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# Appeal Decision

Site visit made on 25 June 2020

**by Nick Davies BSc(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 July 2020**

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**Appeal Ref: APP/Q1153/D/19/3243332**

**1 Road From Rock Cottage to Morwellham, Morwellham PL19 8JL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Roger and Nancy Backaller against the decision of West Devon Borough Council.
  - The application Ref 2537/19/HHO, dated 3 August 2019, was refused by notice dated 24 September 2019.
  - The development proposed is a two storey rear extension and replacement detached garage.
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## Decision

1. The appeal is dismissed insofar as it relates to a two storey rear extension. The appeal is allowed insofar as it relates to a replacement detached garage and planning permission is granted for a replacement detached garage at 1 Road From Rock Cottage to Morwellham, Morwellham PL19 8JL in accordance with the terms of the application, Ref 2537/19/HHO, dated 3 August 2019, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted, insofar as it relates to the replacement detached garage only, shall be carried out in accordance with the following approved plans: Site Location Plan; 490/5; 490/6; 490/9.
  - 3) Prior to their installation, details / samples of the materials to be used in the construction of the external surfaces of the replacement detached garage shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details / samples.

## Procedural Matter

2. The application and appeal were submitted concurrently with a similar proposal for the adjoining property, No 2. That proposal is the subject of a separate Decision under reference APP/Q1153/D/19/3243333. Each of the appeal proposals involves a two-storey extension to the dwelling, with a detached garage on separate land. The two extensions would adjoin one another, and each set of drawings includes the neighbouring proposals. The appellants' statements on both appeals explain that they can only be built as one because

of the shared roof design. Although I have considered each proposal separately, I have been mindful that neither could be built without the other, so in each case I have had to consider the joint impact of both extensions. As the two garages could be implemented individually, I have considered each on its own merits.

### **Main Issue**

3. The main issue is whether the development would conserve the Outstanding Universal Value (OUV) of the Cornwall and West Devon Mining Landscape World Heritage Site (the WHS).

### **Reasons**

4. Paragraph 184 of the National Planning Policy Framework (the Framework) says that World Heritage Sites are heritage assets of the highest significance, which are internationally recognised to be of OUV. The WHS was inscribed in 2006, and comprises ten areas across Cornwall and West Devon that were heavily influenced by copper and tin mining in the period 1700 to 1914. The Statement of OUV states that the remains of mines, engine houses, smallholdings, ports, harbours, canals, railways, tramroads, and industries allied to mining, along with new towns and villages reflect an extended period of industrial expansion and prolific innovation. It adds that the ten areas form a unified, coherent cultural landscape and share a common identity.
5. The appeal site lies within Area 10 of the WHS, the Tamar Valley Mining District with Tavistock, which includes the river Tamar and its associated industrial river quays. The Tamar was the natural highway for most of the traffic within the Area, and Morwellham was developed as an industrial port with rail links to its mining hinterland. It is identified as a Principal Site on the map of key OUV features for the Area. Furthermore, the WHS Management Plan 2013 – 2018 (the Management Plan) confirms that Morwellham is one of three Key Centres for interpretation of the WHS. The appeal site therefore lies in an area that is of particular importance to the OUV of the WHS.
6. The historic village centre retains a high level of authenticity, due to the largely unaltered buildings originating from the mining period, and the surviving machinery and artefacts around the quayside. The appeal site is one of a series of terraced houses that lies a short distance to the west of the village core, overlooking the quay. The application was not accompanied by a statement describing the significance of the heritage asset, and the potential impact of the proposal on its significance, as required by paragraph 189 of the Framework. However, the evidence before me indicates that the houses were built in the 1840s, as part of the planned development of the port, to provide accommodation for the associated workforce. Consequently, they are an important component of this key site within the WHS.
7. The houses are arranged in five separate terraces in a straight row, each originally comprising four dwellings. Each block has a hipped slate roof with three prominent brick chimney stacks. The buildings are of quite simple design, but have dressed stone entrance porches with pitched roofs, which are on the sides of the end-terraced houses and the front of the central ones. Each house has a long front garden. The symmetry continues at the rear, where there is a continuous stone wall enclosing the small back gardens, each of which has a gated access to the shared access road. Most of the houses retain a slate-

roofed stone outbuilding on the rear boundary, which is paired with the neighbouring house. The uniformity of the form, design and detailing of the buildings gives the whole group a coherent character. Their largely unaltered appearance, and proximity to the historic quay, means that their planned function as modest workers' housing is easily interpreted.

8. The appeal site is a constituent part of the most southwestern of the terraces. Although the symmetry of this block has been upset at the rear by a substantial two-storey extension to Nos 3 and 4, the front remains largely unaltered. No 1 retains all the characteristic features that contribute to the cohesion of the group as a whole, including a stone side porch, and a shared stone outbuilding to the rear. It therefore makes a positive contribution to the authenticity and integrity of the heritage asset and, therefore, its OUV.
9. Paragraph 193 of the Framework says that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Policy DEV 22 of the Plymouth & South West Devon Joint Local Plan 2014-34 (the Local Plan) requires development proposals within the WHS to conserve, or where appropriate, enhance the OUV of the site.
10. The combined extension would conceal nearly all of the original rear wall of the two houses. None of the existing windows would remain intact, and much of the roof slope would be covered by the new shared roof structure. Furthermore, the stone outbuilding would be subsumed into the extension. As a result, the scale of the new additions would overwhelm the rear elevation of the original building, and fill most of the rear garden space of the two houses. The shared roof design would result in the visual amalgamation of the two buildings, and their identity as two separate dwellings would be concealed. Consequently, their existing character, as modest workers' dwellings associated with the planned development of the historic quay, would be diminished. This would be harmful to the contribution they make to the authenticity and integrity of this key site within the WHS.
11. It is argued that the extension would be similar to that already built at Nos 3 and 4. However, that extension is considerably narrower, so covers less of the rear elevations and gardens of the original houses, and it has a lower ridge height than the appeal scheme. The evidence indicates that it was built prior to WHS inscription, so its approval carries little weight in my decision. The remainder of the houses in the entire group are remarkably intact at first floor and roof level, so the planned cohesion of the group is retained despite this uncharacteristic extension. Another, larger extension, would further erode the integrity of the group as a component of the WHS.
12. The planning permission<sup>1</sup> for a two-storey rear extension at No 2 was granted before the current version of the Framework, and prior to adoption of the Local Plan. However, it was approved after inscription of the WHS, when the July 2018 version of the Framework already identified such heritage assets to be of the highest significance. The permission is extant, and work has commenced. It is therefore a significant material consideration. The approved floor plans show that the approved scheme would be less than half the width of the combined extension. It would therefore conceal much less of the rear elevation of the

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<sup>1</sup> LPA Ref: 1967/18/HHO

terrace as a whole, and it would have a much lower and narrower roof. Furthermore, it would not result in a loss of the individual identity of the two houses. It would therefore better preserve the authenticity and integrity of the original workers' cottages.

13. The proposed extension would be largely hidden in views from the northeast, along the rear access drive, by the extension at Nos 3 and 4. It would, however, be seen from the road to the visitor centre carpark, over the access gate to the private drive that runs to the south west of the terrace. It would also be visible from the carpark, so would be seen from an area used by a considerable number of people. Although the lower part of the house is screened by the boundary hedge, the first floor and roof are visible, and the harmful impact of the extension on the simple form and modest proportions of the cottages would be evident from here.
14. It is argued that the large extension to the visitor centre, which is currently being built, would dominate the vicinity and draw attention away from the extension. However, the building will provide educational facilities, to increase public understanding of the WHS. The extension to Nos 1 and 2 would be seen by the larger number of visitors to the site, and it would be visible from within the building. The positive contribution that the planned workers' cottages currently make to the authenticity and integrity of the WHS is therefore likely to be better appreciated. Consequently, the harm to the heritage asset as a result of the development would be more evident.
15. I am mindful that the extension would replace a range of single storey flat-roofed extensions, which have already been removed. Furthermore, a more appropriate hardwood door would be installed in the side porch in place of an existing uPVC window. However, these improvements would be to the ground floor of the building. It is at first floor level where the cohesion and authenticity of the group of houses is most evident. Consequently, they would not balance or outweigh the harm that would be caused to the heritage asset by the scale of the two-storey extension, and the resultant loss of the modest character and identity of the individual cottages.
16. The harm that would arise would be localised, and therefore the impact on the WHS, as a whole, would be less than substantial within the meaning of Paragraph 193 of the Framework. However, less than substantial harm does not mean less than substantial weight should be afforded to this harm. Rather, as the Framework sets out, great weight should be given to the conservation of designated heritage assets. The Framework advises that less than substantial harm should be considered in a balanced manner, against any public benefits associated with the development.
17. The provision of bathroom facilities at first-floor level would bring the house up to modern living standards. In this regard it could be seen as a public benefit, attracting significant weight. However, the extension also provides an additional bedroom and allows for a second bathroom at first floor level, so the scale of the extension is larger than is necessary to deliver the essential improvements. This reduces the weight that I give to this benefit. There would be additional employment during the extension works. However, this would be of limited scale and duration. The lack of any objections from neighbours is a neutral factor in the balance. Consequently, the public benefits would not outweigh the harm that I have identified to the heritage asset, which attracts

great weight in the balance. I therefore conclude that the extension would conflict with Policy DEV22 of the Local Plan and P3 of the Management Plan, which seek to protect, conserve and enhance the OUV of the WHS.

18. All the houses have long gardens on the opposite side of the rear access drive, most of which accommodate permanent structures of various scales, materials and designs. The evidence indicates that these gardens were not part of the historic planned layout of the terraces. There is an existing timber garage on the land relating to No 1. The replacement detached garage would be of similar proportions, but it would be set further away from the house. It would be seen in the context of the various outbuildings on the other detached rear gardens, and its scale, design and materials would be similar to the building it replaces. It would not, therefore result in any harm to the OUV of the WHS, so would accord with Policy DEV22 of the Local Plan and P3 of the Management Plan.

### **Conditions**

19. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The council has submitted a schedule of suggested conditions to cover details of the materials and specifications for various architectural details, and landscaping/surface treatments. These may have been necessary and reasonable had I been minded to allow the extension. The permission I have granted, however, is for a simple utilitarian garage in a row of disparate outbuildings, so a condition ensuring satisfactory external materials is all that is reasonably necessary to ensure a satisfactory appearance.

### **Conclusion**

20. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the replacement detached garage, but dismissed insofar as it relates to the two storey rear extension.

*Nick Davies*

INSPECTOR