1. General Information

Nakheel management is accepting Non-Standard applications for villa extension / modification works after popular demand and several requests from owners at Palm Jumeirah, Jumeirah Village & Jumeirah Islands. Non-Standard Applications will be dealt with on a case-by-case basis where technical parameters permit. Each application will be carefully reviewed to check what can be accommodated.

Nakheel Communities’ Use Rules and Regulations and the standard Sale and Purchase Agreements require Nakheel’s and Trakhees/CED’s approvals prior to commencement of any external and/or internal modifications to a property.

Nakheel is accepting Non-Standard applications from owners who wish to convert, extend or enclose areas of the following villa categories:

a. Villas in its original conditions
   Applicants may submit a Non-standard application for villa extension and follow the stages listed in section 3 of this document.

b. Villas with previously approved extensions
   Previous approvals must be presented to Nakheel such as Nakheel NOC, Trakhees/CED Building Completion Certificate (BCC) and stamped drawings.

   Non Standard applications for new extensions can be submitted and the stages listed in section 3 below shall be followed.

c. Villas with Constructed extensions (without Nakheel approval)
   Applications shall be submitted for authorizing the constructed extensions.

   Applicants who wish to apply for additional extensions, are requested to submit a separate Non-Standard application, ONLY after obtaining clearance of the constructed work from Nakheel.

2. Extension Controls & Guidelines

The Planning Approvals Department’s role is to review any proposal to minimize the adverse impacts associated with alterations on adjoining properties and the overall urban fabric.

External modifications should maintain the existing architectural character and design style of the villa and should not impact to the neighbours’ enjoyment of their properties. Changes that are likely to alter this character or impact on neighbours will not be acceptable. Advice and guidelines are available upon request.

The following technical conditions are applicable for all extensions and/or enclosures’ NOCs:

- To maintain the existing critical setbacks;
- To be attached/annexed to the villa, rather than as additional separate buildings;

Owner’s initial: ..........................................................................................
• Not to impact unreasonably on views available from adjacent properties;
• To replicate the existing architectural styling, materials and finishes of the property, so as to appear as though the modifications were part of the original design intent for the villa.

3. Villa Extension Stages

Applications for villa extensions shall be submitted to Development Control & Urban Planning/Planning Approvals (DCUP/PA). The procedure consists of three stages as follows:

3.1 Pre-Application Meeting

The process should start with a pre-application meeting. The owner and/or his authorized representative (power of attorney) should be presented in the meeting.

3.2 Nakheel Provisional Approval

Before submitting any Non-standard application to Nakheel, a site visit will be conducted in the presence of the owner and/or his representative. Once the villa is found clear from any unapproved extension, enclosures or conversion, a non-standard application for villa extension can be submitted to Nakheel.

DCUP/PA will review the submitted non-standard application and issue a Provisional Approval if the application is technically possible (within limits).

DCUP/PA, in agreeing with proposed extensions, will provide a conditional consent in support of the modifications. This approval is NOT a “No Objection Certificate” to start the work, however, it is notification required in order to allow the owner to obtain the service providers’ NOCs such as, DEWA, Lootah Gas and du.

The Provisional Approval is conditional and remains conceptual until the applicant obtains the service providers’ NOCs and purchase the extended, enclosed or converted area.

The Provisional Approval is valid for 6 months from the date of issuance to obtain Nakheel NOC.

For detailed submission requirements and submission fees, please refer to section 6.1 of this document.

3.3 Nakheel No Objection Certificate (NOC)

Once the applicant has obtained all service providers’ NOCs, he will be eligible to submit his application to DCUP/PA to obtain the NOC.

DCUP/PA, in agreeing with proposed extensions, will provide the NOC addressed to the applicant and the owner in support of the modifications, subject to any comment, variation or conditions considered warranted in the circumstances of the proposal.

The NOC will be valid for 6 months from the date of issuance to apply to Trakhees/CED for Building Permit (BP). For detailed submission requirements and for the fees of the extended areas, please refer to section 6.2 of this document.

Trakhees Civil Engineering Department (CED) and Environment, Health & Safety (EHS)

Modifications and Building Works require the approval of the Trakhees/CED and EHS. NO WORKS are to proceed until Trakhees/CED and EHS approval has been obtained.

Contact CED on +971-4-448 5900 and EHS +971-4-804 0307 for further details about application requirements.
3.4 Nakheel Compliance Certificate (NCC)

All approved works must be signed-off by both Nakheel and Trakhees/CED. Therefore, once the works have been completed, a Nakheel Compliance Certificate (NCC) must be acquired. On receipt of this, you will be able to request a Building Completion Certificate (BCC) from Trakhees/CED. This exercise will involve a site inspection to ensure the works constructed are in complete compliance with the Nakheel approved plans.

Failure to obtain final certifications from Trakhees/CED and Nakheel, has insurance, warranty and contractual implications for the owner, and might represent a breach of the Communities’ Use Rules and Regulations, and the Sale and Purchase Agreement. Some financiers and insurers also operate default clauses in relation to the ongoing maintenance and the proper approval and certification of changes to the property being mortgaged or insured.

Applicant may request a Nakheel Compliance Certificate (NCC) upon completion of the following:

a. All architectural works of the building components are completed 100%.
b. No debris materials or construction waste remaining on or around the building.
c. All temporary office arrangements are removed from site prior requesting NCC.
d. All outstanding payments to Nakheel are settled.

The extended areas can only be used and occupied upon obtaining Trakhees BCC.

For information on the required documents to be submitted at Nakheel Compliance Certificate stage, please refer to section 6.3 of this document

4. Indemnity

For any property modification that includes extending or adding floors, slabs or enclosures, please be advised that Nakheel accepts no liability for any impact upon existing or proposed MEP caused by such modification.

The applicant and contractor/agent shall bear full responsibility for assessing the impact of the modifications (if any) upon existing and proposed MEP or structure, and is liable for any damages that may arise in relation to the villa extension / modification works.

Nakheel will accept no claims under the Sale and Purchase Agreement in respect of any defect in the property, whether structural or otherwise, arising as a consequence of modification works and, in carrying out modifications, the owner will be deemed to have indemnified Nakheel, its associated entities, its agents, employees and successors against any claims, damages, injuries, losses (including loss of life) or liabilities as a direct or indirect consequences of villa extension / modification works.

5. Important Notes

5.1 The approved extension shall not result by any mean in a change of use as a residence for a SINGLE family.

5.2 Any changes to the location, size and height of the proposed extension will result in considering the first approval as null and void. Therefore, new application will need to be submitted and lodged.

5.3 Nakheel has the right to reject any application for extension or enclosures, as this is considered as a Non Standard Application.

5.4 Failure to obtain the service providers’ NOCs and/or to purchase the extension area, shall result in considering the application null and void.

5.5 Applicant is advised to obtain the latest affection plan from Nakheel Customer Service as it is required by DEWA to process the NOC application

Owner’s initial: ____________________________________________
5.6 This procedure shall not supersede the Villa Design Code version 1.0, 20 October 2010, which must be complied with in addition to the above.

5.7 A person carrying out extension works without obtaining approval may:
- be liable for any damage caused to community infrastructure and facilities;
- be liable for penalties; and
- run the risk of voiding the building warranties and Defects Liability Period (DLP) (if any) under the Sale and Purchase Agreement and be in breach of the terms of said agreement with subsequent re-sale implications.

5.8 It is Nakheel’s policy to refer any unauthorized works to Trakhees/CED for its appropriate action. Such action may include fines, revocation of license or withdrawal of utility services. Rectification works and removal/demolition orders may also be implemented where costs shall be paid or reimbursed by the owner of the villa.

5.9 Unauthorized works or any use of the villa outside its permitted use (as a family residence) including short term letting and hiring for parties will place at risk the DLP warranties for the villa. It may also have wider private property insurance implications, and delay in the resale of the villa where Nakheel is requested to provide an NOC prior to registration of ownership transfer with the Dubai Lands Department and outstanding compliance matters are recorded in the villa.

5.10 It is advised to get full set of as-built drawings before commencement of any works. This can be acquired from Community Management:
- for PJ please write to: PJ.community@nakheel.com
- for JI please write to: JI.community@nakheel.com
- for JV please write to: jvt.community@nakheel.com or jvc.community@nakheel.com
- For JP please write to: JP.community@nakheel.com
- For AF please write to: AF.community@nakheel.com

6. Submission Requirement

Application for permission of villa extension / modification works should be made to DCUP/PA. A letter should be addressed to: Dr. Ahmed Ragab – Head of Planning Approvals Department – DCUP/PA

All submissions should be delivered to: Document Controller - Nakheel Sales Office – Building 1 at telephone no. 04 362 8614.

6.1 Provisional Approval Stage

The following information MUST be submitted (both hard and soft copies):

a) A completed Pre-Application Submission Form;
b) Covering letter with schedule of changes with numbering cross referenced with drawings and detailed area calculations;
c) A copy of the owner’s passport Copy and Title Deed
d) A copy of the relevant Sale and Purchase Agreement Particulars and Plot Affection Plan;
e) Signed “Guidance & Procedures for Villa Extensions” with owner’s initials (and/or his authorized representative) on each page
f) If the applicant has a mortgage for the property, an NOC from the financier for the proposed works and a copy of the applicant’s passport;
g) If the applicant is the tenant of the property, an NOC letter from the landlord and a copy of the tenant’s passport;

Owner’s initial: .................................................................
h) For both (f) & (g) above, the name of either the financier or landlord must be the same as that shown on the Sale and Purchase Agreement and the Plot Affection Plan in (d);

i) If the applicant has commissioned a consultant and/or a contractor to act on his behalf, a letter from the applicant confirming the appointment and specifying the consultant’s and/or contractor’s name and the scope of authority;

j) Copy of the consultant’s and/or contractor’s commercial licenses (authorizing the consultant’s and/or contractor’s to design or carry out the works as specified in the license);

k) One set of scaled plans and elevations in A3 hard copy format containing the following:
   1. *site plan* showing the property in relation to the plot boundaries;
   2. *Existing* floor plans and elevations; and
   3. *Proposed* floor plans and elevations on which all proposed changes are clearly identified:
      - Extended, converted or enclosed areas to be hatched with yellow color
      - Bold polyline in red color is to be drawn to define the newly added areas which is included in the BUA
      - Write the area in sq.m and sq.ft inside the hatched area
      - Zoom in the hatched extended areas and create a separate drawing.

   **Note:** Refer to the attached example of how to submit your proposed drawings.

l) A soft copy of the plans, drawings and elevations referred to above and in CAD format to enable accurate scaling and measuring.

m) A minimum of 6 photographs showing the villa from different directional perspectives; and

n) A receipt of payment of AED 2500 DCUP review fees

6.2 Nakheel NOC Stage

The following information MUST be submitted (both hard and soft copies):

a) A completed Standard Submission Form;

b) Covering letter with schedule of changes with numbering cross referenced with drawings and detailed area calculations;

c) Undertaking and Indemnity Letter for Villa Extension (Format Attached)

d) A No Objection letter from DEWA, DU, Lootah Gas and NOC from district cooling provider (if applicable);

e) Electrical and air-conditioning schedule (showing existing & proposed loads) approved by DEWA;

f) If applicable, a No Objection letter from any neighbour that may be affected by the proposal;

g) One set of scaled & detailed plans, and elevations in A3 hard copy format containing the following:
   - A *site plan* showing the property in relation to the plot boundaries;
   - *Existing* floor plans and elevations, and
   - *Proposed* floor plans and elevations on which all proposed changes are clearly identified (bubbled and colour coded with detailed annotation);

h) A soft copy of the plans, drawings and elevations referred to above and in CAD format to enable accurate scaling and measuring;

i) Receipt of payment of BUA fees to Nakheel for the extended areas. Fees are being reviewed by committee on case by case basis.

Owner’s initial: .................................................................
6.4 Nakheel NCC Stage

If project received an initial approval from Nakheel and no changes or deviations were done after obtaining the original approval then submit:

a) **Official letter** to City Relations requesting Nakheel Compliance Certificate (NCC), which must include the following:
   - A confirmation that there are no deviations or changes to Nakheel approved stamped drawings. *(Example: we hereby confirm that there have been no changes or modifications to Nakheel approved and stamped drawings attached)*
   - Plot number as per Nakheel’s affection plan
   - Building’s name, owner’s name, and consultant’s name.
   - Building ID as per Trakhees records. *(Example: P01234)*
   - Building Permit number as per Trakhees records. *(Example: BP05678)*

b) **Undertaking letter** (format attached) – The Developer is required to fill in the relevant information in the attached template and submit it in the official company letter head with the company’s stamp (if applicable).

c) **1 set of drawings** on A3 size hard copy and soft copy for the following:
   - Nakheel approved and stamped drawings at NOC stage.
   - Trakhees Building Permit approved and stamped drawings.
   - The latest As-built drawings – architectural drawings (only).

If project received an initial approval from Nakheel and changes or modifications were done to Nakheel approved stamped drawings then submit:

a) **Official request letter** for the Variation to Approved Design (VADD) describing and listing in numbers the variations to Nakheel approved and stamped drawings.

b) Submit only the number of drawings incorporating the changes and not the full set of drawings as follows:
   - Nakheel approved and stamped drawings at NOC stage.
   - Trakhees Building Permit approved and stamped drawings, if not the same as above.
   - The latest as-built architectural drawings *(add the word proposed on each drawing)*.

c) The **last As-built architectural drawings**, as above, shall clearly show the area of change clouded in red and with a number of each change matching with numbers listed in the letter as (a) above for ease of reference.

**OWNER’S AGREEMENT**

I, the undersigned, hereby confirm that I have read and understand the above and fully aware of the contents and procedures for villa extensions / modification works and agree to adhere to the terms as set out in this document when undertaking any villa extension / modification works

Owner’s Name and/or his representative (Power of Attorney)  

Signature  

Date  

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FOR VILLA EXTENSIONS ONLY
(To be printed on the letterhead of the villa purchaser)

(Date)
Nakheel PJSC (or the name of the master developer as the case maybe)
P.O. Box 17777
Dubai, UAE

Dear Sir,

Undertaking and Indemnity Letter for Villa [property ID] Extension(s)

We, [name of villa purchaser], purchaser of [property ID] located in [master community name], Dubai, UAE, hereby declare that we are solely responsible for villa extension(s) we requested at our discretion and comply with regulation of Villa Design Code, without any responsibility on the part of Nakheel PJSC or any of its subsidiaries, any of its affiliates, their officers and employees towards the project progress, infringement of the rights protected by letters of patent or registered design, sale agreements with our company and/or such other untoward effects due to the villa extensions. Further, we understand that Nakheel’s or any of its subsidiaries approval on the change of the design related to villa extensions shall not relieve us from the existing contractual obligations including those ones which have been established prior to the date of this undertaking.

We hereby agree to indemnify Nakheel in respect of any and all claims, demands, actions, losses, costs, damages and liabilities whatsoever which Nakheel or any of its subsidiaries may pay, sustain, suffer or incur by reason of or in connection with the villa extensions. Further, we understand that for any villa extensions that includes extending or adding floors, slabs or enclosure, neither Nakheel nor any of its subsidiaries accept liability for any impact on existing or proposed structure and/or MEP caused by such additions, and also Nakheel will not supply nor approve any extra electrical load as a result of the villa extensions. We are solely responsible for obtaining DEWA approvals on the required load for the extension(s) and we will not include Nakheel in any separate case or additional demands resulting from not acquiring the required NOCs. As such, neither Nakheel nor any of its subsidiaries shall be deemed to be part of our negotiations with DEWA and therefore shall not bear any liabilities.

This undertaking and indemnity shall be governed by and construed in accordance with the laws of the Emirate of Dubai and the federal laws of the United Arab Emirates applicable to Dubai including any by-laws, regulations or ordinances made by relevant authorities.

This undertaking shall not supersede the terms of the NOC issued for the extension of the aforesaid villa.

For and on behalf of:
[Name of the villa purchaser]

[Insert name of authorized signatory]
[Insert designation]
- Hatch the extended, converted or enclosed area in **yellow color**.
- Define the extended area in **red bold** polyline.
- Write the area in **sq.m** and **sq.ft** inside the hatched area.
- **Zoom in** the hatched area and create a separate drawing plan.