



An
Coimisiún
Pleanála

Direction
ABP-322369-25

The submissions on this file and the Inspector's report were considered at a meeting held on 21/01/2026.

The Commission decided, as set out in the following Order, that

WHEREAS a question has arisen as to whether the removal and reconfiguration of the existing ground floor conservatory to streamline and consolidate the space at the rear of the dwelling, in accordance with the submitted drawings, is or is not exempted development under Section 4(1)(h) of the Planning and Development Act, 2000 (as amended),

AND WHEREAS Kevin Sweeney and Sinead Hassett care of John Spain Associates of 39 Fitzwilliam Place, Dublin requested a declaration on this question from Dun Laoghaire-Rathdown County Council and the Council issued a declaration on the 27th day of March, 2025 stating that the matter is development and is not exempted development,

AND WHEREAS Kevin Sweeney and Sinead Hassett referred this declaration for review to An Coimisiún Pleanála on the 22nd day of April, 2025,

AND WHEREAS the Commission in reviewing the matter decided to reformulate the question to read as follows:

whether the partial demolition of existing extensions and the construction of a single storey extension to the rear of a house at Istria, Dalkey Road, Dalkey, County Dublin is or is not development or is or is not exempted development,

AND WHEREAS in considering the referral the Commission had regard to:

- (a) Section 2(1) of the Planning and Development Act 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act 2000, as amended,
- (c) Section 4(1)(a) of the Planning and Development Act 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (e) Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (f) the planning history of the site,
- (g) the judgement of the Supreme Court in Michael Cronin (Readymix) v. An Bord Pleanála [2017] IESC 36,
- (h) the judgement of the High Court in Michael Cronin (Readymix) Ltd -v- An Bord Pleanála [2009] IEHC 553, and
- (i) the report and recommendation of the Inspector,

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) the partial demolition of existing extensions and the construction of a single storey extension to the rear of the house constitutes works, which constitutes development,
- (b) the cumulative floor area of the extant extensions measures in excess of 142 square metres, which exceeds the 40-square-metre limit set out in the exemption available under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

(c) the construction of an extension is a development that does not come within the exemption available under Section 4(1)(h) of the Planning and Development Act 2000, as amended, and

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by Section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the partial demolition of existing extensions and the construction of a single storey extension to the rear of a house at Istria, Dalkey Road, Dalkey, County Dublin is development and is not exempted development.

Planning
Commissioner:

Eamonn James Kelly

Date: 21/01/2026

Eamonn James Kelly