



Appeal Decision

Site visit made on 28 May 2024

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 13 June 2024

Appeal Ref: APP/Q1153/D/23/3329272

32 Trelawny Road, Tavistock PL19 0EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr D Hassett against the decision of West Devon Borough Council.
 - The application Ref is: 2025/23/HHO.
 - The development proposed is 2 storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - The effect of the proposed development on the character and appearance of the area, with particular regard to location of the appeal site within the Tavistock Conservation Area (the Conservation Area) and the Cornwall and West Devon Mining Landscape World Heritage Site (the WHS),
 - Whether or not adequate information has been provided in respect of carbon reduction measures,
 - The effect of the proposed development on the living conditions of neighbouring residents, with particular reference to overlooking and loss of privacy; and,
 - Whether or not adequate information has been provided in respect of surface water drainage.

Reasons

Heritage

3. The appeal building is an end of terrace dwelling located at the edge of and within the Conservation Area. The evidence before me indicates that the terrace of dwellings, which the appeal property forms part of, were built around 1900 by the London and South Western Railway and positioned close to the Tavistock North train station. Further south of the site and along Trelawny Road, there are similar scaled cottages within terraces, and which were built by the Bedford Estate in around 1866 to provide housing for workers in local industries.

4. The appeal site is also located within the WHS. However, there is no substantive evidence before me to suggest that the appeal building has any identifiable features of mining or was used to house workers associated with the mining industry in the past but rather, as noted above, appears to be associated with the nearby former Tavistock North train station.
5. The Tavistock Conservation Area Character Appraisal (March 2014) summarises the key characteristics of the Conservation Area which, amongst other matters, includes: it's beautiful setting within the valley of the River Tavy which flows through it, its industrial heritage of tin and copper mining, foundries, wool production and quarrying, and the Bedford Cottages which were built to provide improved housing for miners and other workers in the nineteenth century. The special interest of the Conservation Area 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.
6. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in reaching this decision.
7. The Council considers the appeal dwelling to be a non-designated heritage asset (NDHA) due to its age and its high degree of intact surviving built fabric. I have no reason to disagree that the appeal building and adjoining terraces have architectural and historic interest of local significance. In my view, and by reason of its architectural quality and its age, the appeal building makes a positive contribution to the character and appearance of the Conservation Area.
8. The end properties in this and the adjoining terrace face out onto the adjacent path at a right angle, with the front elevation of the host dwelling facing the neighbouring end of terrace property. The appeal proposal would provide a two storey extension, infilling an area on the northeast elevation of the dwelling, with alterations to the roof form. As I observed on my visit, there have been some minor alterations and extensions to some of the adjacent cottages within these terraces and, as such, I do not necessarily find that a modestly scaled, sympathetically designed extension would have a significant harmful effect on the cohesive nature of the terraced cottages that make a positive contribution to the character and appearance of the Conservation Area.
9. Nonetheless, by reason of its design to include uncharacteristic narrow window openings at ground and first floor level, and given the proposed use of hanging slates as an external finish which contrasts sharply with the materials used on the adjoining and adjacent cottages and which emphasises and accentuates the bulk and mass of the proposed extension, the proposal would not appear subservient and would unbalance the appearance of the building.
10. Consequently, the proposed design of the appeal scheme would represent an incongruous addition to the attractive and traditional host building. As such there would be harm to the character and appearance of this NDHA. Since the appeal building makes a positive contribution to the character and appearance of the Conservation Area, it would also fail to preserve the character and appearance of the Conservation Area.

11. The appeal proposal would not be highly visible from within the wider surrounding area. However, the scheme would be clearly apparent from private views around the site, including from other dwellings within the Conservation Area, as well as from the adjacent path which serves the terraces of cottages at this location.
12. In terms of the advice in the National Planning Policy Framework (December 2023) (the Framework) the harm to the significance of the Conservation Area would be 'less than substantial', affecting only its immediate surroundings. A finding of 'less than substantial harm' does not equate to less than a substantial objection. The Framework makes clear that any harm to the significance of a designated heritage asset should require clear and convincing justification. Accordingly, and in line with the provisions of paragraph 208 of the Framework, this harm should be weighed against the public benefits of the scheme including, where appropriate, securing its optimum viable use.
13. Whilst I note that the extension would provide additional space at the host dwelling, such a benefit would be private in nature. However, I acknowledge that the scheme could provide very limited, short term, employment opportunities during the construction of the proposed extension. Consequently, I find that there are no public benefits of the scheme that outweigh the identified harm that would be caused to the Conservation Area to which I attach great weight in accordance with paragraph 205 of the Framework.
14. For the above reasons, the appeal scheme would conflict with Policies DEV20 and DEV21 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (the JLP) which together, and amongst other things, requires that development protects and improves the quality of built environment, sustaining the local character and distinctiveness of the area by conserving and enhancing both designated and non-designated heritage assets. The appeal scheme would also fail to accord with those parts of the Framework which concern conserving and enhancing the historic environment.

Carbon Reduction

15. Policy DEV32 of the JLP seeks to ensure that delivering low carbon development should form part of the design and implementation of all schemes. This approach is complemented by the Framework which indicates that local planning authorities should, in summary, usually expect new development to comply with any development plan policies on local requirements for decentralised energy supply.
16. The evidence before me confirms that no information which demonstrated how the proposal would comply with the requirements of Policy DEV32 of the JLP was provided in support of the application. Whilst I acknowledge the appeal cited by the Appellant, it appears in that instance that additional information regarding carbon reduction measures was provided at appeal. I have also noted the details from an officer's report which concerned another development within Tavistock, and which concluded that certain matters could be dealt with by planning condition. However, from the information before me, that development was supported by information in the form of a completed Climate Emergency Compliance Form.
17. In this present appeal, no such information has been provided, and whilst I note that the Appellant contends that solar panels could be installed under

permitted development rights, I have not been provided with details, such as a plan, which identifies the position of any such solar panels. Furthermore, there is no information before me which confirms that it would be feasible to install solar panels on the roof plane of the appeal building as identified by the Appellant. In this instance, given that no substantive information is provided regarding how the scheme would deliver the requirements of Policy DEV32, I do not consider that it can be appropriately addressed through a suitably worded planning condition. In light of these matters, the appeal scheme would conflict with the requirements of Policy DEV32 of the JLP.

Living Conditions

18. Policy DEV1 of the JLP concerns protecting health and amenity and, amongst other matters, seeks to ensure that new development provides for satisfactory privacy for both new and existing residents.
19. The proposed development would result in part of the appeal building being positioned closer to the property boundary, and closer to the dwelling that forms the end property in the adjacent terrace of cottages. However, whilst there would be an additional window opening at first floor level on the proposed extension, given that there are already a number of existing window openings at first floor on the host dwelling which overlook the neighbouring property at a similar distance, I am not persuaded that the appeal scheme would have a significant adverse effect on the living conditions of future residents with regards to overlooking and loss of privacy. As such I find no conflict with the aims or provisions of Policy DEV1 of the JLP in that respect.

Drainage

20. Policy DEV35 of the JLP seeks to ensure that development is safe without increasing flood risk and pollution elsewhere. The submissions indicate that the appeal site is located within Flood Zone 1 and within a Critical Drainage Area.
21. The appeal property is an existing dwelling with an existing surface water run-off into a surface water drainage system. The proposed extension would be built over existing hardstanding at the site. There is no evidence to suggest that the additional surface water discharge from the development into the existing surface water drainage system would result in any increased risk of flooding elsewhere. Given the modest scale of the proposal and the context I have outlined above, I find no conflict with Policy DEV35 of the JLP, nor would the proposal fail to accord with the aims of paragraph 173 of the Framework.

Conclusion

22. The proposal would not adversely affect the living conditions of the occupiers of neighbouring residential properties with respect to overlooking and loss of privacy, nor would the proposal be harmful in terms of flood risk. However, these matters would not outweigh the identified harm to the NDHA, nor outweigh the appeal scheme's failure to preserve or enhance the character or appearance of the Conservation Area. For these reasons, I conclude that the proposal as a whole would not accord with the development plan for the area or the Framework. Consequently, the appeal should be dismissed.

Mr A Spencer-Peet
INSPECTOR