

Property Clinic

Your queries answered

My neighbours are building an extension. What height is allowed without approval?

Q We live in a semi-detached house. Our neighbours are in the process of building an extension, but they do not have planning permission. I can see that they are building within the 40sq m allowed but what bothers me is the height of this extension. It reaches up to the first-floor window. Is this allowed?

A A single-storey extension is permitted to the rear of a dwelling once it is less than 40sq m of which up to 12sq m can be at first-floor level where the house is terraced or semi-detached. This is provided for in the Planning and Development Regulations 2001 – Schedule 2 Part 1 Class 1. If you check this you will see all the limitations. It is important to count any existing extensions or garage conversions that were made after October 1st, 1964, including those that have previously been granted planning permission, as it is the cumulative floor area that must be under 40sq m. I assume when you say it reaches up to first-floor level you mean that a mono-pitched roof reaches up to window sill level of a first-floor window. If this is the case, your neighbours also need to consider Part B of the building regulations, which deals with fire escape. They will need to ensure the extension's roof will be of sufficient strength to facilitate escape and rescue from a rear first-floor window in the event of a fire; in other words, it can't have a glass or perspex roof.

There are some other issues you, as a neighbour, may have, namely:

- Encroachment over the boundary with you
- Knitting into your own extension roof,

should you have one. Any flashing details should be agreed with you

- Impeding a chimney stack draw
- Restricting a wall vent or boiler flue
- Building over a mains drainage line.

If this is the case, adequate tolerance must be left and an engineer should be involved in the design

Another matter to consider is the form of wall construction proposed. Your neighbour's choice may limit or restrict your own ability to extend to the rear of your house in the future. Pay attention to the location of the proposed side wall. Where it is in line with the party wall the foundations may encroach on your side – a more expensive boot-type foundation may be required if building close to the party wall. Where the wall is built with hollow block it will not be suitable as a shared party wall in the future.

Finally, a parapet wall detail is recommended at roof level on the party line to accommodate the roof on any future extension to your side. These are all questions to be agreed with the neighbour or his or her professional adviser.

If it is found that the extension is not exempt from planning permission, you can notify the local authority planning enforcement section of the breach of planning laws and an enforcement notice may be issued.

If your neighbours are not breaching any planning regulations or any building regulations, then you have nothing to worry about except whether or not you'll be invited to the house-warming party.

Pat McGovern is a chartered building surveyor and a member of the Society of Chartered Surveyors Ireland, scsi.ie



A front garden in our pretty cul-de-sac is shockingly unkempt. What can we do?

Q Our cul-de-sac of eight dormer houses in a coastal county is pretty as a picture and well-kept by its owners apart from one house at the entrance which has become a talking point in the village. The overgrown front lawn of this house is shockingly unkempt, strewn with discarded toys, overflowing dustbins and broken fencing, a rusty barbecue, old paint tins, an unused trampoline listing to the side. I could go on... The large back garden is mostly unused.

A My neighbours and I don't know how to approach this distressing situation. We are torn between offending the owner of the house and the inevitable effect on the value of our own properties from this unsightly introduction to our little road. Advice ranges from offering to help the owner tackle the chaos (we have tried this individually with no

success) to selling up and moving on. Most residents in our cul-de-sac are of a certain age and have varied degrees of mobility. We love where we live, work hard to keep it looking well and this situation is causing us great distress.

A This is obviously an awkward situation where the earlier option of individual approaches has failed, and a group approach is less likely to succeed. I think the group approach could also regrettably lead to an inevitable deterioration in neighbourly relations and the owner in question becoming entrenched in their views. I presume you've tried or discussed the situation with other of his family members or acquaintances. I do not think you should consider selling-up – that is a drastic option. You clearly like your location and particularly in today's market your where-to-go options are very limited.

Furthermore, you could well find yourself in an "out of the frying pan and into the fire" situation.

Your only other option is to approach the council. The Litter Pollution Act, 1997, as amended by the Waste Management (Amendment) Act 2001 and the Protection of the Environment Act 2003, introduced penalties in Ireland to help combat

■ Messy gardens: Failure to keep your property litter free can result in a fine or prosecution by your local authority.

PHOTOGRAPH: ISTOCK/GETTY

the problems of litter pollution more effectively. The owner or occupier of property that can be seen from a public place is obliged to keep the property free of litter. This means that any outdoor area on a property visible from a public place must be kept free of litter. Failure to keep your property litter free can result in a fine or prosecution by your local authority.

In addition, extra powers are also available to your local authority to require a householder or business operator to indicate how and where they are disposing of their waste. This is particularly relevant if the householder or business owner is not availing of a refuse collection service or is not bringing their waste to an authorised disposal facility, which would appear to be the situation with your neighbour.

Many county councils run an "Are you waste compliant?" campaign aimed mainly at households to ensure their waste is properly disposed of. Your council will have a litter pollution officer and I suggest making a complaint with the details to the officer, who should be able to enforce the clearing of the litter from the front of the property.

Ed Carey is a chartered residential agency surveyor and member of the Society of Chartered Surveyors Ireland, scsi.ie

Got a query?

Send your queries to propertyquestions@irishtimes.com or to

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The Irish Times,
24-28 Tara Street, Dublin 2.

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