



An
Coimisiún
Pleanála

Inspector's Report ABP-322192-25

Development	Operation of caravan as commercial sauna with screen fencing, kiosk, shelter, and associated works.
Location	17 Sandycove Point, Sandycove, Dun Laoghaire, Co. Dublin, A96Y165
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25A/0034/WEB
Applicant(s)	Sento Infinity Enterprise.
Type of Application	Retention
Planning Authority Decision	Grant Retention
Type of Appeal	Third Party
Appellant(s)	Nicolas J. McAuliffe
Observer(s)	None
Date of Site Inspection	1 July 2025
Inspector	Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The site is the side garden of 17 Sandycove Point, which is a detached house set in its own grounds facing onto Sandycove Beach. It is located a two-minute walk to the Forty Foot to the north, and in close proximity to the James Joyce Tower and the twentieth-century house, Geragh, an early-twentieth-century house in the modernist style which was designed by Michael Scott (both protected structures).
- 1.2. The sauna site has been fenced off from the house and its remaining garden. The sauna is housed in a caravan. The sauna is not visible from the public road, while there is signage on the gate advertising it. The site also contains a changing area; a kiosk advertising drinks for sale; a small shed; and a woodpile.

2.0 Proposed Development

- 2.1. It is proposed to retain the following:
 - The placement of a 7.3 sqm caravan operating as a commercial sauna in the side garden
 - The erection of 2.1 metre timber screen fencing, a timber kiosk (1.68 sqm) and shelter (11.7 sqm) of similar height
 - All associated works

3.0 Planning Authority Decision

3.1. Decision

Grant retention permission

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report noted the context of the site; the third party submissions; the departmental reports; and the development plan policy context, including the

residential zoning, which does not mention sauna as a use in either permitted in principle or open for consideration. It noted Section 13.1.5 of the plan, which states that uses not mentioned in the use tables may be considered on a case-by-case basis. It noted Policy Objective GIB8 Coastline Parks and Harbours which is positive towards recreational amenities along the coastline. It noted the small scale of the development, and that the issues raised in the technical reports could be addressed by condition.

3.2.2. Other Technical Reports

- Drainage Planning – further information requested on surface water runoff and flood risk.
- Transportation Planning – no objection
- Conservation – location within Sandycove Architectural Conservation Area noted. Timber screen fencing that is visible from the public road and signage should be removed in the event of a grant.
- Parks and Landscape – no objection
- Environmental Enforcement /Waste Management – condition recommended in the event of a grant, regarding the use of any solid fuel.

3.2.3. Conditions

Ten conditions were attached, including the following conditions of note.

- Condition 2 limited the duration to three years
- Condition 3 limited signage to that which is exempt
- Condition 4 limited opening hours to 7 am to 7 pm

Other conditions addressed surface water disposal including SuDS, waste storage, and development contributions.

3.3. Prescribed Bodies

- An Taisce – the application should be assessed and considered with reference to policies having impacts on protected structures, due to its proximity

to the Martello Tower (James Joyce Museum) and the Michael-Scott designed Geragh House.

- EHO – Further Information requested on nature of business, opening hours, waste facilities, water source, drainage, and sanitary accommodation.

3.4. Third Party Observations

Two received, each stating they were unable to properly examine the application, and requesting to be kept informed of any decision.

4.0 Planning History

None referred to on file.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown County Development Plan 2022-28

- 5.1.1. The zoning objective for the subject development site is “A”: To provide residential development and improve residential amenity while protecting the existing residential amenities.
- 5.1.2. The site is located within the Sandycove Architectural Conservation Area, and the larger site (17 Sandycove Point) backs onto the Martello Tower site (a protected structure and archaeological monument) and borders Geragh to the north, (a protected structure). It is located within a zone of archaeological potential associated with the Martello Tower and the Battery to the north. Sandycove Harbour, and the Battery Wall are also protected structures.
- 5.1.3. The Sandycove Point area has Specific Local Objective 130 as follows:

“To ensure that development within this objective area does not (i) have a significant negative impact on the environmental sensitivities in the area including those identified in the SEA Environmental Report, and/or (ii) does not significantly detract from the character of the area either visually or by generating traffic volumes which would necessitate road widening or other significant improvements.”

5.1.4. The Sutton to Sandycove walking/cycling route runs in front of the site, terminating at Sandycove Harbour.

5.1.5. Chapter 8 deals with Green Infrastructure and Biodiversity and has the following Policy Objective:

8.5.2 Policy Objective GIB8: Coastline Parks and Harbours

It is a Policy Objective to continue to upgrade recreational and tourism-related amenities in the public parks and harbours along the coastline, including improved accessibility by the general public.

5.1.6. Chapter 11 deals with Heritage and Conservation.

5.1.7. *Policy Objective HER8: Work to Protected Structures* refers to works to protected structures, and also development proposals that affect their setting as follows:

ii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities' published by the Department of the Arts, Heritage and the Gaeltacht.

iii. Ensure that all works are carried out under supervision of a qualified professional with specialised conservation expertise.

iv. Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.

Policy Objective HER13: Architectural Conservation Areas is to protect the character and special interest of ACAs, and ensure that development proposals are appropriate.

5.1.8. Chapter 13 deals with Land Use Zoning Objectives, with tables 13.1.2-13.1.19 listing the land use activities most commonly encountered in the county, with each use defined in Section 13.2. They are intended as a general guideline, and the uses listed are not exhaustive. *Section 13.13 Permitted in Principle* and *Section 13.1.4 Open For Consideration* address the assessment of uses that are listed under each category in each zoning. *Section 13.1.5 Not Permitted / Other Uses* states that "uses which are not indicated as 'permitted in principle' or 'open for consideration' will not

be permitted. There may however, be other uses not specifically mentioned throughout the Use Tables that may be considered on a case-by-case basis in relation to the general policies of the Plan and to the zoning objectives for the area in question.”

5.1.9. Section 13.2 Definition of Use Classes defines Leisure Facility as follows:

“A building or part thereof or land which may be available to the public on payment of a charge or free of charge and which may contain a theatre, cinema, concert hall/music hall, conference centre, bingo hall, bowling alley, skating rink, or children’s/ teenager’s games centre.”

Leisure Facility is permitted in principle or open for consideration in a number of zonings, but not the Residential zoning “A”.

5.1.10. Section 13.2 Definition of Use Classes defines Marine Leisure Facility as follows:

“A building or part thereof or land which may be available to the public on payment of a charge or free of charge and which may contain a leisure facility related to the marine environment or to marine heritage.”

This use is permitted in principle in zoning objective ‘W’ only, and not open for consideration elsewhere.

5.2. Sandycove Architectural Conservation Area Character Appraisal and Recommendations (2012)

5.2.1. Page 35 of the ACA sets out *de-exempted development within ACA* and notes the following:

5.2.2. *Signage and pillars (Class 5) – It is Council policy that planning permission is required for alterations to boundary treatments to residential plot boundaries, including entrance gates and pillars and associated signage, on public and private roads within the ACA.*

5.3. Natural Heritage Designations

pNHA 001206 Dalkey Coastal Zone and Killiney Hill – 10 metres west

SAC 003000 Rockabill to Dalkey Island SAC – 1.6 km east

5.4. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

5.5. Water Framework Directive Screening

- 5.5.1. The subject site is located in a built up area in the Greater Dublin Area, c. 2.5 kilometres west of the Brewery Stream, within the Brewery Stream_010 sub basin (IE_EA_09B130400). The site is located on top of the ground water body Kilcullen (IE-EA-G-003). It is adjacent to the coastal waterbody Dublin Bay.
- 5.5.2. The proposed development comprises the retention of the placement of a caravan on site and its operation as a commercial sauna.
- 5.5.3. No water deterioration concerns were raised in the planning appeal.
- 5.5.4. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 5.5.5. The reason for this conclusion is as follows:
- the small scale and nature of the development
 - the distance from the nearest water bodies and the lack of hydrological connections

- 5.5.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal was received, from a third party against the grant of permission.

- The appellant has business interests in the area, and is concerned that this random and haphazard use of a residential property for commercial use breaches the policies and objectives of the Development Plan.
- The development is a non-conforming use in the zoning; a footloose commercial development in a private residential front garden site, forming a precedent with huge impacts on the residential amenities of the area.
- The development has removed the parking area from the existing house, risking haphazard on-street parking on double yellow lines.
- The opening hours – 7am to 7pm – will impact residential amenities.
- The development constitutes a material contravention of the Development Plan, it does not provide residential development or protect residential amenity as required by the zoning.
- The planner inappropriately relied on Policy Objective GIB8 Coastline Parks and Harbours. This is specific to parks and harbours, not residentially zoned areas.
- This is a residential area which does not allow any further building, with an objective 'no increase in the number of buildings permissible'
- This is a highly protected area, due to the zoning, the designations, and the heritage structures, and particularly unsuited to a commercial development in

the front garden of a residential development (which would not be permitted anywhere in the county).

- The temporary permission does nothing to mitigate what is a material contravention of the development plan without the support of the elected members.
- In the event of a grant, the signage and screen fencing should be removed, as the conservation officer considers that they detract from the character of the ACA.

6.2. Applicant Response

A response was received with comments as follows:

- The appellant is associated with a rival sauna operation at 27/28 Sandycove Road (reg ref D24A/0478), and this appeal should be dismissed under Section 138 of the Planning and Development Act 2000 (as amended) as being vexatious, frivolous and made with the sole intention of delaying the development.
- The assessment was properly carried out by the planning officer, and the provisions of the plan fully taken into consideration.
- The sauna operates with about 40-50 visitors per day, and anecdotal evidence is that users of the sauna go sea swimming afterwards.
- No works to the entrance or gate have been undertaken, or are proposed.
- The applicants have been granted licences for saunas for both the Forty Foot and Killiney Beach to extend the services to meet demand.
- Due to the small scale of the sauna, it does not require plumbed or commercial levels of water or drainage. It will not add to any parking demand in the area, as it is associated with existing sea swimmers. The owners of no 17 have willingly accepted the loss of off-street car parking with the aim to reduce car based transportation.

- The demand for this use is highlighted by the existing operation of saunas at Sandycove Store and Yard (subject of live retention application D24A/0478 by the appellant on this file).
- The applicant has no objection to any of the 10 conditions attached.
- The use is not a recognized land use and must be considered on a case-by-case basis. It does not impinge on residential amenity and it can be considered.
- It is quiet, generates a small amount of odorless steam, and the temporary use will allow the applicant to prove its compatibility with the residential zoning. It is small scale, not overbearing or overshadowing, and has limited opening hours. The appeal is based on unfounded claims of negative impacts on residential amenity. No neighbouring residents have appealed the decision.
- Regarding visual impacts and impacts on the ACA, the screen fencing to the front of no 17 is in front of the house, not within the site, and not part of the application. The internal fencing and other structures are largely out of view, and do not detract from the character of the ACA. The conservation officer's concerns regarding signage are addressed under condition 3 of the decision.
- There is a clear and direct symbiotic relationship between the sauna and the use of the Forty Foot, that is supported by Policy Objective GIB8, which the appellant has misunderstood. The policy objective relates to coastline parks and harbours, and the development is located immediately adjacent to one such harbour, improving the amenity and facility of this harbour. It is not required that the development be located within the park or harbour.
- The applicant is willing to accept any further conditions that the Board sought regarding signage or internal fencing.

6.3. Planning Authority Response

- The Board is referred to the planner's report, as the appeal does not raise any new matter.

6.4. Observations

None received.

7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Nature of the appeal
- Principle of Development and Zoning
- Impacts on Residential Amenity
- Impacts on Built Heritage

7.2. Nature of the Appeal

7.2.1. The applicant contends that the appeal is vexatious, frivolous, or designed to delay development. Having considered the totality of the appeal and noting the planning issues raised, I do not consider the appeal to be frivolous or vexatious.

7.3. Principle of Development and Zoning

- 7.3.1. The application was advertised as a commercial sauna, which the Local Authority stated was not expressly identified as permitted in principle or open for consideration in the 'A' zoning objective, but could be considered on its merits as a use not specifically mentioned throughout the use tables. As noted above, uses that are mentioned in some use tables, but not in a particular zoning, will not be permitted in that zoning.
- 7.3.2. There is no mention of 'sauna' as a use class in Chapter 13. A large number of use classes are mentioned throughout the use tables, some of which are very broad; (*community facility, cultural use, education, leisure facility*) while some are specific and narrowly focused (for example, *betting office*, or *tea room/café*), I have noted the

definitions of both Leisure Facility and Marine Leisure Facility above; as the applicant has referred to their development as a 'unique recreational offering', it would not be unreasonable to consider it a leisure use. However, (while the list is not exhaustive) the list of uses in the definition of the Leisure Facility Use Class tend to be uses which by their nature attract large crowds, and are not akin to the use to be retained. It is reasonable therefore to consider the sauna use as a separate use that is not listed in the use tables, to be considered on a case-by-case basis.

7.4. Impacts on Residential Amenity

- 7.4.1. The appellant asserts that the development will impact on residential amenity, due to the loss of car parking to the residence at no 17; the operating hours of the sauna; and the precedent it sets for commercial developments in residential sites.
- 7.4.2. I note that there were no objections or submissions from the neighbour at number 17, or any other neighbouring residents in Sandycove, nor have there been any appeals or observations from same. Having undertaken a site visit and observed the nature and scale of the development, the planting between the development and the house to the south, the location of the sauna at the blank gable of the residential house, as well as the existing well-trafficked character of the area, which enjoys significant tourism and footfall, I do not consider the development to have significant impacts on neighbouring residential amenity.
- 7.4.3. Regarding issues of precedent, any future applications for commercial development on residential sites will be required to be assessed on their own merits.
- 7.4.4. Regarding car parking, a number of houses in the Sandycove area do not have in-curtilage parking. There was no antisocial or illegal parking in evidence on the street on the date of the site visit.

7.5. Impacts on Built Heritage

- 7.5.1. The development is located within an ACA, in proximity to protected structures. The conservation officer requested the removal of the screen fencing to the front boundary wall, and the signage, due to impacts on the character of the ACA. These were not mentioned in the public notices for the development, (nor are they indicated on the drawings), and as such they do not form part of the development applied for.

A condition clarifying this should be attached in the event of a grant of permission. The de-exemption of certain works in the ACA is noted above. Enforcement is a matter for the Local Authority.

- 7.5.2. While the boundary and entrance to the site feature in views of the nearby protected structures (from the beach, from Sandycove Avenue West, and in long views from further west) the development as applied for is not highly visible in the public realm, being of modest scale and set back within the site, and does not have significant visual impacts on the ACA or the setting of the protected structures.

7.6. Other Issues

- 7.6.1. The appellant states that there is an objective for the area that no increase in the number of buildings is permissible. This objective did not come into effect, and was removed from the Development Plan by Ministerial Direction, as it was deemed inconsistent with national and regional policies, and the Core Strategy of the Development Plan.
- 7.6.2. The Planning Authority limited the permission to three years. As caravans are not designed as permanent structures, a temporary permission is reasonable in the interests of visual amenity and orderly development.

8.0 AA Screening

- 8.1. I have considered case ABP-322192-25 in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 8.2. The proposed development is located within a built-up area and comprises the placement of a caravan sauna, and the erection of fencing, and all associated site works. The closest European Sites, part of the Natura 2000 Network are South SAC 003000 Rockabill to Dalkey Island SAC, which is 1.6 km east, and SPA 004172 Dalkey Islands SPA, which is 1.6 km southeast.
- 8.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.4. The reason for this conclusion is as follows:

- 8.5. • Small scale of the development
- 8.6. • The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.
- 8.7. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.8. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is not required.
- 8.9.

9.0 Recommendation

I recommend a grant of retention permission.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the provisions of the Dun Laoghaire Rathdown Development Plan 2022-28, including the residential zoning of the site; having regard to the size, nature, character, and location of the site, and the nature and scale of the development to be retained, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of properties in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be retained 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 permission shall be for a period of three years from the date of the Board order. The structures shall be removed on the expiration of this period and the site reinstated unless, prior to the end of the period, permission for its retention shall have been granted.

Reason: In the interests of the visual and residential amenity of the area, due to the temporary nature of the caravan structure.

3. This permission does not include permission for any advertisement signs, or amendments to the front boundary.

Reason: to clarify the extent of the permission applied for.

4. The development shall not operate outside the period of 0700 to 1900 hours Monday to Sunday.

Reason: in the interest of neighbouring residential amenity.

5. The attenuation and 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, including SuDS measures appropriate to the scale of development, for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

6. The developer shall ensure that the development is served by adequate water supply and shall enter into a connection agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply within 6 months of this grant of retention permission.

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

7. Adequate storage shall be provided for waste disposal and recycling facilities on site to the standards of the local authority.

Reason: to provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Natalie de Róiste
Planning Inspector

7 July 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322192-25
Proposed Development Summary	Retention of sauna
Development Address	17 Sandycove Point, Sandycove, Dun Laoghaire, Co. Dublin
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____