



An
Coimisiún
Pleanála

Commission Order
ABP-322798-25

Planning and Development Act 2000, as amended

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D25A/0262/WEB

Appeal by Sorrento HGT Unlimited Company care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 21st day of May, 2025 by Dún Laoghaire-Rathdown County Council to refuse permission.

Proposed Development: Demolition works to the non-original existing single storey garden studio (circa 12.95 square metres) and replacement with a new garden studio (circa 18.3 square metres). A new single storey plant room/store (circa 18.6 metres) below external deck level. Replacement and minor extension to the existing timber decking, including introduction of new metal guard railings. Construction of new outdoor swimming pool (circa 60 square metres) and adjacent jacuzzi area (11 square metres) on a new terrace area (106 square metres) situated at the uppermost boundary of the foreshore (to the south-east of the house) where it meets the perimeter of the lawn. Drainage and landscaping works related to both the garden studio and pool area, required to enable their completion and to reinstate the garden as a whole, including a new rain garden (16 square metres) proposed to the north-eastern side of the jacuzzi/pool area, changes to ground levels and all

ancillary site works and services, all at Sorrento House, 1 Sorrento Terrace, Sorrento Road, Dalkey, County Dublin (a protected structure).

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

It is considered that the proposed uses, while constituting non-conforming uses at their respective locations on the application landholding, are uses that are ancillary to the established dwelling on the landholding (and said dwelling does conform to the land use zoning on that part of the landholding). It is considered that the proposed development constitutes extensions of, and improvements to, that residential use on the landholding and therefore can be considered on its merits as allowed for under section 13.1.7 'Non-Conforming Uses' of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. In that regard, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the character or setting of the protected structure on the landholding or on the Architectural Conservation Area. Furthermore, given the nature, scale and design of the proposed development and also having regard to the planning history pertaining to the subject landholding, it is considered that the proposed development would not adversely impact on the visual or residential amenities of the area, would not adversely impact on the ecology of the receiving environment and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, comply with the provisions of the above-mentioned section 13.1.7 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The tree protection plan shown on drawing number 250507-P-12 submitted to An Coimisiún Pleanála on the 16th day of June, 2025 shall be implemented in full prior to the commencement of development.

Reason: In the interests of residential amenity, visual amenity and the protection of biodiversity, and in the interests of architectural heritage protection.

3. Prior to the commencement of development, samples of materials to be used shall be submitted for the written agreement of the planning authority, and all works shall be carried out in accordance with this written agreement.

Reason: In the interest of architectural heritage protection.

4. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority, a revised landscaping plan. This plan shall include details of all proposed hard and/or permeable surface finishes, including samples of proposed

paving slabs/materials for footpaths, and terraces, details of boundary treatments, and details of tree planting.

Reason: In the interest of architectural heritage protection.

5. Prior to the commencement of development the developer shall submit a confirmation of feasibility from Uisce Éireann (Irish Water) to the planning authority.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

7. The disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be

provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



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



Dated this 22nd day of Oct. 2025.