



The 45m² Habitable Garden Exemption: Consumer & Regulatory Master Guide



The Complete Client Purchase & Regulatory Guide: Ireland 45m2 Habitable Garden Exemption

Category	Requirement & Technical Specification	Relevant Law / Authority / Contract Basis	What is Allowed vs What is NOT Allowed	Sign-Off & Verification Required
1. Legal & Siting Exemption Rules	- Size Window:Detached structure must land strictly between 32m2 and 45m2. - Private Open Space: A minimum of 25m2 of usable private open garden space must remain for the primary house post-build. - Height Limits:Maximum 3.0m for flat roofs; 4.0m for tiled or slated pitched roofs. - Site Siting:Positioned strictly in the rear garden, located entirely behind the front building line of the main dwelling, and must sit a minimum of 0.6 metres away from any boundary fence line. - Cumulative Limit:The 45m2 cap is <i>cumulative</i> across all detached structures in the garden (e.g., an existing 10m2 tool shed reduces the maximum allowable size of the new liveable unit to 35m2).	S.I. No. 340 of 2026 (Class 3A Exempted Development Regulations under the Planning and Development Act)	ALLOWED: Self-contained independent living units built within the grounds of an owner-occupied principal residencefor family members or long-term letting under the Rent-a-Room tax-free scheme. Must be a permanent structure. NOT ALLOWED:Short-term holiday letting or Airbnbs. Cannot sub-divide the property plot or sell the unit separately from the main house. Temporary structures like caravans or mobile homes are completely barred. Cannot create a new public road entrance.	- Mandatory 14-Day Prior Notification: An official notice of intent, including the site location and Eircode, must be submitted to the local Planning Authority at least 14 days <i>before</i>factory delivery or site work begins. - Section 5 Declaration:Formally logged with the local Council to legally prove the property's title is uncompromised during future conveyancing.

2. Client Financials & True Project Costs	- Base Cost: Factory-built shell, internal fit-out, and structural cassette fabrication. - Site & Groundworks Contingency: Budgeting an additional 10% to 15% above the factory purchase price specifically for local site preparation, trenching, and foundation anchor placement. - Local Tax Exemption: Eligible for the standard Irish Rent-a-Room relief scheme (up to 14,000 Euros per year completely tax-free if used as a long-term residential let).	Revenue Commissioners (Ireland) & Consumer Purchase Contract	ALLOWED: Funding the unit through specialized home improvement loans, green loans, or mortgage top-ups. NOT ALLOWED: Expecting the base factory purchase price to automatically cover local groundworks, crane hire, or sub-surface rock excavation. These site-specific costs vary per garden and are billed separately.	- Fixed Factory Quotation: Signed purchase contract detailing internal finishes. - Site-Specific Groundworks Estimate: Itemized survey detailing excavation and foundation costs.
3. Thermal Performance & Energy (U-Values)	- Roof Assembly: Less than or equal to 0.16 W/m²K for flat roofs; Less than or equal to 0.11 W/m²K for pitched designs. - External Walls: Less than or equal to 0.18 W/m²K. - Ground Floor Base: Less than or equal to 0.15 W/m²K. - Windows & Glazed Doors: Less than or equal to 1.4 W/m²K.	Technical Guidance Document (TGD) Part L (Conservation of Fuel and Energy - Dwellings) & nZEB Standards	ALLOWED: High-performance continuous insulation profiles (such as PIR or mineral wool structural cassette inserts) to ensure thermal envelope integrity. NOT ALLOWED: Single-skin logs or standard raw interlocking cabins (e.g., standard 45mm or 70mm timber logs) that cannot maintain permanent dwelling thermal or airtight compliance over their lifespan.	- DEAP (Dwelling Energy Assessment Procedure): Compliance software calculation pack. - BER Certificate: Mandatory registration proving the completed building achieves an official A-Rating on the SEAI national registry.
4. Ventilation & Air Quality Controls	- Airtightness Cap: Less than or equal to 5.0 m³/hr/m² at 50 Pascals pressure. - Continuous Exchange: Installation of a Mechanical Ventilation with Heat Recovery (MVHR) network or a localized Continuous Mechanical Extract Ventilation (dMEV) system paired with background trickle vents.	TGD Part F (Ventilation)	ALLOWED: Continuous mechanical air extraction engineered to eliminate moisture build-up and prevent internal condensation or structural mould. NOT ALLOWED: Relying purely on natural ventilation (openable windows) as the primary fresh-air source in a sealed residential envelope.	- Independent Airtightness Pressure Test: On-site blower-door verification conducted post-installation by an independent, certified testing body. - Ventilation System Commissioning Certificate.

5. Structural Engineering & Foundation	- Load Parameters:System framework must handle geographic wind, lifting stresses, and snow loads calculated through structural codes. - Moisture Separation:Structural ground-screw grids, micro-piles, or rapid concrete pad systems engineered to elevate the floor chassis cleanly away from rising damp and soil moisture.	TGD Part A (Structure) & Eurocodes 1, 3, and 5	ALLOWED:Volumetric steel framing, heavy light-gauge steel (LGS) monocoques, or structural composite timber cassettes. NOT ALLOWED:Placing a timber-framed chassis directly onto unengineered gravel beds, lawn surfaces, un-reinforced patio blocks, or uncompacted infill ground.	- Chartered Structural Engineer Sign-Off: Registered engineering stamp verifying the project-specific calculation pack for both the sub-chassis frame and site-specific ground anchor connections.
6. Fire Safety Boundaries	- Boundary Protection: Walls facing a property boundary or neighbouring fence line within 1.0m must maintain a minimum 60-minute fire resistance rating from both exposure faces. - Detection Network:Interlinked fire/smoke alarm networks wired directly back to the primary dwelling. Must maintain clear emergency access pathways around the site.	TGD Part B (Fire Safety)	ALLOWED: Fully non-combustible external cladding skins, double-layered type-F fire plasterboards, and mineral-wool structural cores. NOT ALLOWED:Raw combustible timber cladding panels or exposed wood wall faces looking directly at a boundary line without a protective fire-barrier core wall configuration.	- Manufacturer Fire Certification:Factory-issued, third-party data sheets proving assembly system (Thruwall) fire ratings under testing conditions. - Safe-Electric / RECI Certification:Commissioning report for interlinked LD2 category fire and smoke detection systems.
7. Utilities, Water & Drainage Connection	- Infrastructure Tie-In: All utilities must connect directly into the existing servicing systems of the main primary dwelling (mains water, sewer drainage lines, main distribution board electricity). - Gravity Bypass:Integration of an integrated macerator pump station if site levels prevent a natural gravity fall line to the main sewer junction. - Level Access:Independent level access to the building must be physically provided.	TGD Part H (Drainage & Waste Water) & Irish Water Codes of Practice	ALLOWED:Running utility service connections through deeply trenched, insulated, and structurally protected underground lines within the site boundary. NOT ALLOWED:Establishing separate new direct municipal utility connections or billing meters to the public road main without full council planning authority. No separate septic tanks allowed in standard urban garden sites. Surface water run-off is prohibited from discharging into adjacent properties.	- Plumbing Competency Sign-Off: Verification documents for sub-surface utility line integrity and drainage pressure tests. - Mains Connection Survey: Logged drainage schematic detailing the exact branch connection point to the primary home's infrastructure.

8. Site Access, Delivery & Crane Logistics	- Access Width:Minimum clear physical horizontal clearance required on the property's side access for modular panels or tracking plant. - Crane Radius:Drop zone must clear overhead utility cables, telephone wires, and mature tree canopies. - Road Closures:Local authority permits required if a mobile crane must deploy from the public street.	Health and Safety Authority (HSA) Ireland & Highways Acts	ALLOWED:Utilizing remote-controlled tracked dollies, specialized lifting beams, or high-reach mobile cranes to hoist panels cleanly over the primary home's roofline. NOT ALLOWED:Attempting delivery without a pre-ordered, professional site transit and lifting survey. Delivery vehicles cannot block public rights-of-way without council authorization.	- Lifting Risk Assessment & Method Statement (RAMS): Issued by the certified crane hire operator. - Street Access Permit: Formally approved by the local Council or Gardaí if traffic management is required.
---	---	--	---	---

|

9. Off-Site Transport Rigidity Specifications | - Micro-Fracture Control: Structural design must withstand dynamic moving loads and continuous physical vibrations during highway transit.

- **Deflection Rigidity:** Sub-chassis assemblies must be engineered to a strict **L/500 deflection threshold** to handle lifting stresses and transit crane movements without warping internal finishes.
- **Joint Engineering:** Use of high-torque threaded locking fasteners or continuous structural welding calculated to resist continuous vibration frequencies (2Hz to 20Hz). | **BS EN 1993 / Eurocode 3** (Steel joints) & **ISO 1496**(Structural rigidity guidelines during dynamic transit handling) | **ALLOWED:** Monocoque steel skeletons or rigid light-gauge frames lifted exclusively via dedicated spreader-beam crane systems.

NOT ALLOWED: Applying un-reinforced direct external wet-plaster renders or standard rigid drywall joint tape in the factory prior to transit (road vibration will cause immediate cracking). Materials must feature elastic, fiber-reinforced modifiers. | - **Factory Quality Control (QC) Sign-Off:** Verified factory records, including ultrasonic or dye-penetrant structural weld checks prior to dispatch.

- **Post-Transport Inspection Report:** Torque and visual node inspection conducted immediately upon site delivery to verify structural integrity. |

| **10. Final Statutory Building Control Sign-Off** | - **BCMS Integration:** Unlike basic garden rooms, habitable residential use requires strict validation via the official state building control systems.

- **Independent Certification:** Final sign-off must be completed by an insured, registered design professional who inspects and certifies the build.
- **Asset Value Protection:** Formal proof of compliance is mandatory to secure mortgage drawing rights and prevent property sales from collapsing. | **Building Control Regulations (Ireland) & BCMS Platform** | **ALLOWED:** Constructing under the oversight of an independent professional design team who delivers a comprehensive Opinion on Compliance. Target parallel **NSAI Agrément certification** for the LGS chassis to guarantee full mortgage ability with Irish banking lenders.

NOT ALLOWED: Self-certifying or signing off on a habitable residential dwelling as a homeowner without professional indemnity insurance backing. |

- **Certificate of Compliance on Completion (CCC):** A formal statutory document issued, signed, and stamped by an RIAI Registered Architect, Chartered Engineer (IEI), or Registered Building Surveyor to officially register the structure's compliance and secure its asset valuation. |

At X-GEN Homes Ltd, we are dedicated to constructing fully compliant, high-performance homes engineered to the highest building standards; our specialist team is here to support you through every stage of your project and answer any enquiries you may have.





Find Us



www.x-genhomes.com



Spain | UK | Philippines



+44 (0) 20 3750 8737
+44 (0) 7354 332 082



project@x-genhomes.com