



The Joint Committee of Building Societies' solicitors and the Law Society has issued the following Practice Note, which is intended to replace in its entirety the note which appeared as Practice Note (2) in the Recommendations of the Joint Committee issued as a supplement with the January-February Gazette 1982.

By virtue of Regulations made in 1964 under the Local Government Planning & Development Act 1963, an extension (of up to 120 square feet in the case of a single-storey, or of up to 180 square feet in the case of two-storey) added to the rere of a dwellinghouse which complied with the other criteria was "exempted development."

Under the Local Government (Planning & Development) Regulations, 1977 (S.I. No. 65 of 1977) which came into effect on 15th March 1977, the exempted area of an extension was extended to 18 square metres and the distinction in area between single and two-storey extensions was removed.

The 1977 Regulations also introduced as an exempted development the conversion of a garage (within the permitted area of 18 square metres) attached to the rere or to the side of a dwellinghouse.

Under the Local Government (Planning & Development) (Amendments) Regulations, 1981, which came into effect on 1st May 1981, the area of exemption for both an extension and a garage conversion was extended to 23 square metres.

A great many conveyancing transactions involve houses which have been extended or the garage converted and it frequently arises that an extension would not have been exempted development under the Regulations applicable at the time it was built (or, in the case of a garage, at the time of conversion) but, in fact, would be exempted development if carried out now.

The Committee has considered the position carefully and particularly the fact that it is the intention of the Minister for Environment that Planning Authorities should not be concerned with matters relating to extensions or conversions that come within the current guidelines.

The Committee accordingly recommends that solicitors for purchasers and mortgagees should not insist upon application being made for permission to retain the structure or conversion, provided an appropriate Certificate is furnished to verify that the extension would be exempted development under current regulations.

EXEMPTED DEVELOPMENTS



**EXEMPTED
DEVELOPMENTS**

(Contd.)

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It is almost inevitable in such a case that no Building Bye Laws Approval would have been obtained (in areas where they are applicable). It is important to note that compliance with Building Bye Laws is a condition of the entitlement to the exemption and this should be carefully dealt with in any Architect's certificate.

UPDATE: See the Practice Note at page 7.15 hereof.

**BUILDING
BYE-LAWS
APPROVAL**

The Committee was asked for its opinion on the following query.

Planning Permission for a residential development included a condition that Building Bye-Laws Approval be obtained and the terms thereof complied with. The Building Bye-Laws Approval was furnished. The Certificate by the Estate Architect confirmed compliance with the Planning Permission and did not mention compliance with Building Bye-Laws Approval although the copy Building Bye-Laws Approval furnished was identified as being the appropriate one for the house in question.

The Committee is of the opinion that in cases where there is a specific condition in the Planning Permission that Building Bye-Laws Approval be obtained and complied with the Architect's Certificate of Compliance with the Planning Conditions covers compliance with the Building Bye-Laws Approval without specific reference to the aforesaid condition.

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