Derry City & Strabane District Council

Comhairle Chathair Dhoire & Cheantar an tSratha Báin

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DERRY CITY & STRABANE DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN (LDP) 2032

PLAN STRATEGY

Supplementary Planning Guidance (SPG) – A Guide to Your Home and Planning Permission – FINAL, July 2026

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DERRY CITY AND STRABANE DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN (LDP) 2032

Supplementary Planning Guidance

(SPG)

A Guide to Your Home and Planning Permission

FINAL, July 2026

Any reference within this document to legislation, policy or associated guidance should be read as referring to the current publications, legislation, etc.

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1. Introduction

1.1. The Council's aim is to improve the quality of life of the people in the District by planning and managing development in ways which are sustainable, and which contribute to creating a better environment. Submitting a Planning application to the Council gives you an opportunity for your proposed development to be considered in the context of this objective. A development which may seem to be relatively minor to you can have a significant impact on the immediate neighbourhood and the wider built environment. In most cases you can carry out some small alterations and extensions to your home and property without the need to submit an application for Planning permission. These works are known as permitted development. Generally, permitted development rights are applied to minor non-contentious development where it is considered that, subject to specified exceptions, an application for Planning permission is not necessary.

1.2. The purpose of this guidance is to help you understand if you require Planning permission for works around your home. It also tells you how to go about making a Planning application if one is needed.

1.3. This document is simply a guide and is not an exact statement of the law. For full details of permitted development rights, homeowners should refer to the Planning (General Permitted Development) Order (Northern Ireland) 2015 (as amended). Some examples of permitted development rights are included (as Illustrations) for information throughout this guidance, but this should not be viewed as a comprehensive summary.

1.4. If you live in **Conservation Area**, special guidance is available from the Council's Planning Department. If you are planning any building works to your home it is recommended that you consult this guidance in advance of undertaking any works.

1.5. If you live in a house which is a **Listed Building** it is likely that you will require Listed Building Consent for any building works to your home. If the development is within the curtilage of a listed building you will need to submit a Planning application for the work unless Listed Building Consent has already been granted.

1.6. The guidance applies only to residential properties occupied by a single person or by people living together as a family. Please note that an extension to a flat or a residential property in multiple occupancy does not benefit from the permitted development rights set out in this guide.

1.7. If you consider the works you propose to carry out are permitted development, you can apply to the Council for a Certificate of Lawfulness for the Proposed Use or Development (CLUD). This will be of particular benefit should a property go on the housing market for sale, as solicitors representing purchasers will usually require documentary evidence that any minor works which have been undertaken are lawful. An application for a Certificate of Lawfulness must be accompanied by the

appropriate fee. For more information, see Planning fees - explanatory note for applicants on the following link; Planning fees - explanatory note for applicants | Department for Infrastructure

SECTION 1: BUILDING AN EXTENSION

Planning permission is not required when:

1. The total ground area covered by a proposed extension and any other buildings within the curtilage of the house, excluding the original house, does not exceed 50% of the total area of the curtilage excluding the ground area of the original house (see glossary).

2. Any part of the extension is not higher than the highest part of the roof of the existing house.

3. The height of the eaves of the extension are not higher than the eaves of the existing house.

4. Any part of the extension does not extend beyond a wall facing a road if it forms the principal or side elevation of the original house.

5. The eaves are no more than 3 metres in height if any part of the extension is within 2 metres of the boundary of the curtilage of the house.

6. The materials used in any exterior work, other than materials used in the erection of a conservatory, are of similar appearance to those used in the construction of the exterior of the original house.

7. An upper floor window located in a wall or roof slope forming a side elevation of the house, which is within 15 metres of any boundary of the curtilage of a neighbouring house is obscure glazed; and is non–opening unless the parts which can be opened are more than 1.7 metres above the floor of the room in which the window is installed

8. A side extension does not exceed 4 metres in height or is wider than half the width of the original house.

9. In a single storey extension (see illustration 1):-

   a. the extension does not extend beyond the rear wall of the original house by more than 4 metres for a detached house or 3 metres for any other type of house;
   b. the height of the extension does not exceed 4 metres; or
   c. no part of the extension is within 3.5 metres of any property boundary with a road opposite the rear wall of the house.

10. In an extension which has more than one storey (see illustration 2): -

   a. the extension does not extend beyond the rear wall of the original house by more than 3 metres;

b. no part of the extension is within 7 metres of the property boundary opposite the rear wall of the house;
c. the roof pitch of the extension is as far as practicable the same as the roof pitch of the original house.

11. If you live in a house within a Conservation Area or an Area of Outstanding Natural Beauty:

a. no part of the exterior of the house is clad with stone, artificial stone, pebbledash, render, timber, plastic or tiles;
b. the extension is not more than 1 storey or 4 metres in height;
c. no part of the extension extends beyond a principal or side elevation of the original house.

Notes: Measurements should always be calculated using external measurements. If you live in a house which is a listed building, it is likely that you will need Listed Building Consent for any building operations. If the development is within the curtilage of a listed building you will need to submit a Planning application for the work unless listed building consent has already been granted. The Council's Planning Section will be able to advise you.

Illustration 1: Side and rear single storey extensions to detached house

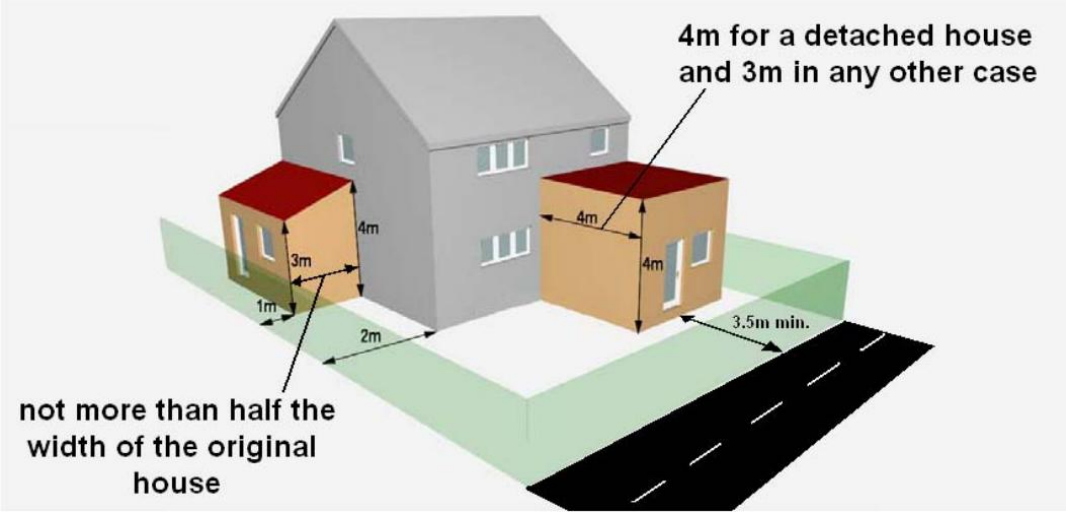
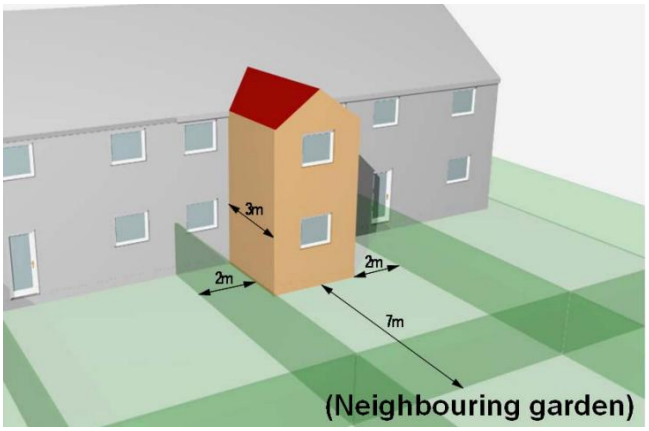


Illustration 2: Two storey rear extension to terraced house



SECTION 2: ALTERATIONS AND ADDITIONS

Porches

Planning permission is not required for a porch provided that:

1. The ground area is not more than 3 square metres (measured externally).

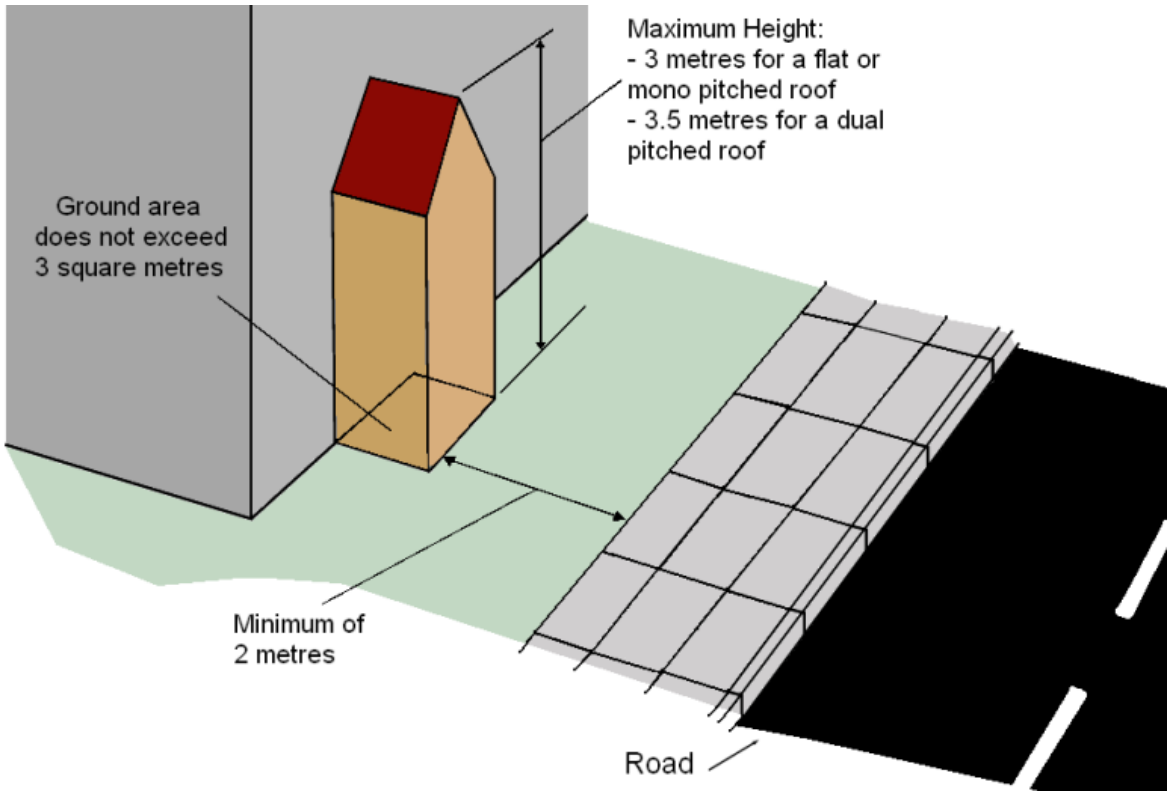
2. Any part of the porch does not exceed-
   a. 3 metres above ground if the roof is flat or mono pitched;
   b. 3.5 metres above ground if the roof is dual pitched

3. Any part of the porch is not closer than 2 metres to any boundary of the curtilage of the house with a road/footpath.

4. The materials used are of similar appearance to those used in the construction of the existing house.

Note: Where the dwelling is within the curtilage of a Listed Building, a Listed Building Consent will be required.

Illustration 3: Building a porch that does not require Planning permission



Conservatories

A conservatory attached to the house will be treated as an extension and therefore will need to comply with the rules set out in Section 1. A free-standing conservatory will be subject to the criteria set out in Section 4.

Other dwelling attached to a house e.g. a granny flat

Planning permission is required if it is a separate and self-contained unit or is linked to the main dwelling but can also operate as a single unit of accommodation in its own right. If it is not a separate and self-contained unit, it will be treated as an extension and therefore will need to comply with the restrictions and limitations as set out in Section 1.

Converting a house, or part of it into one or more flats or apartments

Planning permission is required for converting a house or part of a house into one or more flats, (even where building work is not required) as such conversion is considered a change of use.

Changing part of a house for home working purposes

The use of any part of a house for home working purposes may not require Planning permission but this will depend on the scale and nature of the use.

Demolition If your house lies within a Conservation Area (see glossary) you may need consent for demolition. You may also need to apply for Planning permission for demolition if your house is located within an Area of Townscape or Village Character (see glossary), even if it just includes demolition of walls, gates, fences or other means of enclosure. In all cases it is recommended that you consult the Council's Planning Section with the details of the particular proposal and seek advice.

Note:

Listed Buildings

If you live in a house which is a listed building, it is likely that you will need Listed Building Consent for any building operations. If the development is within the curtilage of a listed building you will need to submit a Planning application for the work unless listed building consent has already been granted. The Council's Planning Department will be able to advise you.

SECTION 3: EXTENSIONS CONSISTING OF AN ADDITION AND ALTERATION TO A ROOF

Roof lights, dormer windows and other roof extensions

Planning permission is not required provided that:

1. No part of the roof light, dormer or extension is higher than the highest part of the existing roof.

2. No part of the roof light, dormer or extension projects by more than 15 centimetres beyond the plane of any existing roof slope of the house which faces onto a road and forms the principal or side elevation of the house.

3. No part of the roof light, dormer or roof extension is any closer than 0.5 metres to the ridge of the existing roof, eaves of the existing roof (measured along the plane of the roof) or any party wall or verge.

4. The additions or alterations do not consist of, or include the construction of a deck, balcony or veranda or other raised platform.

5. The materials used in any exterior work are of similar appearance to those used in the construction of the exterior of the existing house.

6. Any window inserted in a wall or roof slope forming a side elevation within 15 metres of a boundary of a curtilage of a neighbouring house is obscure glazed; and is non–opening unless the parts which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

7. Your house is not in a Conservation Area.

Illustration 4: Rear dormer not requiring Planning permission.

Roof space conversion

The internal alterations to convert a roof space to provide additional living accommodation do not require Planning permission. However, installing dormer windows, inserting roof lights or carrying out other works to alter the roof may need permission – particularly if the roof slope faces onto a road and forms the principal or side elevation of the house (see Roof lights, dormer windows or other roof extensions).

Re-roofing a house

Planning permission is not required providing that the height of the roof is not increased and the materials used are of similar appearance to those of the existing roof.

Note:

Listed Buildings

If you live in a house which is a listed building, it is likely that you will need Listed Building Consent for any building operations. If the development is within the curtilage of a listed building you will need to submit a Planning application for the work unless listed building consent has already been granted. The Council's Planning Section will be able to advise you.

SECTION 4: BUILDING A GARAGE, CARPORT, GARDEN SHED, GREENHOUSE OR OTHER BUILDING

Planning permission is not required for a detached garage, car port, shed, greenhouse or other building provided that:

1. It is used for domestic purposes only.

2. The ground area covered by the building/structure and any other buildings within the boundary of the property, excluding the original house, is not more than half the total area of the property.

3. No part of the building/structure is in front of the principal or side elevation of the original house that faces onto a road.

4. The maximum height of the building/structure is 4 metres.

5. The maximum eaves height of the building/structure is 2.5 metres if it is within 2 metres of the boundary of the curtilage of the house.

6. No part of the building/structure is within 3.5 metres of the rear boundary of the curtilage of the house where it adjoins a road.

7. If your house is within a Conservation Area or an Area of Outstanding Natural Beauty and the maximum total area of ground covered by buildings/ structures situated more than 20 metres from any wall of the house does not exceed 10 square metres.

8. If you live in a house within a Conservation Area or Area of Outstanding Natural Beauty and the building/structure is not situated between the principal or side elevation of the house and the boundary of the curtilage of the house.

Note: A garage which is attached to the house will be treated as an extension for which the rules in Section 1 will apply. Planning permission is not required providing you comply with the rules for building an extension. Measurements are always calculated using external measurements.

The creation or replacement of a hard surface for a car

Planning permission is not required provided that your car is used as a private vehicle and the hard standing does not involve the construction or alteration of an access to a trunk or classified road or might cause an obstruction to other road users near a junction, bend or crest. Planning permission is not required if the hard surface is to the front of your house

however if the surface area is greater than 5 square metres, it must be of porous or permeable materials or provision must be made to direct run-off water to a porous or permeable area (see glossary) within the curtilage of the house. Porous surfaces such as pebbles or gravel allow water to drain through it while permeable surfaces may have materials such as paving slabs and tiles but provide gaps which help reduce the risks associated with inadequate rainwater drainage.

Access to a road

Planning permission is required unless the new access is to an unclassified road and is to serve permitted development which does not need express Planning permission. It is important to note that even where Planning permission is not required, an application for consent to make or alter an access to a road must still be submitted to DfI Roads for approval.

If the work involves making a new access or altering an existing access to a trunk or classified road Planning permission will be needed for the access and the development.

If the development is within a site of archaeological interest or an area of special scientific interest Planning permission is always required. If in any doubt, check with the local DfI Roads office, contact details can be found under 'Government' in the phone directory or on the NI Direct website https://www.nidirect.gov.uk/contacts/dfi-roads

Note: Measurements should always be calculated using external measurements.

If you live in a house which is a listed building, it is likely that you will need Listed Building Consent for any building operations. If the development is within the curtilage of a listed building you will need to submit a Planning application for the work unless listed building consent has already been granted. The Council's Planning Section will be able to advise you.

SECTION 5: DECKING, WALLS AND FENCING

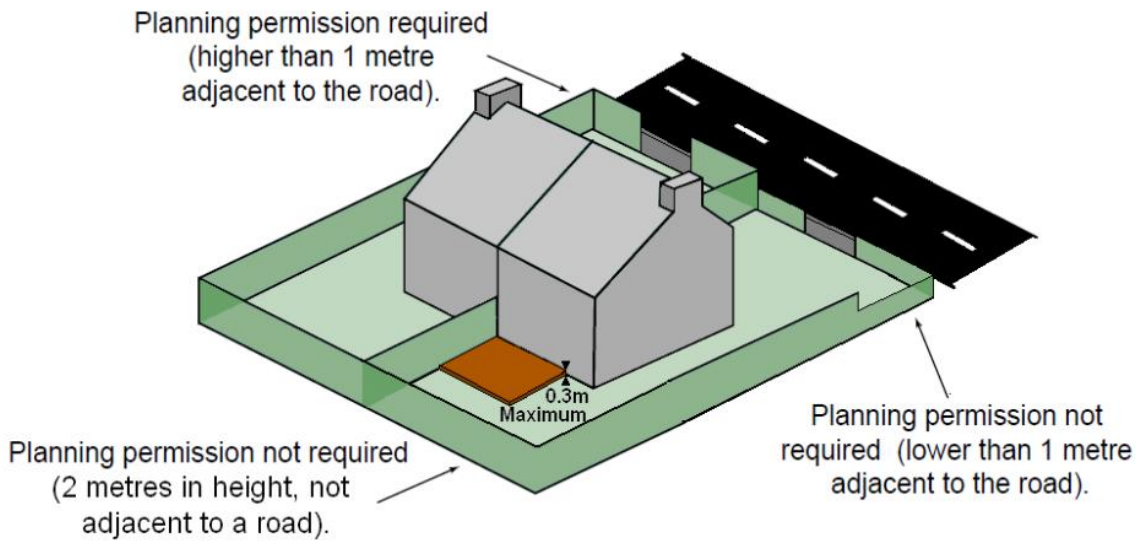
Walls and Fences (see illustration 5)

Planning permission is not required provided that:

1. The wall or fence is not more than 2 metres in height anywhere on your property except where it lies adjacent to a road or footpath when its height may not exceed 1 metre.

Note: If you live in an open plan or shared surface housing development the walls/fences referred to above may not be permitted development. If you are in doubt, always consult the Council's Planning Section as there may be a condition attached to the Planning permission for the development in which you live which affects your permitted development rights.

Illustration 5



Decking and Raised Platforms (see illustration 5)

Planning permission is not required provided that:

1. No part of the deck or raised platform is more than 0.3 metres above ground level.

2. The deck or raised platform is not in front of the principal or side elevation of the house that faces onto a road.

3. If you live in a house within a Conservation Area no part of the deck or raised platform is situated between a wall forming the principal or side elevation and the property boundary.

Notes: The highest point of any railing, balustrade etc. around a deck or raised platform may not be more than 2 metres above ground level.

If you live in a house which is a listed building, it is likely that you will need Listed Building Consent for any building operations. If the development is within the curtilage of a listed building you will need to submit a Planning application for the work unless listed building consent has already been granted. The Council's Planning Section will be able to advise you.

SECTION 6: REPAIRS AND MAINTENANCE

General improvements and repairs to a house

Planning permission is generally not required for improvements and repairs unless the work involves a considerable change to the outside appearance of the house.

Changing external windows and doors

Planning permission is not required provided you are using existing window and door openings. You may, however, need permission to replace a flat window with a bay or bow window. You should check with the Council's Planning Section before starting work.

Internal alterations to a house

Planning permission is not required provided that the use as a house is not changed.

Painting the exterior of a house

Planning permission is not required provided that the painting is not for the purpose of advertisement, announcement or direction.

Cladding the outside of a house

Planning permission is required in a Conservation Area or Area of Outstanding Natural Beauty.

In other areas Planning permission is not required although the materials used should be of similar appearance to those used on the exterior of the existing house.

Note: If you live in a Conservation Area special guidance is available from the Council's Planning Section on the use of materials and other detailed design issues. If you are Planning repairs and maintenance to your home, and it is in a Conservation Area it is recommended you consult this guidance. If you live in a house which is a listed building, it is likely that you will need Listed Building Consent for any building operations. If the development is within the curtilage of a listed building you will need to submit a Planning application for the work unless listed building consent has already been granted. The Council's Planning Section will be able to advise you.

SECTION 7: OTHER MINOR WORKS

Oil /LPG (liquefied petroleum gas)Tanks

Planning permission is not required provided that:

1. The tank is for domestic purposes.
2. The tank has a maximum capacity of 3,500 litres.
3. No part of the tank is more than 3 metres above ground level.
4. No part of the tank is on land in front of the principal or side elevation of the original house that faces a road.
5. The tank is no closer than 2 metres from a rear property boundary with a road opposite the rear wall of the house.
6. If you live in a house within a Conservation Area no part of the tank is on land between the principal or side elevation of the house and its boundary.

Chimneys, flues or soil and vent pipes

Planning permission is not required provided that:

1. The height of the chimney, flue or soil and vent pipe is not more than 1 metre above the highest part of the roof.
2. If you live in a house within a Conservation Area or Area of Outstanding Natural Beauty the chimney, flue or soil and vent pipe is not installed on the principal or side elevation of the house which faces a road

Microwave antennae

Planning permission is not required provided that:

1. There are no more than 2 antennae on the house or within its curtilage.

2. If a single antenna is installed it is not longer than 100 centimetres in length.

3. f two antennae are installed, one is not greater than 100 centimetres in length and the other not greater than 60 centimetres in length.

4. An antenna fitted to a chimney stack: a. is not greater than 60 centimetres in length; b. does not protrude above the chimney.
5. The antenna has a maximum cubic capacity of not more than 35 litres.

6. An antenna installed on a roof without a chimney is not higher than the highest part of the roof.

7. An antenna installed on a roof with a chimney is: not higher than the highest part of the chimney or, not more than 60 centimetres above the highest part of the ridge tiles of the roof whichever is the lower.

8. If you live in a house within a Conservation Area, Area of Outstanding Natural Beauty or Area of Special Scientific Interest: a. the antenna is not installed on a chimney, wall or roof slope facing onto and visible from a road, and b. is not installed on a building over 15 metres high.

Notes: Where it is practicable antennae should be positioned so as to minimise the impact on the external appearance of the building.

For the purpose of this guide the length of an antenna is its maximum dimension in any linear direction; measurement should not include any projecting feed element, reinforcing rim, mounting or bracket(s).

Antennae should be removed when no longer needed for reception or transmission purposes.

Erecting a radio mast

Planning permission is required to erect a radio mast.

Putting up a TV aerial

Planning permission is not required to put up a TV aerial.

Keeping a caravan or boat in a garden or driveway

Planning permission is not required to keep a caravan or boat in a garden or driveway provided the caravan or boat is used for your own enjoyment and is simply parked there.

Note: If you live in a house which is a listed building, it is likely that you will need Listed Building Consent for any building operations. If the development is within the curtilage of a listed building you will need to submit a Planning application for the work unless listed building consent has already been granted. The Council's Planning Section will be able to advise you.

SECTION 8: SOLAR PANELS

Roof mounted solar panels on a pitched roof (see illustration 6)

Planning permission is not required provided that:

1. No part of the panel exceeds the highest part of the roof.
2. No part of the panel protrudes more than 20 centimetres beyond the plane of a roof slope facing onto or visible from a road.
3. Panels do not protrude beyond the edge of the existing roof.
4. If you live in a house within a Conservation Area the roof slope on which the panels are fitted must not face onto or be visible from a road.

Roof mounted solar panels on a flat roof

Planning permission is not required provided that:

1. Panels do not extend more than 1.5 metres above the plane of the roof.

2. Panels do not protrude beyond the edge of the existing roof.

3. If you live in a house within a Conservation Area the panels must not be visible from a road.

Wall mounted solar panels

Planning permission is not required provided that:

1. Any part of the panel which is higher than 4 metres and closer than 3 metres to the property boundary does not protrude more than 20 centimetres from the plane of the wall.

2. Panels do not protrude beyond the edge of the existing wall.

3. No part of the solar panel installed on a wall of a chimney is higher than the highest part of the roof.

4. If you live in a house within a Conservation Area the wall must not face onto or be visible from a road.

Free-standing solar equipment

Planning permission is not required provided that:

1. There is only one freestanding solar panel installation within the curtilage of the dwelling. 2. The area of the free-standing solar panel does not exceed 14 square metres.

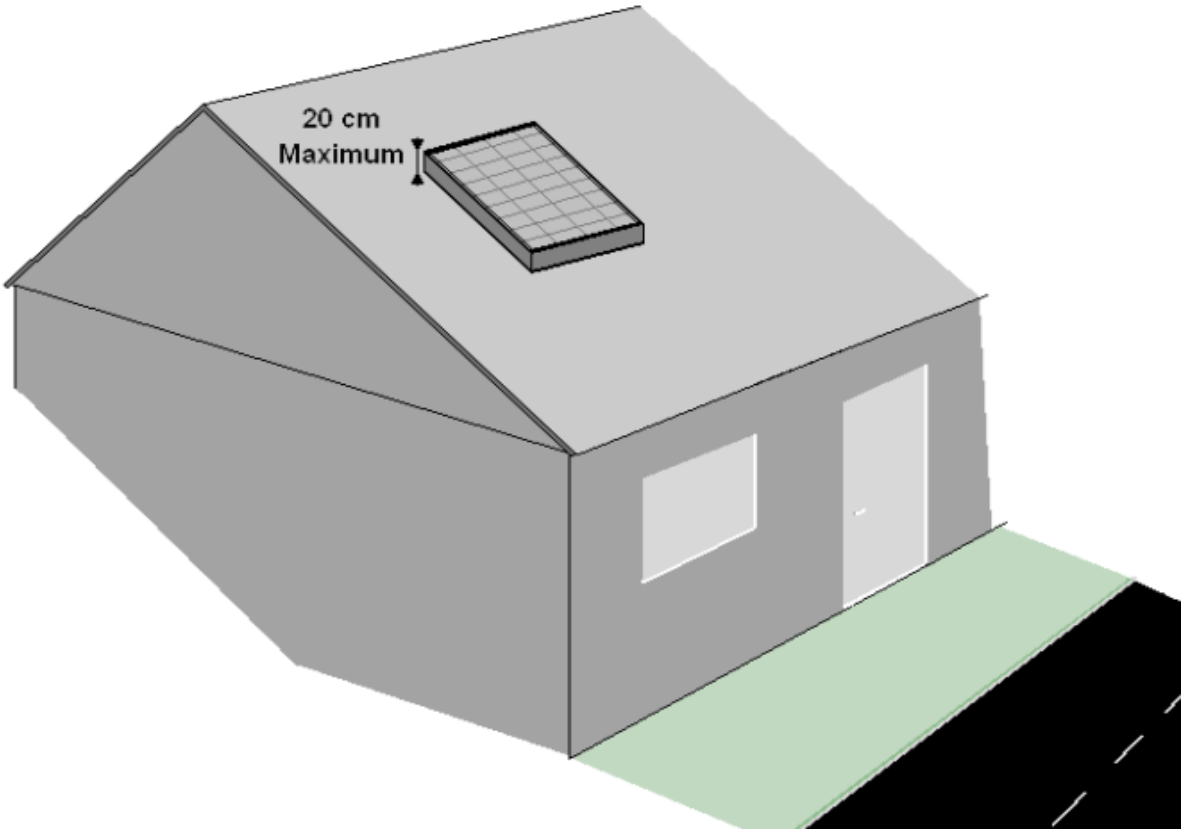
2. No part of the panel exceeds 2 metres in height.

3. No part of the panel is closer to a road than any part of the existing house.

Notes: The primary purpose of solar equipment must be to provide heat or energy for a domestic property. Equipment must be removed as soon as reasonably practicable when no longer in use.

If you live in a house which is a listed building, it is likely that you will need Listed Building Consent for any building operations. If the development is within the curtilage of a listed building you will need to submit a Planning application for the work unless listed building consent has already been granted. The Council's Planning Section will be able to advise you.

Illustration 6: Roof solar panel facing onto and visible from a road.



SECTION 9: DOMESTIC BIOMASS AND HEAT PUMPS

Containers for storing solid biomass fuel

Planning permission is not required provided that:

1. An above ground container does not exceed 6,500 litres in capacity or more than 3 metres above ground level in height.

2. No part of the container is closer to a road than the part of the house nearest the road.

3. If you live in a house within a Site of Archaeological Interest or an Area of Special Scientific Interest the container is not below ground.

A flue for a biomass or combined heat and power heating system

Planning permission is not required provided that:

1. The height of the flue is no more than 1 metre higher than the highest part of the roof.

2. The flue is not on a wall or roof slope forming the principal or side elevation which is visible from a road If you live in a house within a Conservation Area.

A ground or water source heat pump

Planning permission is not required provided that:

1. No part of the pump or its housing which is within 3 metres of the boundary of the house exceeds 4 metres in height.

2. The heat pump is not situated within an Area of Special Scientific Interest or a Site of Archaeological Interest.

Notes: The primary purpose of such equipment must be to provide heat or energy for a domestic supply.

When no longer in use equipment must be removed as soon as reasonably practicable.

An air source heat pump

Planning permission is not required provided that:

1. That the air source heat pump (ASHP) must comply with Microgeneration Certificate Scheme (MSC) Planning Standards or equivalent standards.

2. It would not result in the presence of more than one air source heat pump within the curtilage of the house.

3. No part of the air source heat pump is within 1 metre from the boundary of the curtilage of another house (other than where an air source heat pump is being installed, altered or replaced).

4. No part of the air source heat pump is situated on land forward of a wall which faces the road and forms either the principal or side elevation of the existing house.

5. If you live in a Conservation Area no part of the air source heat pump faces onto or is visible from a road.

6. The height of the air source heat pump does not exceed 3 metres.

7. The pump is not located on a roof.

8. The heat pump is not situated within an Area of Special Scientific Interest, a Site of Archaeological Interest or within the curtilage of a Listed Building.

Notes: The primary purpose of such equipment must be to provide heat for use within the curtilage of the house.

Equipment must be removed as soon as reasonably practicable when no longer in use.

If you live in a house which is a listed building, it is likely that you will need Listed Building Consent for any building operations. If the development is within the curtilage of a listed building, you will also need to check if Listed Building Consent is required or has already been granted. The Council's Planning Section will be able to advise you.

SECTION 10: MAKING YOUR HOUSEHOLDER APPLICATION

Application Forms

If you need to apply for Planning permission, you can do so online via the Planning Portal:

Planning Portal - Make an application

or in hard copy. A printable version of the application form (PHD form) and its associated guidance are available at

Printable Application Forms

Whilst the form is not difficult to complete, you may find it helpful to employ the services of an agent to make the application on your behalf as scaled plans will be required.

Application Fees

A fee is charged for most Planning applications; the amount varies depending on the type of application and the proposed development. The Council's Planning Section can advise you of the correct fee for your application and details are set out in the leaflet "Planning Fees – Explanatory Notes for Applicants" –

Planning Fees Explanatory Notes

You may not have to pay a fee if you are altering or extending your house to improve the safety, health or comfort of a disabled person living in the house.

Advertising and Consultation

Once we have all the information we need, we will carry out consultations on the proposal in accordance with the legislative requirements. We will:

- Publish notice of the application in the local press (Antrim Guardian and Newtownabbey Times) or other major newspapers where publication of local press is suspended; · Notify neighbours of the application by letter;

- Publish notice of the application on the Planning pages of the Council's website; · Notify relevant statutory consultees, such as DfI Roads, NI Water etc; and

- Notify relevant non-statutory consultees such as the Council's own Environmental Health Section or Tree Officer if required.

Legislation prohibits a decision being issued until the expiry of 14 days from the date an application is advertised, or neighbour notified, whichever is the later. We also cannot issue a decision until at least 21 days after we have consulted a statutory consultee.

Neighbour Notification: Telling your Neighbours

Article 8 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 requires the Council upon receipt of an application for Planning permission to notify identified occupiers of buildings on neighbouring land adjoining the application site:

• that an application for Planning permission has been received; and

• where the application and related plans may be inspected.

Owners not in occupation or persons with other interests in the land will not be notified.

To enable the Council's Planning Section to notify the correct people, you must submit on your application form the addresses of occupiers of buildings on **adjoining land** who are **within 90 metres** of the boundary of your site.

What is "neighbouring land"?

Neighbouring land means land which **directly adjoins** the application site, **or which would adjoin it but for an entry or road less than 20 metres** in width.

Which neighbours are "identified occupiers"?

An identified occupier is the occupier of premises within a 90 metre radius of the boundary of the proposed application site. It is therefore the addresses of these buildings only that you should enter.

Advice notes on neighbour notification are contained in the application form PHD which is available from at https://www.nidirect.gov.uk/articles/making-Planning-application#toc-1

If you need help to complete your application staff will be able to assist you.

Although your neighbours can comment on your proposals, we will only consider those comments which have to do with Planning matters and will not consider anything else.

Length of Time to get a Decision

When a Planning application is received the Council's Planning Section will notify your neighbours and inspect the site. We will likely have to consult other bodies such as Dfl Roads and Northern Ireland Water.

During the processing of an application we may find that proposals need amending or additional information is needed and these factors could extend the processing time. We aim to process applications for 'householder' development within 15 weeks, however this may vary case to case.

Refusal of Planning permission or imposition of a condition

You may appeal against a refusal of Planning permission or against a condition attached to any approval of permission within 4 months of the date of our notice of decision. You can get the forms and explanatory notes you need from the Planning Appeals Commission and your appeal should be made direct to:

Post

Planning Appeals Commission
4th Floor
92 Ann Street BELFAST BT1 3HH
E. info@pacni.gov.uk www.pacni.gov.uk
T. (028) 9024 4710

Additional information

The Council's Planning Section staff will be glad to give you general information as well as advice on any particular development you have in mind. If you require detailed information, we would advise you to submit full details of your query by email to Planning@derrystrabane.com which will be acknowledged and a response issued in due course.

SECTION 11: THINGS TO CHECK

Before carrying out any work you are advised to check the following:

Legal Position

If you are in any doubt, check your legal position and if necessary, consult a solicitor to ensure that there are no restrictions on the land or the type of work you wish to do (e.g., legal title, restrictive covenants, rights-of-way, a direction which has previously removed permitted development rights etc.). Also if the existing building is unlawful, permitted development rights will not apply.

Planning History

The original Planning permission granted for your house may have a condition attached restricting or prohibiting the kind of work you wish to carry out. If in doubt, check with the Council's Planning Section. There may be a small fee for this service. In addition, if you have previously extended the property, there may be a limit on your permitted development rights

Road Requirements

The work you are carrying out must not cause danger by obstructing the view of people using a public road or which impact on the means of access to an existing road.

Listed Buildings and Conservation Areas

Listed Building Consent may be needed for the work you want to do if you live in a listed building. The Council's Planning Section will be able to advise.

If you live in a Conservation Area and wish to carry out any external alterations, it is advisable to discuss these with the Council's Planning Section.

Historic Monuments

Work proposed in or near any archaeological site or historic monument may need special permission, or certain precautions may be advisable. For advice, contact the Historic Environment Division within the Department for Communities at the following address:

Post: DfC Historic Environment Division Causeway Exchange, 1-7 Bedford Street, Belfast

BT2 7EG Email: historicenvironmentenquiries@communities-ni.gov.uk

Natural Habitats

Derry City and Strabane District is rich in biodiversity, much of which is protected by various pieces of legislation, including wild birds, bats and badgers. Works that would affect bats/birds or any other protected species would require full Planning permission so the relevant authority NIEA can be consulted and provide guidance.

For assistance, the Council would advise you to consider the following document - NI Biodiversity Checklist published April 2017. If you answer YES to any question in Part 1 or Part 2 then full Planning permission would be required for your proposal as Council will need to fully assess the impact this proposal may have on protected species.

The links below outline guidance on protected species and habitats.

- https://www.daera-ni.gov.uk/sites/default/files/publications/doe/daera-2016-wildlife-law-and-you.pdf
- https://www.daera-ni.gov.uk/topics/protected-areas
- https://www.netregs.org.uk/environmental-topics/land/nature-conservation/protected-sites-and-priority-habitats/
- https://www.nidirect.gov.uk/articles/wildlife-reserves-and-designated-landscapes
- https://www.netregs.org.uk/environmental-topics/land/nature-conservation/conservation-and-biodiversity-legislation/
- https://www.daera-ni.gov.uk/articles/plant-or-animal-species-protected-law#:~:text=The%20Wildlife%20(Northern%20Ireland)%20Order,picking%20of%20certain%20wild%20plants.

Sites adjoining an SAC (Special Area of Conservation) watercourse or a watercourse that is hydrologically linked to an SAC will require consultation with Shared Environmental Services (SES) and potentially a Habitats Regulations Assessment (HRA) to be completed under the Conservation (Natural Habitats, etc.) Regulations (NI) 1995 (as amended). As such, permitted development would not be applicable and full Planning permission would be required.

SECTION 12: OTHER APPROVALS YOU MAY REQUIRE

As well as Planning permission and Listed Building Consent, there are other approvals and consents which may be needed.

Building Regulations

The Council's Building Control Service assesses plans to make sure they comply with Building Regulations. As work progresses on site, Building Control officers will inspect it at key stages. You may be required to submit plans to Building Control. The Council's Planning Department may also check that the plans you submit to Building Control have the benefit of Planning approval. You can find out more information from Building Control as follows:

T. (028) 7125 3253

E. buildingcontroldept@derrystrabane.com

Development affecting roads

When you apply for Planning permission your application may be required to be considered by the Department for Infrastructure's Roads Department. Even if you do not need Planning permission but wish to make or alter an access to a road or do any work to a road or a footpath you may need the permission of DfI Roads. You can contact DfI Roads as follows:

T. 0300 200 7899

E. dfiroads.northern@infrastructure-ni.gov.uk

Water Fittings Regulations

The consent of Northern Ireland Water may be needed for your plumbing and drainage proposals. For further advice, please contact Northern Ireland Water.

You can find contact details for Northern Ireland Water at www.niwater.com.

Effluent disposal

Should you intend to treat foul sewage effluent from the proposed development using a septic tank or package sewage treatment works, you will need a discharge consent from the Water Management Unit of the Northern Ireland Environment Agency (NIEA) within the Department of Agriculture, Environment and Rural Affairs (DAERA). Ideally application should be made either prior to or alongside the Planning process, as there is no guarantee that consent will be granted. You can contact the Water Management Unit as follows:

T. 0300 200 7850

E. daera.helpline@daera-ni.gov.uk.

SECTION 13: ENFORCEMENT

A breach of Planning control occurs when building works or a material change of use of land or a building takes place without Planning consent.

The Council has powers to require these breaches to be put right. We can do this by requiring changes to be made to the development, by requiring removal of the development, or by giving the development approval if we think it is acceptable.

The Council's approach to Planning enforcement is set out in the following statement:

The Council encourages the community to report cases where they believe there has been a breach of Planning control. Enforcement is a discretionary power and there may be cases where it is not expedient to pursue such action. All enforcement-related complaints are treated confidentially. If the complaint results in a Planning application being submitted, this will be publicised as normal and adjoining neighbours will be notified. The Council will acknowledge all complaints received and will write to advise the complainant on the action taken, at the conclusion of the case. Only those upon whom an enforcement notice has been served have the right of appeal.

The Council's priorities for enforcement action are contained within the Enforcement Strategy, which is subject to regular review which may involve public consultation as part of this review process.

The Enforcement Strategy can be found on the following link;

https://www.derrystrabane.com/services/planning

GLOSSARY

Area of Outstanding Natural Beauty (AONB): An area which has been designated to be of outstanding natural beauty

Area of Special Scientific Interest (ASSI): An area of land protected due to its nature conservation or geological value

Area of Townscape or Village Character (ATC/AVC): Areas designated in particular towns or villages which have a distinctive character in their built form and layout

Conservation Area: An area designated as it is an area of special architectural and historic interest, the character of which it is desirable to preserve or enhance. There are currently 5 Conservation Areas within the District, namely: Historic City, Clarendon Street & Magee in Derry / Londonderry, as well as Newtownstewart and Sion Mills. For details, see: https://www.derrystrabane.com/services/planning/conservation-areas

Curtilage: The area, usually enclosed, encompassing the grounds and buildings immediately surrounding a house that is used in the daily activities of domestic life

Existing House: A house existing immediately before the carrying out of the proposed development

Original house: A house as it existed on 1st October 1973 or as it was built, if after this date

Listed Building: A building listed as a building of special architectural or historic interest

Listed Building Consent: The written consent of the Council for the demolition, alteration or extension of a listed building

Microwave antenna: A satellite antenna or terrestrial microwave antenna

Permeable surfacing: The material is impervious to water but gaps throughout the surface allow water to infiltrate (drain)

Porous surfacing: Surfacing that infiltrates water across the entire surface

Principal elevation: In most cases, the principal elevation will be that part of the house which fronts the main road serving the house. It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be that which is understood to be the front of the house.

Rear elevation: That part of the house that is opposite the principal elevation Road A road will usually include public roads and public footpaths but would not usually include private driveways

Side elevation: The part of the house which links the principal elevation with the rear elevation

Site of Archaeological Interest: Land scheduled for protection or taken into care under the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995

CONTACT THE PLANNING DEPARTMENT

You can contact the Council's Planning Department in the following ways:

E. Planning@derrystrabane.com

T. (028) 7125 3253

Post

Derry and Strabane District Council
Planning Department
Derry Office
98 Strand Road Derry,
BT48 7NN