

## Your Legal Questions

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**Q** On the basis that we might get a hot summer this year, I would like to install air conditioning units at my café. What legal issues do I need to think about?

**A** In addition to obtaining the necessary planning consents you will need to think about where your units will sit. If your units are to be installed on an outside wall, do you own the wall they will sit on or the space they will encroach into. For instance your boundary may be the wall itself and the space the other side is owned by your neighbour. Whilst you can fix the units to your wall they will extend into next door's property. A right may need to be granted by next door to allow you to do this. If you plan to install units on your roof and you own the freehold you will be treated as owning the airspace above your property unless it is specifically excluded.

If you have a lease of your café you will also need to read your lease carefully to see what you can and cannot do regarding alterations. It may be that the walls of your café actually belong to your landlord in which case your landlord may not allow you to do anything. If the wall is yours under the lease then you will still need the consent of the landlord to carry out works. The lease may not allow you to carry out any structural work such as putting a hole through the wall for the ducting.

The airspace above your café may also be excluded to prevent you carrying out works above roof level, so again you would need to go to your landlord.

Before you approach the planning authority you should speak to a solicitor to ascertain whether you are able to do what you want to do.

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