



Appeal Decision

Site visit made on 16 January 2024 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2024

Appeal Ref: APP/Q1153/D/23/3330558

61 Parkwood Road, Tavistock, Devon PL19 0HH

- 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 Felicity McCarter against the decision of West Devon Borough Council.
 - The application Ref 4087/22/HHO, dated 18 November 2022, was refused by notice dated 25 July 2023.
 - The development proposed is alterations to existing building including rear/side extension and roof conversion.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

- The effect of the proposed development on the character and appearance of the area with specific regard to the Tavistock Conservation Area (TCA) and the Cornwall and West Devon Mining Landscape World Heritage Site (WHS);
- Whether the proposed development would provide acceptable living conditions for future occupants, with specific regard to privacy and outlook; and
- Whether the proposed development would provide adequate drainage.

Reasons for the Recommendation

Character and Appearance

3. The appeal building is one half of a pair of two storey semi detached dwellings. The Council's evidence suggests they are part of a group of legible Victorian buildings notable not only for their historic association with the settlement's industrial past and function but also, in the case of this pair specifically, their surviving traditional detail, finish and thus originality. Nos 51-65 particularly are of a consistent 'pattern book' design with repeated hipped roof brick porches to the side and two storey wings to their rear. Notwithstanding some examples of incongruous extensions to other pairs over time, the consistency and traditional originality of the pair which includes the appeal building and the wider group contribute positively to the significance of the both the TCA and

the WHS. As noted by the Tavistock Conservation Area Management Plan 2009. The TCA sits in the valley of the river Tavy; the industrial heritage of tin and copper mining and the high-quality townscape resulting from 19th century town planning and the patronage of the Bedford Estate. The WHS is an outstanding example of a tin and copper mining landscape which illustrates the development and global spread of industrialisation.

4. The single storey side element would run rewards from the porch. Whilst this would be set in from the porch's side projection, attaching such an elongated extension would detract from its size, function and relationship to the host, detrimentally affecting its legibility and what it means to the design of the wider building. The form of the extension would make the porch appear stretched and almost subsumed. This element would not be visible 'square on' from the frontage but it would still have a public realm effect.
5. The totality of the rear extension would follow the shape of the building insofar as retaining a two storey rear wing. That said, and when considered alongside the side extension, it would add substantial bulk and mass to it which risks losing some of the visual and design dominance of the main body of the building. I note that similar works can be found on No 55 but this extension stands out as something of an anomaly in the group and as such it wouldn't justify the appeal proposal.
6. With the above in mind, the appeal scheme would detrimentally affect the otherwise consistent and uniform pattern of built form in terms of both the pair and the wider group. The existence of other incongruous extensions does not justify another and given the pair are one of the more original of the group, this lends more support to the need to be mindful of their quality and significance of their contribution to both the TCA and the WHS. It is also pertinent to say that I cannot be certain whether other developments that have taken place are the consequence of the grant of planning permission and, if they are, what matters were taken into account at the time.
7. In harming an important group of buildings of high quality that contribute positively to the significance of the TCA and the WHS, it follows that the proposals would neither preserve nor enhance the character or appearance of the TCA and detrimentally affect the outstanding universal value of the WHS.
8. Given the scale of the proposals in a wider context, this harm would be less than substantial for the purposes of the National Planning Policy Framework 2023 (the Framework). I can see no sufficiently compelling public benefit that would arise from the scheme to suggest that the harm would be outweighed. Harm to which I would attach considerable weight. The scheme would therefore conflict with Policies SPT 11, DEV 20, DEV 21 and DEV 22 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP); and Policy C2 of the WHS Management Plan 2020-2025, which, along with the Framework, seek to ensure high quality and contextually appropriate design that maintains or enhances sites of importance to the historic environment.

Living Conditions

9. The proposal would introduce a first-floor rear projection and window where one has not previously existed. Whilst this introduction would be contrary to the existing rhythm and pattern of the group rear projections, it would only provide oblique views of outdoor amenity space at No.63. There is significant

mutual overlooking of outdoor amenity space between Nos 61 and 63 from existing first floor side windows. Consequently, the addition of a first-floor rear projection window with oblique views would not cause any additional harm in respect of overlooking. Furthermore, the good-sized rear gardens, ample space between rear projections and neighbouring boundaries and the use of the area to the side of both properties as space for sheds and storage would ensure that the proposed extensions would not lead to an unacceptable overbearing effect to neighbours and thus detrimentally affect their outlook.

10. I do not therefore find harm to the living conditions of neighbouring occupiers. Such that there would not be conflict with JLP Policy DEV1 and the advice contained within the JLP Supplementary Planning Document 2020. Together, and amongst other things, they seek to ensure that new development provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance.

Drainage

11. The proposed development is within flood zone 2 but, given it is for extensions to an existing building, would be sequentially appropriate. Paragraph 173 of the Framework requires that, where appropriate, applications located within flood zone 2 are accompanied by a site-specific Flood Risk Assessment (FRA). One is not provided in this instance and the Council's concerns appear to be related to an appropriate means of drainage for the appeal site which, in the absence of a FRA, is an unknown variable. That said, and given the nature and scale of the works proposed which would be to an existing dwelling with its own drainage, it seems eminently possible to me that a solution could be found and this could be provided by means of a planning condition should I recommend the appeal be allowed. Since I have found harm in other areas that leads me to conclude otherwise however, I have not investigated this matter further.

Other Matters

12. The Council's evidence alludes to the setting of the listed foundry sites. They suggest that it is likely that dwellings of the type affected by the appeal scheme may have been associated therewith. Whilst they may post date the high point of the mining boom, the foundries continued to function long after and exist entirely to service the mines. If these properties were occupied by workers, then that would add to their significance.
13. There are a number of unknown quantities here and the Council's reasons for refusal explain, implicitly, that their concerns do not extend to the setting of listed buildings. Whilst I have not therefore examined this matter further, I am mindful of the potential link but equally that the harm I have found in regard to the TCA and the WHS would be sufficient for me to recommend the appeal scheme be dismissed.

Conclusion and Recommendation

14. Whilst I have found areas where the scheme would be acceptable and it would comply with the development plan, this would be a lack of harm which, by definition, would be incapable of weighing against harm. This harm would lead to conflict with the development plan, as a whole. There are no material considerations worthy of sufficient weight (including the Framework) that would

indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR