



Appeal Decision

Site visit made on 7 May 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2024

Appeal Ref: APP/Q1153/W/23/3325389

Orchard Hill, Madge Lane, Tavistock, Devon PL19 0DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Graham and Judy Jeeves against West Devon Borough Council.
 - The application Ref is 0198/23/HHO.
 - The development proposed is a loft conversion with single dormer to rear of property and side flat roof garden room to replace flat roof conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion with single dormer to rear of property and side flat roof garden room to replace flat roof conservatory at Orchard Hill, Madge Lane, Tavistock, Devon PL19 0DY in accordance with the terms of the application, Ref 0198/23/HHO, and the plans submitted with it, 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 shall be carried out using the materials indicated on the planning application form and in accordance with the following approved plans: Site Location Plan Drawing no. 2590 PL-[02], Block Plan Drawing no. PL-[03] and Proposed Plans Drawing no. 2590 SK-[01] A.

Preliminary Matters

2. The Council failed to determine the planning application within the prescribed period. However, after the submission of the appeal, permission was refused by the Council. Nevertheless, I have determined the appeal on the basis that it was made against the non-determination of the planning application. I am satisfied that no injustice would arise from this approach as all parties have had the opportunity to state their cases.
3. Amended plans were submitted as part of the appeal which show an alternative dormer window configuration¹. However, the Procedural Guide: Planning appeals – England is clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered at appeal is essentially what was considered by the Council and interested parties at the application

¹ Drawing no. 2590 PL- [01] B

stage. Given that the amendment would make fundamental changes to the proposal and interested parties have not had the opportunity to comment on the changes, it would not be appropriate to consider the revised scheme. Accordingly, I have determined the appeal based on the proposal that was before the Council when it made its decision.

4. I have used the Council's description of development in the banner heading above. This is more concise than that used by the appellant, and I note that the revised description has been used on the appeal form.

Main Issue

5. The main issue is the effect of the proposed development on the host dwelling and the character and appearance of the area, including heritage assets.

Reasons

6. The appeal property is a hipped roof detached bungalow of some age. It sits in the corner of the plot which comprises a generous mature garden, located between Madge Lane and West Street on steeply rising ground. Consequently, it is at a lower ground level than the neighbouring property to the rear and higher than the adjoining terraced properties fronting West Street, which it is set behind.
7. The site is within the Tavistock Conservation Area (the CA). The Tavistock Conservation Area Character Appraisal (March 2014) highlights one of the main characteristics of the CA is its beautiful setting in the valley of the River Tavy, which flows through it. The special interest of the CA is derived in part from the spacious streets, prestigious historic buildings, and traditional roofscape with a high degree of uniformity, as well as the use of traditional materials including Dartmoor granite and local grey green Hurdwick stone. The roof slopes within the historic core of the town are particularly evident in views from the higher ground within the CA.
8. Aside from some minor alterations, including a small side extension, the existing dwelling is largely in its original traditional simple form. It is somewhat detached from the concentration of buildings within the historic core of the town, and despite its elevated position, the existing dwelling is not a prominent feature in the CA due to the substantial screening of the site by mature landscaping, more so during particular times of the year. The contribution of the building to the significance of the character and appearance of the CA is therefore limited.
9. The appeal proposal would see alterations to the roof of the property to create first floor habitable space, including an increase in ridge height and gables to the flank elevations in lieu of the hipped roof, as well as the provision of a catslide dormer to the front elevation.
10. While the proposal would alter the shape of the roof, the overall increase in ridge height of the property would be modest. As such the alterations would not significantly increase the overall bulk of the building. Moreover, the gable end design would not be at odds with other roof forms in the vicinity. The proposed catslide dormer would be set in from either side of the roof, set back from the eaves, and lower in height than the ridge of the main roof and would generally reflect the overall proportions of the main dwelling. The fenestration would be sympathetic to the existing building, and while the standing seam

roofing materials would be a more contemporary addition, it would reflect the recessive nature of the existing slate roof. As such, the alterations to the roof would not be an unduly dominant or anomalous addition to the host dwelling and would not diminish its character or appearance.

11. Furthermore, the resulting building would be lower in height than the neighbouring property to the rear and would be viewed against the backdrop of rising land, so would not appear as a conspicuous feature in views towards the site, which are heavily filtered in any case. Given the detachment of the site from the denser built form in the core of the town, it is not read as part of the more traditional built form of the clustered plain and simple roofscape at a lower level. As such, even in the unlikely event that the extensive tree coverage on and surrounding the site was lost, for the foregoing reasons, the development would preserve or enhance the character or appearance of the CA.
12. The site lies within the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) which is the largest industrial WHS in the UK. The WHS Management Plan 2020-2025 describes it as a multi-faceted cultural landscape of extraordinary significance. It sets out that it comprises a series of distinctive cultural landscapes created by the industrialisation of hard-rock mining processes in the period 1700 to 1914, which were radically reshaped by deep mining for predominantly copper and tin. 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.
13. I note the Council's suggestion that due to its age and simple character the appeal property is important to the WHS. However, there is nothing before me to suggest that the appeal site has any identifiable features of mining and there is no indication that the dwelling may have been associated with the mining industry in the past. As such, notwithstanding its age and form, the existing building makes a limited contribution to the significance of the WHS. Moreover, in the context of the WHS, given the modest overall scale of the proposed development and lack of visibility, any effect of the proposal on the Outstanding Universal Value (OUV) of the WHS would be very limited. It would therefore not undermine the value of the WHS or its assets and would protect the OUV of the WHS.
14. The railway viaduct, which is located not far from the site, is a Grade II listed building. The listing description identifies the viaduct as a prominent feature of the town, indeed, by virtue of its height and scale, it is an imposing and dramatic element within the townscape. The significance of the viaduct is in part related to this and its relationship with the historic development of the town and the contribution it brought to that, being a great feat of Victorian engineering.
15. Despite the alleged harm to the setting of the viaduct, the Council has not given a clear reason as to how the proposed alterations to the dwelling would undermine its significance derived from its setting. While the proposal may increase the prominence of the dwelling in views from the viaduct, there would remain limited intervisibility due to the scale of the building and intervening landscaping. Moreover, the development would be only a very modest component in the context of far-reaching wide views from the viaduct. Nor

would the host dwelling be readily apparent in longer distance views towards the viaduct. The appeal proposal would therefore have no tangible effect on the setting of the viaduct and its significance as a heritage asset and as such would preserve its setting.

16. The Council suggests that, by virtue of its age and simple form, the appeal property is also important to the setting of a number of Grade II listed buildings surrounding the site in West Street, King Street and Market Street. My attention is drawn specifically to the listed buildings at 1, 2 and 3 Taylors Square, and 11, 23, 26 and 27 King Street. The setting of these listed buildings is informed by their position within the cluster of the historic townscape. As the proposal would not cause harm to the townscape, I am satisfied that the setting of the listed buildings would be preserved.
17. I therefore conclude that the development would not cause harm to the character and appearance of the host dwelling and would preserve the character and appearance of the CA, the OUV of the WHS, and the setting of the listed buildings. Consequently, the proposal would accord with Policies SPT11 and DEV21 of the adopted Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) which seek the conservation of the historic environment and Policy DEV20 of the JLP, which requires development to meet good standards of design, to contribute positively to townscape, and protect and improve the quality of the built environment.
18. It would also comply with Policy DEV22 of the JLP which requires development within the WHS to conserve or where appropriate enhance the OUV of the site and the purposes of the WHS Management Plan 2020-2025 that seek to enable the mining landscape to adapt to meet the needs of the people who live within it whilst ensuring its OUV is protected, and the aims and objectives of the National Planning Policy Framework in respect of the historic environment.

Conditions

19. In addition to the standard condition controlling the timescale within which the development must commence, a condition is required to specify the relevant plans, in the interests of certainty. The Council has suggested a condition requiring the submission of details of the roofing and facing materials to be used, in the interests of visual amenity. However, it is clear from the planning application form which materials are to be used, as such a condition requiring further details is not necessary.

Conclusion

20. For the foregoing reasons, I conclude that the appeal should be allowed.

E Worley

INSPECTOR