

WEXFORD COUNTY COUNCIL

PLANNING AND DEVELOPMENT REGULATIONS 2001 - 2013

EXEMPTED DEVELOPMENT

DEVELOPMENT WITHIN THE CURTILAGE OF A HOUSE.



The information contained in this booklet has been taken from the Planning and Development Regulations 2001-2013.

Please note that when considering whether works are Exempted Development the following are also taken into consideration;

Section 4 of the Planning & Development Act 2000 (as amended)

Sections 5, 6, 7 & 8 of the Planning & Development Regulations 2001 – 2013.

Should you require further assistance or confirmation that a particular development is exempted then you may apply for a Certification of Exempted Development (Section 5 application). The details can be found on our website www.wexford.ie or contact Planning Customer Service Unit on 053 9196101 or email planning@wexfordcoco.ie

Class 1

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Conditions and Limitations

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.
2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house 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.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
- (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
- (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
7. The roof of any extension shall not be used as a balcony or roof garden.

CLASS 2

(a) The provision as part of a heating system of a house, of a chimney or flue, boiler house or fuel storage tank or structure.

Conditions and Limitations

The capacity of an oil storage tank shall not exceed 3,500 litres.

(b) The construction, erection or placing within the curtilage of a house of a wind turbine.

Conditions and Limitations

1. The turbine shall not be erected on or attached to the house or any building or other structure within its curtilage.
2. The total height of the turbine shall not exceed 13 metres.

3. The rotor diameter shall not exceed 6 metres.
4. The minimum clearance between the lower tip of the rotor and ground level shall not be less than 3 metres.
5. The supporting tower shall be a distance of not less than the total structure height (including the blade of the turbine at the highest point of its arc) plus one metre from any party boundary.
6. Noise levels must not exceed 43db(A) during normal operation, or in excess of 5db(A) above the background noise, 239 (c) The installation or erection of a solar panel on, or within the curtilage of a house, or any buildings within the curtilage of a house. whichever is greater, as measured from the nearest neighbouring inhabited dwelling.
7. No more than one turbine shall be erected within the curtilage of a house.
8. No such structure shall be constructed, erected or placed forward of the front wall of a house.
9. All turbine components shall have a matt, non-reflective finish and the blade shall be made of material that does not deflect telecommunication signals.
10. No sign, advertisement or object, not required for the functioning or safety of the turbine shall be attached to or exhibited on the wind turbine.

c) The installation or erection of a solar panel on, or within the curtilage of a house, or any building within the curtilage of a house.

Conditions and Limitations

1. The total aperture area of any such panel, taken together with any other such panel previously placed on or within the said curtilage, shall not exceed 12 square metres or 50% of the total roof area, whichever is the lesser.
2. The distance between the plane of the wall or a pitched roof and the panel shall not exceed 15 centimetres.
3. The distance between the plane of a flat roof and the panel shall not exceed 50 centimetres.
4. The solar panel shall be a minimum of 50cm from any edge of the wall or roof on which it is mounted.
5. The height of a free-standing solar array shall not exceed 2 metres, at its highest point, above ground level.
6. A free-standing solar array shall not be placed on or forward of the front wall of a house.
7. The erection of any free standing solar array shall not reduce the area 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.

(d) The installation on or within the curtilage of a house of a ground heat pump system (horizontal and vertical) or an air source heat pump.

Conditions and Limitations

1. The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.
2. The total area of such a heat pump, taken together with any other such pump previously erected, shall not exceed 2.5 square metres.
3. The heat pump shall be a minimum of 50cm from any edge of the wall or roof on which it is mounted.
4. No such structure shall be erected on, or forward of, the front wall or roof of the house.
5. Noise levels must not exceed 43db(A) during normal operation, or in excess of 5db(A) above the background noise, whichever is greater, as measured from the nearest neighbouring inhabited dwelling.

CLASS 3

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

Conditions and Limitations

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.
2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.
3. The construction, erection or placing within the curtilage of a house of any such structure 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.
4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.
5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

CLASS 4

(a) The erection of a wireless or television antenna, other than a satellite television signal receiving antenna, on the roof of a house.

Conditions and Limitations

The height of the antenna above the roof of the house shall not exceed 6 metres.

(b) The erection on or within the curtilage of a house, of a dish type antenna used for the receiving and transmitting of signals from satellites.

Conditions and Limitations

1. Not more than one such antenna shall be erected on, or within the curtilage of a house.
2. The diameter of any such antenna shall not exceed 1 metre.
3. No such antenna shall be erected on, or forward of, the front wall of the house.
4. 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.

CLASS 5

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

Conditions and Limitations

1. 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 a house, 1.2 metres.
2. 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.
3. No such structure shall be a metal palisade or other security fence.

CLASS 6

- (a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.**

Conditions and Limitations

The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.

(b) Any works within the curtilage of a house for

(i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such,

or,

(ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.

Conditions and Limitations

Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, whichever is the smaller,

or

if the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.

CLASS 7

The construction or erection of a porch outside any external door of a house.

Conditions and Limitations

1. Any such structure shall be situated not less than 2 metres from any road.
2. The floor area of any such structure shall not exceed 2 square metres.
3. 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.

CLASS 8

The keeping or storing of a caravan, campervan or boat within the curtilage of a house.

Conditions and Limitations

1. Not more than one caravan, campervan or boat shall be so kept or stored.
2. The caravan, campervan or boat shall not be used for the storage, display, advertisement or sale of goods or for the purposes of any business.
3. 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.

CLASS 9

The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.

Conditions and Limitations

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

CLASS 10

The plastering or capping of any wall of concrete blocks or mass concrete.

CLASS 11

The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of –

- (a) any fence (not being a hoarding or sheet metal fence), or**
- (b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.**

Conditions and Limitations

1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.
2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.

CLASS 12

The painting of any external part of any building or other structure.

Conditions and Limitations

Such painting may not, except in the case of a hoarding or other temporary structure bounding land on which development consisting of works is being or will be carried out in pursuance of a permission granted under Part III of the Act or as exempted development, be for the purposes of creating a mural.

CLASS 13

The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.

Conditions and Limitations

The width of any such private footpath or paving shall not exceed 3 metres.

CLASS 44

The sinking of a well, drilling of a borehole, erection of a pump, or construction of a pumphouse, for the purpose of providing a domestic water supply, or a group water supply scheme in accordance with a plan or proposal approved by the Minister or a local authority for the purpose of making a grant towards the cost of such works.

N.B. If not subject to a planning condition as this would remove the Class 44 exemption (See 9 (1) (a) (i)).

CLASS 50

(a) The demolition of a building, or buildings, within the curtilage of—

- (i) a house,**
- (ii) an industrial building,**
- (iii) a business premises, or**
- (iv) a farmyard complex.**

(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

Conditions and Limitations

1. No such building or buildings shall abut on another building in separate ownership.
2. The cumulative floor area of any such building, or buildings, shall not exceed:
 - (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and
 - (b) in all other cases, 100 square metres.
3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.

Restrictions on exemption.

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
- (ii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (iii) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

- (iv) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

- (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

- (viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,
- (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the 24 competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,
- (viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.
- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

- (ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
- (x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,
- (xi) obstruct any public right of way,
- (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

(b) in an area to which a special amenity area order relates, if such development would be development:—

- (i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or
- (ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes,or
- (iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or
- (iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,

- (c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,**
 - (d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.**
- (2) Sub-article (1)(a)(vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding 100 metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises.**
- (3) For the avoidance of doubt, sub-article (1)(a)(vii) shall not apply to any operation or activity in respect of which a Minister of the Government has granted consent or approval in accordance with the requirements of regulation 31 of the Habitats Regulations 1997, and where regulation 31(5) does not apply.**