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ARCHITECT'S CLINIC

MARK STEPHENS

Planned home is too big for us

Q I bought a plot with planning permission for a two-storey house but we've now decided that this house would be too big for us and would like to downsize it. Would this involve a lot of time and money?

A THIS is a frequent occurrence, as the two-storey house that received planning permission hasn't been designed to your specific requirements. Even in cases, where a house has been designed for the end-user, requests for changes can occur after the planning application has been granted.

There are a few things to bear in mind if you have a site with planning permission and want to make changes:

What forms part of the planning permission?

The planning permission will normally have a condition that says something like: "The development shall be carried out in accordance with the documentation..." This refers to the set of drawings approved by the planning authority and any additional drawings that may have been submitted as part of a request for Further/Additional Information from the Council.

What changes can I make?

You can make changes internally as long as the building looks the same externally and the external aspects such as window and door sizes/locations for example would remain unchanged. All interior alterations/changes would also need to comply with current building regulations. To reduce the size of a two-storey would constitute external changes and require a new design and planning application by a registered architect.

The new design must fully comply with Building Regulations and planning rules. A registered architect has the qualifications to take you expertly through your building project.

Opinion on Compliance

In cases where a design has been altered without a new planning application, the inspecting/certifying architect may not be able to provide an Opinion on Compliance with Planning Permission on completion. This could have serious repercussions on your mortgage, insurance and conveyance. You should be aware that it is an offence to carry out any work that requires or contravenes a planning permission and the offence can carry very heavy fines and possible imprisonment.

Even if the inspecting/certifying architect provided an Opinion of Compliance with plan-

ning, this is only an 'Opinion' and should you ever come to sell the property, another architect's opinion may be different, which could necessitate a retention planning permission.

What is a Retention Planning Permission?

A retention planning permission is a planning permission for an already built, but unauthorised structure. Such an application incurs an increased planning application fee and may not always be granted. The planning authority has the right to request regularisation on other aspects in addition to any changes made.

There are also limitations set out in planning legislation where the planning authority is precluded from taking an enforcement action on an unauthorised development if seven years have past since the commencement of the development, or 12 years from completion of the development for which you are seeking planning permission. This doesn't mean that you now have a default planning permission, as you may still be required to regularise the development with



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a retention planning permission should you wish to make further changes or if the property is to be sold.

Even minor changes to planning permission drawings can block the sale of a property and are often used to negotiate a discount from the vendor. Even though it is unlikely that the planning authority would waste resources in pursuing minor non-compliances.

Generally, applying for a new planning application on the foot of a current existing one is straight-

forward, it can be easier and a decision could be received within the statutory eight weeks (excluding requests for additional/further information).

The process could involve additional costs for professional services and planning fees but the benefit of living in a home designed to your specific requirements as well as the legal surety of complying with everything described above makes the additional cost worthwhile.

It's important to bear in mind that the cost of an architect's fee is a relatively small percentage compared to the actual cost of building the house. This is especially true when, as in your case, the house does not match your requirements.

Mark Stephens, RIBA MRIAI, runs an architectural practice from Swinford, Co Mayo;
MarkStephensArchitects.com

If you are considering changes to your home, work with a registered architect. Check on riai.ie, the registration body for architects in Ireland.

**Do you
have a design dilemma
we can help you with?
Email your problem to
designclinic@independent.ie.
Advice is for guidance only
and readers are advised
to seek professional
assistance for any
proposed project.**