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## Appeal Decision

Site visit made on 13 June 2020

**by David Wyborn BSc(Hons) MPhil MRTPI**

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

**Decision date: 30 July 2020**

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**Appeal Ref: APP/Q1153/W/20/3249932**  
**22 Glanville Road, Tavistock PL19 0EB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr Simon Reeves against West Devon Borough Council.
  - The application Ref 2278/19/OPA, is dated 10 July 2019.
  - The development proposed is a new garden dwelling.
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### Decision

1. Planning permission is refused and the appeal is dismissed.

### Procedural Matters

2. The application has been made in outline with matters of access, appearance and scale for consideration at this stage. Matters of layout and landscaping are reserved. I have had regard to the layout plans as indicative of what the appellant has in mind for this matter.
3. The appeal is made against the non-determination of the application by the Council. At the appeal stage the Council has submitted a planning report which indicates that the application would have been refused for two reasons. The first reason would have been because the proposal did not contain sufficient information to be able to make a full assessment of the impact of the proposal on the Tavistock Conservation Area, the Grade II listed Railway Viaduct and the Cornwall and West Devon Mining Landscape World Heritage Site.
4. The second reason would have been because the proposed dwelling by virtue of its location immediately adjacent to the host dwelling would result in the private amenity space of the proposed dwelling being overlooked by the host dwelling house and garden, causing harm to the residential amenities.

### Main Issues

5. Accordingly, the main issues are:
  - the effect of the development on the character and appearance of the area, with particular regard to the effect on the Tavistock Conservation Area, the Grade II listed Railway Viaduct and the Cornwall and West Devon Mining Landscape World Heritage Site, and
  - whether the occupiers of the proposed dwelling would be provided with adequate living conditions, with particular regard to any overlooking from the host dwelling into the external amenity space.

## Reasons

### *Character and appearance*

6. The site lies within the Tavistock Conservation Area (CA) which in this area is significant because, on the western side of Glanville Road, the row of attractive, bay windowed and well-articulated Victorian Villas and, on the other side of the road, the mix of some individually designed Victorian buildings in gardens. The CA is sizeable and includes the Grade II Listed Railway Viaduct which is a prominent feature of the town. From the Viaduct there are extensive views across Tavistock, including in the direction towards 22 Glanville Road, and these surroundings form part of the setting to this heritage asset.
7. No 22 is considered to be a positive building within the CA. Its bay windows, chimneys, slate roofed form and various glass additions make a pleasant composition which broadly reflects the locally distinctive character of the wider area.
8. The proposed dwelling would not be visible from Glanville Road because it would be set back in the site and on a lower part of the garden. It would, however, be clearly visible in association with the main house within parts of the site and despite the reasonably dense screen of trees, glimpsed in part from a short section of the Viaduct surface. At other times of the year, when some of the trees may have lost their leaves, parts of the proposed dwelling may be a little more apparent from the Viaduct.
9. I have carefully considered the heritage assessment and the supporting justification for the siting and design of the dwelling. The single storey building on the lower level of the garden would be set down in the site compared to the much taller main dwelling and it seems to me that much of the design approach has been to minimise the wider visual impact of the development. The appearance of the building with the shallow sloping monopitch roofs, large areas of glazing to some of the principal elevations and white render walls would have a typical and generally contemporary feel. However, the appearance of the building as a whole would not appear to make reference in a contemporary way to locally distinctive features, proportions, detailing or shape that would help to ensure that the development would relate well to the local character and identity of the area, and be distinguishable from other locations. Consequently, the scheme would not meet with Policy DEV 20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (adopted March 2019) (JLP) that requires development proposals deliver locally distinctive design.
10. The site itself falls within the CA. In the context of the main building, the proposed dwelling would contrast sharply with the character of the main house and the appearance of the proposed dwelling would not sit sympathetically or complement the positive form of No 22. For the above reasons, the scheme would not preserve the character or appearance of the CA or meet with the National Planning Policy Framework (the Framework) requirement that development should be sympathetic to local character and fit with the overall form and layout of their surroundings.
11. Although only part of the building would be glimpsed from a short section of the Viaduct the contrast with the main house, which would form the backdrop, would draw the eye. Seen in the sweep of an extensive vista, however, the appearance of the building would have a minor adverse effect on the setting of

the listed building and to the character and appearance of the CA from this location. Appearance is for consideration at this stage, and the harm I have found would, in my view, be likely to be similar even with a different layout and extensive landscaping scheme at the reserved matters stage.

12. I am mindful of the duties to have special regard to the desirability of preserving or enhancing the character or appearance of any land or building in a Conservation Area and the desirability of preserving listed buildings and their setting.
13. The effect of the proposal would be to cause minor harm to the character and appearance of the CA when considered as a whole and to the setting of the listed Viaduct and therefore detract from the significance of these heritage assets. The harm to the CA and the setting of the listed building would be less than substantial within the meaning of paragraph 196 of the Framework. In accordance with the Framework, this harm should be weighed against the public benefits of the proposal.
14. The benefits of the scheme would be the provision of an additional unit of accommodation on a windfall site. The proposal would make efficient use of the land and in a location that has good access to services, facilities and to public transport. There would be social and economic benefits during construction and in subsequent occupation. The scheme would deliver, in all likelihood, a highly energy efficient and sustainable dwelling and there could be ecological benefits, including from the sedum or similar type green roof. However, as only a single unit of accommodation would be provided the public benefits would afford limited weight.
15. The Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the potential harm to the significance. I have found that the public benefits of the proposal afford limited weight and therefore do not outweigh the harm to the CA and its significance and the setting of the listed building, which although minor, in accordance with the Framework, are required to be attributed great weight.
16. In the light of the above analysis, I conclude that the proposal would harm the character and appearance of the area, not preserve the character or appearance of the CA and harm the setting of the listed Railway Viaduct. It would therefore conflict with policies DEV20 and DEV21 of the JLP and the Framework which seek, notably, that development should deliver locally distinctive design.
17. In terms of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS), based on the evidence before me, the proposal would not adversely affect the significance or Outstanding Universal Value of the WHS because of the extensive nature of the WHS, the scale of the proposed building and its location on garden land back from the road. Nevertheless, this does not alter the harm I have identified above in relation to the other heritage assets.

#### *Living conditions*

18. The proposed dwelling would be located in proximity to the existing dwelling. The upper side garden of No 22 would therefore be alongside the lower garden of the proposed dwelling. However, with the established and fairly wide hedge

along the boundary of the upper garden there would be minimal opportunities for overlooking down to the garden below by occupants of the existing property.

19. No 22 includes an upper, side bay window and a glasshouse which have windows that could allow occupants to look towards the proposed dwelling site. However, given the likely arrangement of windows of the proposed dwelling there would be little direct overlooking to internal habitable space. Furthermore, the intended orientation of the proposed dwelling and the roof overhang would reduce overlooking to outside amenity spaces close to the new building. There may be some overlooking into other parts of the garden of the proposed dwelling, however, this would not be extensive or unusual within the built-up area of a town where mutual overlooking is not uncommon.
20. Accordingly, I conclude that the occupiers of the proposed dwelling could be provided with adequate living conditions with particular regard to overlooking from the host dwelling into the external amenity space. Consequently, the scheme would comply with Policy DEV1 of the JLP and the Framework which seeks, amongst other things, to ensure that new development provide satisfactory privacy for new and existing residents.

### **Other Matters**

21. I have taken into account the letters of representation in support of the proposal including those from the Town Council, however, these submissions do not lead me to different conclusions on the harm I have found above.

### **Conclusion**

22. The scheme could provide acceptable living conditions for the future occupiers of the dwelling, however, this is neutral in the overall analysis. For the reasons explained above, the benefits from the provision of a single dwelling can be afforded limited weight. Appearance is a matter for consideration at this stage and I have found that the scheme based on the information before me, and notwithstanding any landscaping details and layout that may be submitted at the reserved matters stage, would harm the character and appearance of the area, including heritage assets. This harm would not be outweighed by the benefits of the proposal.
23. I have limited information regarding whether the Council can demonstrate a 5 year supply of deliverable housing sites. Even if the supply was deficient, as the harm to heritage assets provides a clear reason for refusing the development proposed, the presumption in favour of sustainable development as set out in Paragraph 11d of the Framework is not engaged.
24. For the reasons given above, the scheme does not comply with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. I therefore conclude that the planning permission should be refused and the appeal is dismissed.

*David Wyborn*

INSPECTOR