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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 19/600296**

**APPEAL** by John and Anne Maher care of Michael Mooney of Brickendown, Mayfield, Cashel, County Tipperary against the decision made on the 16<sup>th</sup> day of December, 2019 by Tipperary County Council to refuse permission.

**Proposed Development:** Retention permission for 1. an existing first floor residential extension to the rear of dwelling and all associated works, 2. the erection of rear garden walls. Planning permission to 3. construct a rear window skylight to the existing first floor rear extension on property at John Street, Cashel, County Tipperary. The works as listed above are located within the curtilage of Record of Protected Structures (RPS) Cashel Town Walls RPS number 7.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

The development for which retention is sought is located immediately adjacent to, and may include, upstanding and subsurface sections of the Cashel City Walls (Recorded Monument Ref. TS061-025023 and Protected Structure Ref. No. 7). The policies and objectives of the South Tipperary County Development Plan 2009 - 2015 (as varied)(Policy LH16 and Specific Objective S07-4) and the Cashel and Environs Development Plan 2009 - 2015 (Policies ENV 1, ENV 2, ENV 3 and ENV 5) seeks to preserve, conserve and safeguard features of archaeological and special interest, including medieval walled towns. The 'National Policy on Town Defences' issued by the Department of the Environment, Heritage and Local Government in November 2008 similarly seeks to preserve their character and setting.

It has not been satisfactorily demonstrated that the development for which retention permission is sought does not have a negative impact on the Cashel City Walls. The development for which retention permission is sought would injure or interfere with a historic monument of significant archaeological interest, would adversely affect the character and setting of the Protected Structure, would adversely affect the Architectural Conservation Area, and would be contrary to local and national policies. The development for which retention permission is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Maria FitzGerald**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020**