



An  
Coimisiún  
Pleanála

Commission Order  
ABP-322369-25

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**Planning and Development Act 2000, as amended**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Authority Reference Number: REF3625**

**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 at Istria, Dalkey Road, Dalkey, County Dublin is or is not development or is or is not exempted development,

**AND WHEREAS** Kevin Sweeney and Sinead Hassett requested a declaration on this question from Dún Laoghaire-Rathdown County Council and the Council issued a declaration on the 27<sup>th</sup> 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 22<sup>nd</sup> 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) Sections 2(1), 3(1), and 4(1) of the Planning and Development Act 2000, as amended,
- (b) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (c) Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) the planning history of the site,
- (e) the judgement of the Supreme Court in Michael Cronin (Readymix) v. An Bord Pleanála [2017] IESC 36,
- (f) the judgement of the High Court in Michael Cronin (Readymix) Ltd -v- An Bord Pleanála [2009] IEHC 553, and
- (g) 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 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
- (c) 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.

**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.

*Eamonn James Kelly*

**Eamonn James Kelly**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**



Dated this *26<sup>th</sup>* day of *January* 2026.