



An
Coimisiún
Pleanála

Inspector's Report ACP-323623-25

Development	Installation of stone sculpture in garden.
Location	Stepaside House, Stepside Lane, Dublin 18, D18T0V1
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25B/0382/WEB
Applicant(s)	Christine Wunschel.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Louise Harrison.
Observer(s)	None.
Date of Site Inspection	25 th October 2025
Inspector	Jennifer McQuaid

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The subject site (0.95ha) is located off Stepside Lane, close to the junction with Burrow Road and approximately 600 metres south of Stepside village. The site is approximately 1.5km from Three/Two Rock Mountain. There is an existing dwelling on the site consisting of a large two storey flat roof along with two existing sheds to the southeast of the dwelling. The area is rural in nature with large one off dwellings.

2.0 Proposed Development

- 2.1. The development will consist of:
- Installation of a stone sculpture (footprint; approx. 7.2swm total height 4.8m) located between the main house and vehicular entrances (to the northwest of the main house).

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 3 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The site is zoned as objective “B”, under which to protect and improve rural amenity. As such the principle of a sculpture within the private garden of a dwelling may be permitted if it is compatible with the overall policies and objectives for the zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.
- The sculpture height of 4.8m, massing, spatial positioning, set back from site boundaries, will not result in undue visual dominance, overbearance or overshadowing of adjacent properties. There is an additional visual protection by means of protected trees.

- It is considered that the development would not obstruct any protected views from Ballyedmonduff Road or other relevant vantage points given the combination of topographical context, mature vegetation, and adequate setbacks.

3.2.2. Other Technical Reports

- Drainage Planning: No objection subject to conditions.
- Graduate Planner AA Screening: it was concluded due to the location and nature of the project that there will be no likely significant effects on a Natura 2000 site as there are no known direct pathways including hydrological/hydrogeological links from the proposed development site to any of the Natura 2000 sites examined the screening report.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

A third-party observation was received, the concerns raised were:

- Is Sculpture the correct description?
- Will the fountain be connected to private well?
- Previous fountain created noise all day and night
- Construction works for ancillary quarrying activities create noise, traffic and dangers to local residents.
- Uisce Eireann have queried the loss of water in the area
- Visual impact
- Planning history on site
- Precedent for refusal for dwellings and offices, sheds in the area.

4.0 Planning History

D25B/0209/WEB: Permission granted for retention of unenclosed gazebo structure.

D24B/0187/WEB: Retention permission granted for children's tree house.

D20B/0208: Retention permission granted for an extension

D14B/0208: Permission granted for new entrance porch and extension

D06B/0703: Permission granted for external stone cladding to main dwelling.

D05A/1372: Permission granted for modification of existing permission D04A/0701.

D04A/0701: Permission granted for extension to dwelling

Referrals

Ref: 8325: large scale ground works and wall building/stone cutting, removal of lorry loads of rock. Further information required on DLR website. An email from DLR submitted as part of the appeal and states the works constitute exempt development.

Ref: 1324: Tree house is development and not exempt.

Ref: 9417: Exemption granted for cladding on existing wall.

A number of enforcement files were open on the site; all have since been closed or rectified.

5.0 Policy Context

5.1. Development Plan

Dun Laoghaire-Rathdown County Development Plan 2022-2028

The site is zoned as objective "B", which seeks to protect and improve rural amenity and to provide for the development of agriculture.

Section 12.8.11 refers to Existing Trees and Hedgerows.

A "tree" symbol is shown on the CDP maps over the subject site and refers to a cluster of mature trees/vegetation on the site.

Chapter 3 refers to Climate Action

Section 3.4.1.3 refers to Policy objectives CA7: Construction Materials.

Chapter 4 refers to Neighbourhood – People, Homes and Place.

Chapter 8 refers to Green Infrastructure and Biodiversity.

Chapter 12 refers to Development Management

Section 12.2.1 refers to Built Environment.

Chapter 13 refers to Land Use Zoning Objectives.

5.2. Natural Heritage Designations

The site is not located within a designated area, the closest of interest are:

- Dingle Glen pNHA (site code: 001207) is located c.2.3km southeast of the subject site.
- Fitzsimon's Wood pNHA (site code: 001753) is located c.2.5km northwest of the subject site.
- Ballybetagh Bog pNHA (site code: 001202) is located c. 2.5km south of the subject site.
- Knocksink Wood SAC & pNHA (site code: 000725) is located c.4km southeast of the subject site.
- Wicklow Mountains SAC (site code: 002122) is located c.4km south of the subject site.
- Wicklow Mountains SPA (site code: 004040) is located c.4km south of the subject site.

5.3. EIA Screening

- 5.3.1. 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.

5.4. Water Framework Directive

- 5.4.1. The subject site is located in the rural area of Stepside, Co. Dublin. There are no noted waterbodies within close proximity to the subject site. The proposed development consists of a stone sculpture in a private garden. No water deterioration concerns were raised in the appeal.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks 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. The reason for this conclusion is as follows.

- Scale and size of the proposed development within a private garden.
- Lack of connection to waterbody.

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

The grounds of appeal have been received from a local resident. The concerns raised are:

- Planning History: Various planning retention permissions sought, and a number of enforcement issues have not been addressed or followed up by the Planning Authority. The appellant refers to planning exemptions as per Planning and Development Regulations, 2001 (as amended) for the various structures built and states planning was granted.

- Application Errors: Floor area differs from previous applications, site area incorrect.
- Residential Amenity: There are continuous works ongoing in the garden of the property and the noise levels are impacting daily life. The appellant property is located 14 metres from the boundary of the applicant's property. There will be significant noise from the proposed water fountain. A similar fountain in Powerscourt Gardens can be heard over 100 metres from the site.
- Design & Visual Impact: The structure at c.4.8m in height will create an overpowering visual effect and pose a hazardous distraction to vehicle drivers and children travelling to school as the structure will tower over the c.2m high boundary wall. The structure is sited in the highest point of the garden. The proposed sculpture is designed as a water fountain and is located above a bored well. Trees have been felled, mature new ones of c.8m high delivered and moved around the garden to allow for various builds.

6.2. Applicant Response

- The applicant has responded with the following comments:
 - All development on site has been investigated, and note are legal and that no unauthorised works were taking place. An appendix submitted with an email from Dun Laoghaire Rathdown County Council stating it was their opinion "that the soft and hard landscaping works carried out constitute exempt development and warrant no further action from a planning enforcement perspective".
 - The sculpture may use water and is considered as exempted development under Schedule 2, Part 3, Class 3 of the Planning and Development Regulations, noting that construction of "any gully, drain, pond, trough, pit or culvert" is exempted development.
 - Visual impact: The site is screened from the appellant's property and from the full extent of the public road by a 2m high wall in front of a line of mature trees. The sculpture will not be placed at the highest point of the lawn; the level base is in excess of 3m below the level of the base of the entrance gate.

It is stated even if the structure was visible to the public road, it would not present a hazard to passing motorists.

- Residential amenity: The structure is sited in excess of 46 metres from the nearest corner of the appellant's property and just under 25 metres from the nearest point of her property. Combined with the significant difference in level and bank of mature trees, it is contended that the intervention will have no impact on the appellant.

6.3. Planning Authority Response

- It is considered that the ground of appeal does not raise any new matter which, in the opinion of the Planning Authority would justify a change of attitude to the proposed development.

6.4. Observations

- None

6.5. Further Responses

- None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s 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:

- Residential Amenity
- Design & Visual Impact
- Other Issues (Planning History & Application errors)
- Appropriate Assessment

7.2. Residential Amenity

- 7.3. The proposed development consists of the installation of a prefabricated stone sculpture with an overall height of 4.8 metres within a circular feature surrounded by a circular raised grass area within the private garden of an existing dwelling. The sculpture is designed with a man statue on top of a circular platform; the area is less than 1sqm.
- 7.4. The grounds of appeal state that there are continuous works ongoing in the garden of the property and the noise levels are impacting daily life. The appellant property is located 14 metres from the boundary of the applicant's property. There will be significant noise from the proposed water fountain. A similar fountain in Powerscourt Gardens can be heard over 100 metres from the site.
- 7.5. The applicant has responded and states the proposed sculpture is sited in excess of 46 metres from the nearest corner of the appellant's dwelling and just under 25 metres from the boundary of the appellant's dwelling. The site is significant difference in level to the appellant's property and there is a bank of mature trees, therefore the proposal will not impact the appellant's property.
- 7.6. I have carried out a site visit and I note the subject site of the proposed sculpture is well screened from the public road this is due to the presence of a 2m high boundary wall and extensive mature trees along the boundary wall. The existing dwelling is not visible from the public road. I observed the sculpture location from within the site and towards the appellant's property and I did not have any clear view towards the appellant's property due to the mature trees. I note the proposed sculpture will be located c.20 metres from the applicant's southern entrance gate and in excess of 30 metres from the boundary wall to the west. I further note that the proposed sculpture will be in excess of 40 metres from the southeastern corner of the appellant's dwelling and c. 25 metres from the appellant's eastern boundary. During my site visit, I note that the sculpture may be sited within a water feature, and I note this circular feature is outlined in the drawings submitted with the application. It does not state that the feature will be a water fountain however, I consider this is ancillary to the overall development of the sculpture and therefore can be considered as part of the application. In this regard, due to the separation distance of the proposed sculpture from the appellant's property, I do not consider that any potential noise from the

sculpture or associated water feature will negatively impact the residential amenity of the appellant's property. It is also worth noting there is a local road from Stepside village located between the two properties which is heavily trafficked and create background noise.

7.7. I note the appellant also raised concerns in relation to continuous works in the garden. During my site visit, I did not observe any construction works, maintenance was being carried out in the garden. Any further works to the proposed sculpture will be short term and therefore, I do not consider that the noise associated with the proposed installation of the sculpture will cause any long-term negative noise impact to adjacent residents.

7.8. Having regard to the location of the proposed sculpture within the private garden of a residential property and given the separation distance from the appellant's property along with the extensive mature trees along the western boundary and the 2 metres high stone wall, I do not consider that the proposed sculpture will negatively impact the residential amenity of the appellant's property or create a noise nuisance.

7.9. **Design & Visual Impact**

7.10. The proposed sculpture is located within the private garden of a residential property and located c. 20 metres from the boundary to the west. The site is well screened with mature trees and due to the topography of the surrounding area and the site, the existing residential property is not visible from the public road.

7.11. The grounds of appeal state that the structure at c.4.8m in height will create an overpowering visual effect and pose a hazardous distraction to vehicle drivers and children travelling to school as the structure will tower over the c.2m high boundary wall. The structure is sited in the highest point of the garden. The proposed sculpture is designed as a water fountain and is located above a bored well.

7.12. The applicant has responded and stated that the site is screened from the appellant's property and from the full extent of the public road by a 2m high wall in front of a line of mature trees. The sculpture will not be placed at the highest point of the lawn; the level base is in excess of 3m below the level of the base of the entrance gate. It is stated even if the structure was visible to the public road, it would not present a hazard to passing motorists.

7.13. Having visited the site, I note the site drops in levels as you entrance from the southern entrance by almost 3 metres at the proposed sculpture and as clarified on the site layout plan. I further note that the existing site and dwelling is well screened from the public road. The proposed sculpture will be in excess of 20 metres from the closest point to the public road and generally in excess of 30 metres along the entire western boundary. Therefore, I do not consider that the proposed structure due to the topography of the site, the extensive mature tree screening and the presence of a 2 metres high boundary wall, will be visually intrusive along the public road or pose as a hazardous distraction to passing traffic.

7.14. Having regard to the location of the proposed sculpture which is set at a lower level than the public road and due to the presence of a mature boundary of trees along the western boundary with the existing 2 metres high boundary, it is my opinion that the proposed structure will not have a negative visual impact on the surrounding area or to the adjacent public road users.

7.15. **Other Issues (Planning History, Application Errors)**

7.16. Planning History

7.17. The appellant has raised concerns in relation to the various planning retention permissions sought and a number of enforcement issues not addressed or followed up by the Planning Authority.

7.18. The applicant has provided additional information and states all development on site has been investigated, and note are legal and that no unauthorised works were taking place.

7.19. I note that the Planning Authority have stated that there are no outstanding enforcement notices on the subject site. Therefore, I consider that the proposed development shall be considered, and the above assessment represents my de novo consideration of all planning issues material to the proposed development.

7.20. Application Errors

7.21. The appellant has made reference to different floor areas noted on the various planning applications submitted throughout the years and it is noted the site area is incorrect.

7.22. I note the errors as minor in nature and have no material bearing on the outcome of this application. I am satisfied that that this did not prevent the concerned party from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

8.0 AA Screening

8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is not located within a designated site, Knocksink Wood SAC (site code: 000725) is located c.4km southeast of the subject site.

The proposed development comprises of the installation of a stone sculpture in a private garden. No nature concerns were raised by the appellant.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Scale and size of the proposed development in a private garden
- Distance to the nearest European site Knocksink Wood SAC (site code: 000725) is located c.4km southeast of the subject site
- The lack of connections to the SAC.

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. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

9.1. I recommend that planning permission should be granted, subject to conditions for the reasons and considerations as set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the zoning objective “B”, which seeks to protect and improve rural amenity, the residential use on site and the objectives set out in the Dun Laoghaire-Rathdown County Development Plan 2022-2028, it is considered that the proposed development will not detract from the residential amenities of the area or negatively impact residential amenity of the adjacent properties and is therefore considered to be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 7th day of July 2025, 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 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.

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.

Jennifer McQuaid
Planning Inspector

28th October 2025

Form 1 - EIA Pre-Screening

Case Reference	ACP-323623-25
Proposed Development Summary	Installation of stone sculpture in garden.
Development Address	Stepaside House, Stepaside Lane, Dublin 18, D18T0V1
	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.	
<input 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><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>	

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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____