House Extensions: Planning Permission Exemption Guide

South Dublin County Council Planning Department
Many house extensions require planning permission. However, there are certain exceptions to this known as ‘exempted development’, which can be constructed without planning permission.

Categories of exempted development are set out in the Planning and Development Act 2000 (as amended), and the Planning and Development Regulations 2001 (as amended). Exempted Development ‘Development within the curtilage of a House’, Classes 1, 3 and 7 set out the main criteria and thresholds relating to extensions, for example; size, height and distance from the boundary.

An extension can be constructed as exempted development and without planning permission provided it complies with ALL of the relevant criteria and thresholds. If it doesn’t comply with the criteria, then planning permission is required.

This section contains a summary of the main criteria relating to exempted development for extensions. For further details regarding exempted development, refer to the Planning and Development Regulations 2001 (as amended), in particular Articles 6 and 9 and Schedule 2 Part 1 ‘Exempted Development’; available on the Department of the Environment, Heritage and Local Government website www.environ.ie.

It is important to note that:

- Exemptions listed in this section only apply to an existing house.
- Exempted development CANNOT be added to a house under construction
- Exemptions do not apply to apartments or duplexes

Careful choice of materials to enhance the setting

Studio D Architects
Exemption Criteria:

- Extensions (other than porches but including conservatories) should be located to the rear of the house.
- The original floor area of the house will not be increased by more than 40 sq.m. in total.
- If the dwelling has been extended previously, the combined floor area of the proposed extension and the floor area of previous extensions cannot exceed 40 sq.m.
- If a two-storey extension is proposed to a terraced or semi-detached house, no more than 12 sq.m. of the total 40 sq.m. can be built above ground floor level.
- If a two-storey extension is proposed to a detached house, no more than 20 sq.m. of the total 40 sq.m. can be built above ground floor level.
- Any part of an extension above ground floor level including soffit, fascia, gutter and pipework must be at least 2m away from a party boundary (see Gap (i) Diagram C, page 25).
- Any ground floor window in a proposed extension must be at least 1m away from the boundary it faces onto (see Gap (ii) Diagram C, page 25).
- Any window above ground floor level in an extension must be at least 11m away from the boundary it faces onto (see Gap (iii) Diagram C, page 25).
- The extension should not reduce the rear garden area to less than 25 sq.m in total.

Exemption Criteria (condt.):

- The extension should not exceed the height of the house.
- If the rear wall of the house does not include a gable, the height of the extension walls must not exceed 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 of the original house. In any other case, no part of the new roof may exceed the highest part of the roof of the house.
- Any extension roof should not be used as balcony or roof garden.
- In the case of a porch extension to the front of a house, the proposed porch should be located at least 2m from any public road or footpath, and not have a floor area greater than 2 sq.m. If the porch has a tiled or slated pitched roof, it should not exceed 4m in height or 3m in height for any other roof type.
- Construction of any extension should not contravene any condition of a planning permission relating to the house or estate.
- The extension should only be used for residential purposes.
Exemption Criteria (condt.):

Diagram A: Semi Detached or Terraced House

Diagram B: Detached House

Diagram C: Exempted Development Distance Criteria for windows in extensions

Exempted Development Criteria for porches to the front of the house

How can I check if a proposed extension is exempt or not?

If further advice is required on whether or not planning permission is needed for a proposed extension, then you can contact the Planning Department at South Dublin County Council for advice or, if written advice is required, apply to the Council’s Planning Department for a Declaration of Exemption (form available on www.sdublincoco.ie) with the appropriate fee. A declaration on the matter will be issued within 4 weeks with a report outlining the basis for the decision. If the applicant is unhappy with the decision made by the Council, they can appeal the decision to An Bórd Pleanála.
Frequently Asked Questions

Do I need planning permission to insert dormer windows or rooflights in the roof of my house?

Planning permission is required for ALL types of dormer windows proposed to any part of the roof of a house. Planning permission is required for rooflights or skylights proposed on any roofslope of a dwelling that faces onto a public street. Planning permission is not required for rooflights or skylights proposed on the rear roofslope of a dwelling or on roofslopes that do not face onto a public street provided that they lie flush with the existing roof slope. In this case, it should be noted that the number and size of rooflights or skylights proposed should not dominate the roofslope - it is recommended that they do not cover more than 20% of the roof slope on which they are located.

Do I need planning permission to make changes to the front of my house?

Planning permission is required for all extensions proposed to the front of a house (except for the small porch structures illustrated on this page). This includes structures to the front of the house such as a canopy or bay windows, or other changes that will affect the character of the house.

Do I need permission to erect a TV satellite dish on my house?

Where the erection of a dish type antenna used for the receiving and transmitting of signals from satellites is to take place on or around a house the following limitations apply:

- No more than one such antenna shall be erected on, or within the curtilage of a house
- The diameter of any such antenna shall not exceed 1 metre
- No such antenna shall be erected on, or foward 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

If any of these restrictions (detailed in 'Class 4 Exempted Development') are to be exceeded planning permission is required.

In the case of a simple television antenna, other than a satellite television signal receiving antenna, the height of the antenna above the roof of the house shall not exceed 6 metres. If the antenna is higher than this, permission is required.

Does a garage conversion need planning permission?

Garages are often converted into an extra family room or playroom and incorporated into the main living area of the house. If the garage to be converted is attached to the side or rear of the main house, planning permission is not normally required, as long as the combined floor area of the garage conversion taken together with any other extensions does not extend the floorspace of the original house by more than 40m². In such cases, the front garage door should be replaced with a window matching those on the remainder of the property. However, if more significant changes to the exterior of the garage are proposed such as replacing the garage door with both a window and door, planning permission may be required as these changes may alter the character and appearance of the dwelling. It is recommended that you check the situation with the Planning Department.

Is planning permission needed for solar panels on the wall or roof of a house?

Planning permission is not required for the erection of a solar panel on the wall or roof of a house or any buildings within the curtilage of a house as long as it meets the following criteria:

- the total aperture area of any panel combined with any existing solar panels on the house or within the curtilage does not exceed 12sq.m. in area or 50% of the total roof area, whichever is the lesser;
- the solar panel is located a minimum of 50cm from the edge of the wall or roof on which it is mounted;
- the distance between the plane of the wall or a pitched roof and the panel is not more than 15cm;
- the distance between the plane of a flat roof and the solar panel is not more than 50cm.
**Frequently Asked Questions (condt.)**

Is planning permission needed for garden decks or other landscape works?

Garden decking or the creation of other hard surfaces are exempt from planning permission provided that the ground level is not altered or raised by more than 1m. Therefore, where ground levels in a rear garden vary considerably, resulting in the decking or hard surface being raised by more than 1m, planning permission will be required.

Is planning permission needed to widen an existing entrance?

A hard surface to provide no more than two car parking spaces can be provided to the front of a house without planning permission. However, widening an existing driveway entrance will require planning permission. The Council’s Roads Department should be consulted if the roadside kerb is to be dished and a roadside concrete apron laid to provide access to car parking spaces in front of a house. The Council’s Parks Department should also be consulted if the grass verge or any roadside trees are affected.

Is planning permission required to construct or alter a wall in my garden?

In the construction or alteration of a gate, gateway, railing or wooden fence or a wall of brick or stone you must ensure the following:

- The height of a wall or fence within or bounding any garden or other space in front of a house shall not exceed 1.2 metres or 2.0m in height if located to the rear of a house.
- 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 garden boundary shall be a metal palisade or other security type fence.

The plastering or capping of a concrete block or mass concrete wall does not in itself require planning permission, but in the interests of residential amenity every effort should be made to achieve a finish which is consistent with that of your property and other buildings in the area. While you may not require planning permission in the circumstances outlined above you should, where a common boundary exists, consult your neighbour. The Planning Authority has no liability in the event of any dispute that may arise in this respect.

Do I need planning permission to create a family flat?

A family flat refers to a unit created through the subdivision or extension of a dwelling to accommodate a member of the immediate family for a limited period. Planning permission is normally required for such development.

In these circumstances the family flat should be

- subordinate to the main dwelling
- generally not exceed 50% of the floor area of the main dwelling
- be linked directly to the main dwelling via an internal access door (at both ground and first floor levels if the extension or sub-division is two-storey in nature).

If an external door to the new family flat is required, it should be located to the side or rear of the new unit rather than to the front of the house.

When a planning application for the creation of a family flat is submitted to the Council, it should include information explaining why a family flat is needed and details of the name of the proposed occupant and their relationship to the householder. A condition will normally be attached to any planning permission granted for a family flat that requires the extended house to be returned to a single dwelling unit when the flat is no longer required as a family flat. This condition prevents it being occupied or sublet as a separate unit to the main house.

Do I need planning permission to run a small business from a new extension to my home?

Many small scale commercial and professional businesses may be carried out by people in their homes where they are secondary to the main use of the house as a residence.

This Guide is not intended to cover extensions proposed specifically for the purpose of running a business from home. Planning permission is normally required for running a business from home and information on the circumstances in which the Council will consider granting planning permission for such businesses can be found in the South Dublin County Development Plan.
Frequently Asked Questions (condt.)

What if my house is a Protected Structure or in an Architectural Conservation Area?

Planning permission is required for any works, including extensions, to Protected Structures (including Proposed Protected Structures) or works to the exterior of a structure within an Architectural Conservation Area. Details of Protected Structures and Architectural Conservation Areas in the county can be found in the South Dublin County Development Plan or by contacting the Planning Department's Conservation Officer.

It is recommended that proposals to alter or extend a Protected Structure or a structure within an Architectural Conservation Area are discussed with the Council’s Conservation Officer before submitting a planning application.

It is important to note that any person who damages or undertakes works to a Protected Structure without the necessary planning permission is committing an offence.

Should I notify my neighbours before submitting a planning application?

There is no legal requirement to consult with your neighbour when drawing up plans for an extension. However, where planning permission is required for an extension, the application will be publicised through newspaper and site notices, and the public given an opportunity to make representations to the Council. Therefore, the Council strongly recommends that you discuss your extension proposal with neighbours before submitting a planning application. This can provide an opportunity to resolve minor issues and may help avoid objections being made to the application and subsequent appeals to An Bórd Pleanála.

How do I apply for planning permission for a house extension?

You will need to complete a planning application form which is available from South Dublin County Council’s offices or can be downloaded from the Council’s website www.sdublincoco.ie. The Council will normally make a decision on a planning application for a home extension within 8 weeks of receiving a valid application. A checklist of the plans and information you need to submit for a valid planning application is set out overleaf. A summary of the planning permission process is set out at the end of this Guide.

Do Building Regulations apply to extensions?

Your development must comply with the provisions of the Building Regulations. A Commencement Notice and relevant fee will need to be submitted to Building Control in the Council not more than 28 days and not less than 14 days before commencement of works. Commencement Notices can be downloaded from the Council’s website www.sdublincoco.ie. Primary responsibility for compliance with the Building Regulations rests with designers, builders and building owners.

There are heavy penalties, including fines and imprisonment, for breaches of the Building Regulations. In addition, when it comes to selling a property, there may be difficulties if the purchaser’s solicitor cannot be satisfied that the requirements of the Building Regulations have been met.
South Dublin County Council

Extension Exemption Guide

Completed planning application form.

The page of the relevant newspaper showing the newspaper notice. This must have been published not more than 14 days before submission of the application to the County Council.

A copy of the site notice erected along with a plan showing the position on the land of the site notice (this can be shown on the site layout plan).

The appropriate fee.

A schedule listing all the maps and plans submitted with the application. It is essential that all maps, plans and measurements are in metric scale.

6 copies of a site location plan at a scale not less than 1:1000 in a built-up area and not less than 1:2500 in all other areas. The location plan must show the application site boundary clearly marked in red, other land in the vicinity which is in the ownership of the applicant or landlord outlined in blue and wayleaves shown in yellow.

6 copies of a layout plan at a scale not less than 1:500 showing the application site boundary in red. Existing buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant trees and other features on and adjoining the application site. Distances of extension from site boundaries should be shown clearly on the plan. Site levels should be shown clearly on the layout plan.

6 copies of drawings, floor plans, elevations and sections at a scale not less than 1:200 showing the proposed extension and the main features of the existing building. Plans should be clearly marked to distinguish proposed extensions / alterations from existing structures. The principal dimensions including overall height should be clearly shown and marked on the plans in metric measurements.

If appropriate, elevation drawings should show the main features of any neighbouring buildings that would adjoin the extension (even if they are not owned by the applicant) at a scale of not less than 1 : 200.

SOUTH DUBLIN COUNTY COUNCIL

SITE NOTICE

1 Hill View, Tallaght

Mr & Mrs T Smith

I / We intend to apply for (tick as appropriate)

X Permission

□ Retention permission

□ Outline permission

□ Permission consequent on the grant of outline permission (Reg. Ref. )

for development at this site

Erection of two storey extension to rear of house

The development will consist / consists of

The planning application may be inspected or purchased at the offices of South Dublin County Council, County Hall, Town Centre, Tallaght, Dublin 24, during its public opening hours of Monday to Friday from 9.00 a.m. to 4.00 p.m.

A submission or observation in relation to the application may be made in writing to South Dublin County Council on payment of the prescribed fee of €20 within the period of 5 weeks beginning on the date of receipt of the application by South Dublin County Council.

Signed: Mr T Smith (If Agent give address) (Applicant/Agent do not as appropriate)

Date of erection of site notice: 16 April 2007

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Illustration of the Planning Application Process:

- Submit planning application to SDCC
  - See checklist on page 29

- Pre-planning consultation with SDCC on proposal if appropriate

- Finalise extension details & drawings
  - Insert public notice in newspaper no more than 14 days before submitting application. Erect site notice

- Appoint architect / design professional to prepare extension design

- Check design complies with Building Regulations

- County Council Grant Permission

- Application invalid: due to missing necessary information, notices or fee. Returned to applicant

- Submit planning application to SDCC
  - See checklist on page 29

- Pre-planning consultation with SDCC on proposal if appropriate

- Valid Application is registered & allocated to Planning Officer

- Application assessed including any valid third party submissions

- Request for Additional information may be made to applicant

- Applicant returns Additional Information as requested

- County Council Refuse Permission

- Appeal lodged with An Bórd Pleanála against decision, or against conditions, or by 3rd Party

- Alternative or amended proposals

- County Council Grant Permission
  - Appeal lodged with An Bórd Pleanála against decision, or against conditions, or by 3rd Party

- An Bórd Pleanála Grant Permission
  - Application assessed including any valid third party submissions

- An Bórd Pleanála Refuse Permission
  - Applicant returns Additional Information as requested

- No Appeal

- Issue of Grant of Permission (Final Grant)

- An Bórd Pleanála Grant Permission
  - Appeal lodged with An Bórd Pleanála against decision, or against conditions, or by 3rd Party

- An Bórd Pleanála Refuse Permission
  - Applicant returns Additional Information as requested

- No Appeal

- Issue of Grant of Permission (Final Grant)

- Check Planning Conditions. Submit compliance to SDCC if required

- Submit Commencement Notice to SDCC 14-28 days before start of construction

- Construct Extension