



**HOUSE EXTENSION**

**FAILURE TO OBTAIN  
BUILDING BYE LAWS  
APPROVAL**

Solicitors are increasingly coming across cases where house extensions have been erected or a conversion of a garage has taken place which development would be exempted development under the Planning Acts, but the necessary Building Bye-Laws Approval was not obtained. The attitude of the Local Authority, quite correctly, is that they are unable to issue Building Bye-Laws Approval retrospectively as it involves approval of matters like foundations and other items which cannot later be inspected.

The Committee considers that a reasonable practice for a Solicitor for a Building Society is to accept a Declaration or a Certificate from a professionally qualified person on the general lines of the following:

“I ..... of ..... aged twenty-one years and upwards DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I have examined the extension constructed by ..... at his house number .....
2. I am satisfied from the measurements of the said extension that it would have qualified as an exempt development defined by the Local Government (Planning & Development) Acts, 1963 to 1976 except for the failure to obtain Building Bye Laws Approval.
3. I am informed that Building Bye Law Approval was not obtained for the development. It is impractical to inspect the foundations or work covered up but subject thereto I have inspected the same in so far as I could reasonably do so and I am satisfied that the extension is built in substantial compliance with Building Bye Laws as at the date of construction.
4. I am qualified to make this Declaration by virtue of being .....
5. I make this solemn Declaration conscientiously believing the same to be true by virtue of The Statutory Declarations Act 1938 and for the satisfaction of the Purchaser of the said premises.

DECLARED by .....  
this ..... day of ..... 19.....