

Permitted Development

There are quite a few quirky differences between the two planning systems in Ireland. For example, did you know that you need planning permission to demolish a habitable house in ROI but not NI (unless it is Listed or in a Conservation Area)? To find out if this applies to your project read our guide to what changes you can make to your home without planning permission. In NI this is called 'Permitted Development' in ROI it is termed 'Exempted Development'.

Permitted Development in NI

If you're not sure if you need planning permission you should ask your local Planning Office to decide by completing a Certificate of Lawfulness form. This will officially confirm if your proposal. It costs £113 at proposal stage and £225 if retrospective. Response turnaround is normally four weeks. You will need to submit with the completed form a site location plan at scale 1:1,250; a block plan scaled 1:500 showing the position of the proposed works, and any elevations or floor plans at a scale of 1:50.

Extensions

You are allowed to extend your house by up to 70m³ or 15% of the original house volume, whichever is the greater, if it is detached or semi-detached.

Note: size is calculated from external measurements and there is an upper limit of 115m³.

The cubic area of any existing extension built since 1973 is taken into account.

If an extension would fall within 5m of an existing building belonging to the house, such as a garage, that building will be treated as if it is part of the extension to create a combined volume.

If your house is terraced, Listed or in a Conservation Area, you can only extend by 50m³ or one tenth of the original house volume, whichever is the greater. Also, with regard to the maximum height allowed for a wall or fence along a road which doesn't need planning consent is 1m (NI) and 1.2m (ROI)

Listed Buildings and houses in Conservation Areas, all additional buildings which are more than 10m³ in volume, regardless of the distance from your home, are treated as extensions and so reduce the allowance for extending without planning permission. The design and materials used to build the extension must be in keeping with your house.

No part of your extension should be nearer to any road than the nearest part of the house and the extension should not be taller than the roof.

An extension should not be more than 4m high if it comes within 3m of your property boundary.



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Porches

You can build a porch without planning permission as long as its floor area is not more than 2m² measured externally; its height doesn't exceed 3m; it isn't closer than 2m to any boundary along a road or footpath and the design and materials are in keeping with your house. Garages

You can construct a garage if it is more than 5m from your house as long as it is not nearer to any road than the nearest part of the house. Also, it must not be higher than 4m if it has a slanted roof or 3m if it has a flat one. If your garage is to be within 5m of your house or if it is Listed or in a Conservation Area, the same rules will apply as if you are building an extension.

Sheds

You can build a shed of up to 10m³ in volume and up to 4m in height for a ridged roof or 3m in any other case. It should not be nearer the road than your house. You can build a shed larger than 10m³ but it will be treated as an extension and will be subject to the same rules. If your house is Listed or in a Conservation Area you will need planning permission. But if you're proposing to erect pigeon lofts or even converting an existing shed to do so, you will need planning permission.

Walls & Fences

If you wish to erect a fence or wall, you can build one up to 2m high except where it is along a road in which case the maximum height allowed is 1 m, If you live in an open-plan development, you will need to consult with Planning Service because there may be a condition attached to the planning permission for the overall development which would override normal Permitted Development rules. You will need planning permission if you live in a Listed Building.

Antennae

A satellite dish should not be mounted on the front wall or roof of a house facing a road without planning permission. It should not be mounted above the roof ridge. Only one dish per property is allowed and the maximum diameter permissible is 90cm. Planning is always stricter for Listed Buildings and houses in Conservation Areas - you will require consent if you want a satellite dish.

Solar Panels

You can install solar panels on the roof of your house as long as they don't project beyond the plane of any existing roof slope by more than 15cm. Solar panels on the roof of a Listed Building or on the roof of a property in a Conservation Area need planning permission because they are classed as an 'alteration to a roof'.



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The Government is currently looking at ways to give people as much freedom as possible to extend and alter their homes, especially with the current pressure in the housing market. In 2007 a public consultation sought to uncover ways of reducing bureaucracy for householders seeking to improve their homes, while protecting the interests of neighbors, the wider community and the environment.

The objectives of the proposed changes are to rationalize the process; to ensure the need for specific planning permission is proportionate to the impact of the development; to reduce the number of planning applications; and to make sure legislation keeps up to date with new technologies and changing lifestyles. It is also suggested that local planning authorities could have flexibility to amend Permitted Development rights for their area.

A lot of the current rules on Permitted Development are based on determining the volume of additions. This is often difficult for people to work out and can still result in unwelcome development. The proposed new regime would replace the existing complex system of using percentages and volumes with straightforward rules and clear dimensions. An impact based approach would in particular concentrate on overlooking (loss of privacy) and overshadowing (loss of daylight) issues.

Wind turbines and air source heat pumps are not yet Permitted Development. However, once standards have been established to address the potential impacts of noise and vibration these technologies are likely to be included.

Central Government is due to deliver legislation on 1 October and it will be interesting to see if NI benefits from a simplified Permitted Development approach.



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Building Control

Don't forget that even if your proposal doesn't require planning permission, you are still likely to need to apply to Building Control to ensure your plans are in compliance with Building Regulations. Planning Service and Building Control are separate entities. Very simply, the former deals more with design and location, the latter with construction. As well as extensions, work that requires a Building Control inspection generally includes the following:

- Converting a roof space or garage to living space.
- Replacing existing walls, floors, roofs and stairs.
- Combining two rooms into one.
- Removing a chimney breast.
- Installing cavity wall installation.
- Dry lining walls or lining walls with sheeting or boarding.
- Replacing fire doors.
- Installing central heating.
- Replacing or relining flues.
- Installation of new (but not replacement) sanitary appliances.

Some things are exempt from Building Control approval, but before proceeding with any work you should seek the advice of your local Building Control Office. If you begin without an application having been made you may be prosecuted. Also, if you wish to sell your property the purchaser's solicitor will wish to see evidence of Building Control approvals. Note that if your house is listed you also need to contact Historic Monuments and Buildings at the Department of Environment in Northern Ireland.



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Exempted Development in ROI

Have you heard of the '40m² rule' for house extensions? Well, it's one of many in ROI that determine if a house extension can be deemed Exempted Development. In order to apply for a Declaration of Exempt Development, you will need a site location map (scale 1 :2,500); a site layout plan (scale 1:500); drawings of the development (scale 1:500); and a fee of €80. All drawings should differentiate between the original building and any extension or alteration. Council turnaround for a response is four weeks. You can appeal the decision with An Bord Pleanála for a fee of €150, within four weeks of the original decision date. Here's a summary of Exempted Development 'within the cartilage of a house':

You are allowed to extend your house by up to 40 m². if it is detached or just 12m² if it is semi-detached or terraced. The floor space area of any existing extension built since 1964 is taken into account. An extension needs to be at least 2m away from any party boundary. If the rear wall of your house doesn't have a gable, the extension should not be higher than the rear wall. But if the rear wall is gabled, the extension should not be higher than the side walls. An extension should not reduce the private open space area to the rear of your house by less than 25m²

Antennae

The height of a radio or television antenna should not be more than 6m. A satellite dish should only be erected on the side or rear of your house and the maximum diameter allowed is 1m.

Solar Panels

The Irish Government is increasingly sympathetic regarding planning permission and solar power systems. You can install solar panels with an aperture area up to 12 m² or 50% of the total roof area, whichever is less. This is subject to a 15cm maximum distance between the plane of a pitched roof and the panel; a 50cm maximum distance between the plane of a flat roof and the panel; and the panels should be at least 50cm away from the edge of the roof. Any first or second floor window in an extension cannot be less than 11m from the boundary it faces. You must not use the roof of an extension as a balcony or roof garden.

Porches

The maximum floor area allowed is only 2m². A maximum height of 4m is permissible for a tiled or slated roof and 3m in any other case. A new porch cannot be built less than 2m from a road.



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Garages & Sheds

If you wish to build a garage or shed, ensure it does not exceed 25m². Maximum height allowed is 4m for a pitched roof and 3m for a flat one. Make sure it does not project beyond the front of your house. A garage or shed must not reduce the remaining private open space to the rear of the house by less than 25m². The external finishes should conform to those of your house and the use should be incidental to that of your house. In other words, don't inhabit it or carry out commercial activities from any outbuildings without seeking planning consent.

Walls & Fences

If you wish to erect a fence or wall, you can build one up to 2m in height except where it is along a road in which case the maximum height permissible is 1.2m. Walls should be capped and concrete walls that are visible to the public should be rendered or plastered. Metal palisade or security fences are not Exempted Development. You will need planning permission if your house is a Protected Structure.

In comparison with the NI system, Exempted Development rules are a bit more sensible when it comes to protection of neighboring properties from overlooking and overshadowing. They also tend to be more generous. However the proposed changes to Permitted Development in the UK may result in the two systems becoming more similar.

If the proposed extension or alteration to your property fails to comply with these rules, then you need to apply for planning permission which entails more time and expense. Note that if you're considering exercising your Exempted Development rights on a new house, you need to ensure construction of the approved house has been completed.



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