

- Internal alterations may be carried out as long as they do not alter the domestic use of the house.
- External works of repair or replastering do not need planning permission so long as they do not materially affect the external appearance making it inconsistent with neighbouring buildings.
- This exemption does not apply to the subdivision of a house into flats or granny flats. Planning permission must be obtained for such works.
- This exemption does not apply to Protected Structures or Proposed Protected Structures.

15. CAN I CONSTRUCT OR ERECT A GATE OR GATEWAY OTHER THAN WITHIN OR BOUNDING THE CURTILAGE OF A HOUSE?

Yes, if the following apply:

- The height of any such structure shall not exceed 2 metres.

16. CAN I CONSTRUCT OR REPLACE A FENCE OR A WALL OF BRICK, STONE, OR BLOCKS, OTHER THAN WITHIN OR BOUNDING THE CURTILAGE OF THE HOUSE?

Yes, if the following apply:

- The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is greater
- Every wall, other than a dry or natural stone wall shall be capped and the face of any wall of concrete or concrete blocks, which will be visible from any road, path or public area, shall be rendered or plastered.

17. CAN I PAINT ANY EXTERNAL PART OF THE BUILDING?

Such painting may not be for the purposes of creating a mural except in the case of a hoarding which is bounding land on which permitted development is being or will be carried out.

18. 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 which exceeds 4 metres in width.
- Affect a building, feature, site etc., which is protected or proposed for protection in the development plan or draft plan.

- Obstruct a public right of way.
- Are not wholly related to the use of the house for domestic purposes.
- Consist of works under a public road other than a connection of a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable.
- Interfere with the character of the landscape, or a view or prospect of special amenity value, the preservation of which is an objective of the development plan for the area.
- Consist of the extension, alteration, repair or renewal of an unauthorised structure.
- Obstruct any public right of way.
- Consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing.
- Consist of works to the exterior of a structure where the structure is located within an Architectural conservation Area.
- Consist of the provision of or modifications to an establishment, and could have significant repercussions on major accident hazards.

19. WHERE CAN I GET MORE INFORMATION ON EXEMPTIONS?

The full list of exempted developments is set out in the Planning Acts and Regulations. The planning authority can advise on whether they consider planning permission is necessary, or not, in a particular case. If any question arises as to what is or is not development or is or is not exempted development a person may request, in writing, from the planning authority, a declaration on that question for a fee of €80 (under Section 5 of the Act). The person who is issued with the declaration may refer the declaration to An Bord Pleanála for review, within 4 weeks of the date of issue of the declaration, on payment of such fee as may be prescribed. An Board Pleanála, 64 Marlborough Street, Dublin 1, Telephone (01)8588100 or Lo Call 1890 275 175, or www.pleanala.ie.

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. This fee for a retention application is 3 times more than the standard 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 Limerick City Council. See also Question 23 in relation to Building Regulations.

22. SHOULD I CONSULT ANY OTHER BODIES?

You should contact your local E.S.B. 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. Any works at or in relation to a Recorded Monument requires two months notice to the Department of the Environment, Heritage and Local Government Development Application Section, Dun Sceine, Harcourt Lane, Dublin 2 (01) 6472300 under Section 12 of the National Monuments (Amendment) Act 1994.

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 Control System on www.enviro.ie. Further information may be obtained from Limerick City Council. You may also need other types of approval e.g. making a new connection to a sewer. Contact Limerick City Council Planning Department 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 risk.

The law governing the planning system is set out in the Local Government Planning and Development Act, 2000-2010 (As Amended) and the Local Government Planning and Development Regulations, 2001 (As Amended). These may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2, Telephone 01 476834/35/36/37.

DOING WORK AROUND THE HOUSE
THE PLANNING ISSUES

Planning & Economic Development Department,
Limerick City Council,
1st Floor City Hall,
Merchants Quay,
Limerick.

Telephone: +353 61 407210
Fax: +353 61 410401
Email: plandev@limerickcity.ie



This leaflet sets out the main planning issues when doing work around the house - domestic extensions, minor works etc. It is intended as a practical guide. It is not a definitive legal interpretation of planning law. For more information you should consult the planning office of Limerick City Council and/or the Planning and Development Regulations 2001 (As Amended).

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, alteration) 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, establishing a crèche or opening a bed and breakfast with more than 4 guest bedrooms in your house. The planning authority can give a decision on whether they consider any particular change of use is significant enough to be “material” for planning purposes. The planning authority decision can be appealed to An Bord Pleanála.

5. HOW ARE HERITAGE BUILDINGS AFFECTED?

In general, under Section 57 of the Planning and Development Act, 2000, no development can take place on a Protected Structure or Proposed Protected Structure without planning permission.

6. DO I NEED PLANNING PERMISSION TO EXTEND MY HOUSE, INCLUDING BUILDING A CONSERVATORY TO THE REAR, OR TO CONVERT A GARAGE, STORE OR SHED AT THE REAR OR SIDE OF MY HOUSE FOR USE A PART OF THE HOUSE?

No, if the following apply:

- If the house has not been extended previously, the floor area of the proposed extension shall not exceed 40 square metres.
- If the house is terraced or semi detached the floor area of any extension above ground level shall not exceed 12 square metres. If the house is detached this figure will be 20 square metres.
- If the house has been extended previously, the floor area of that extension (or any extension constructed after 1st October 1964) taken together with the floor area of the proposed extension shall not exceed 40 square metres.
- In the case of a terraced or semi detached house the floor area of any previous extension above ground level taken with that of the proposed extension above ground level shall not exceed 12 square metres. In the case of a detached house this figure will be 20 square metres.
- Any above ground floor extension must be a distance of not less than 2 metres from any party boundary.
- If the rear wall of the house does not include a gable* the height of the walls of the extension shall not exceed the height of the rear wall of the house. If the rear wall of the house does include a gable* the height of the walls of the extension shall not exceed the height of the side walls of the house.
- The height of the highest part of the roof of the extension shall not exceed the height of the highest point of the house. In the case of a flat roofed extension the height shall not exceed the height of the eaves or parapet, whichever is appropriate.
- The construction of an extension shall not reduce the area of private open space (reserved exclusively for the use of the occupants of the house) to the rear of the house to less than 25 square metres.
- Any window at ground level shall not be less than 1 metre from the boundary it faces. Any window above ground level shall not be less than 11 metres from the boundary it faces.
- Where the house is detached and the floor area of the extension exceeds 12 square metres any window proposed above ground level shall not be less than 11 metres from the boundary it faces.
- The roof of any extension shall not be used as a balcony or roof garden.

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

7. CAN I PROVIDE, AS PART OF A CENTRAL HEATING SYSTEM, A CHIMNEY, BOILER HOUSE OR OIL STORAGE TANK, WITHOUT PLANNING PERMISSION?

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

8. CAN I CONSTRUCT, ERECT OR PLACE THE FOLLOWING WITHIN THE CURTILAGE OF MY HOUSE, WITHOUT PLANNING PERMISSION; A TENT, AWNING, GREENHOUSE, GARAGE, SHED, STORE OR OTHER SIMILAR STRUCTURE?

Yes if the following apply:

- None of the structures mentioned above can be constructed forward of the front wall of the house.
- The total area of such structures, taken together with any other such structures previously constructed shall not exceed 25 square metres.
- The construction of such structures shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house, to the rear or to the side of the house to less than 25 square metres.
- The external finishes of any garage or other structure erected to the side of the house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.
- The height of any such structure shall not exceed 4 metres where the building has a tiled or slated pitched roof. In any other case the height shall not exceed 3 metres.
- The structure shall not be used for human habitation or for the keeping of pigs, poultry, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

** NB The term “cartilage” is generally taken to mean the parcel of land immediately associated with a structure or in use for the purposes of the structure, for example, front, back and side gardens of a house.

9. CAN I PUT UP A TELEVISION ANTENNA?

There are two types of antenna (a) and (b) television signal

- (a) The erection of a wireless or television antenna, other than a satellite television signal receiving antenna, on the roof of a house, in the case of (a) the following applies:
 - *The height of the antenna above the roof of the house shall not exceed 6 metres.
- (b) The erection on or within the cartilage of a house, of a dish type antenna used for the receiving and transmitting of signals from satellites, in the case of (b) the following apply:
 - * Not more than one antenna shall be erected on, or within the cartilage of a house.
 - * The diameter of any such antenna shall not exceed 1 metre.
 - * No such antenna shall be erected on or forward of the front wall of the house.
 - * No such antenna shall be erected on the front roof slope of the house or higher than the highest part of the roof of the house.

10. CAN I ERECT WALLS, FENCES AND GATES?

Yes, if the following apply:

- The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of the house, 1.2 metres.
- Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.
- No such structure shall be a metal palisade or other security fence

11. CAN I BUILD PATHS, PONDS, CAR PARKING SPACES AND PATIOS?

- Car parking spaces, hard surfacing, garden paths, garden ponds and patios are exempt as long as they are not more than one 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 BUILD A FRONT PORCH?

Yes, if the following apply :

- Any such structure shall be situated not less than 2 metres from any road.
- The floor area of any such structure shall not exceed 2 square metres.
- The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or in any other case, 3 metres.

13. CAN I STORE A CARAVAN, CAMPERVAN OR BOAT?

- Not more than one caravan, campervan or boat shall be so kept or stored.
- The caravan, campervan or boat shall not be used for storage, display, advertisement or sale of goods or for the purposes of any business. No caravan, campervan or boat shall be so kept or stored for more than 9 months in any year or occupied as a dwelling while so kept or stored.

SUNDRY WORKS

14. CAN I CARRY OUT INTERNAL ALTERATIONS, EXTERNAL REPAIRS AND MAINTENANCE?