. Prosecution for breaches of planning law can result in heavy fines or 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.

### **21. Should I consult the planning authority before carrying out exempted development?**

If you are satisfied that your development is exempted it is not necessary to check with the planning authority about planning permission before starting work. However, if you have any doubts or queries on any planning aspect you can contact the planning authority. If you wish to have confirmation in writing as to whether permission is necessary you can apply for a **declaration** from Galway City Council on payment of a fee. ( Currently € 80.00 ). **See Separate leaflet – Planning Declarations.**

See also Question 23 in relation to Building Regulations.

### **22. Should I consult any other bodies?**

You should contact your local ESB office 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. In fact, you must do so where any overhead lines come within 23 metres of the construction works.

### **23. Do Building Regulations Apply?**

Your development must be in accordance with the building regulations. These regulations set out the basic design and construction requirements and apply to all new buildings, extensions, alterations and certain changes of use of existing buildings. Details of the building regulations and of the associated procedures are available in PL.11, A Guide to the Building Regulations.

Further information may be obtained from your local authority. You may also need other types of approval e.g. making a new connection to a sewer. Contact your local authority in such cases.

### **24. Should I notify my neighbours beforehand?**

This is not a legal requirement for exempted development. However, it is in your interest to let neighbours know about work you intend to carry out to your property. They are likely to be as concerned about work, which might affect them, as you would be if the roles were reversed. You may be able to meet some of your neighbour's worries by modifying your proposals. Even if you decide not to change, it is usually better to have told your neighbours before the building work starts.

If you or your contractor need to go on to a neighbour's property, you should obtain his or her consent before doing so.

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 risks.