



Appeal Decision

Site visit made on 7 July 2025

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/Q1153/W/25/3360217

Westcroft, Mohun's Close, Tavistock PL19 9BJ

- 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 Paul Philips against the decision of West Devon Borough Council.
 - The application Ref is 1546/24/FUL.
 - The development proposed is proposed detached 'velux' roof bungalow & proposed new vehicle access and carport.
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Decision

1. The appeal is dismissed insofar as it relates to the detached 'velux' roof bungalow. The appeal is allowed and planning permission is granted insofar as it relates to the proposed new vehicle access and carport at Westcroft, Mohun's Close, Tavistock, PL19 9BJ, in accordance with the terms of the application, Ref 1546/24/FUL, subject to the conditions below:

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The access and carport hereby permitted, as shown on drawing nos. 2742 (PL-)01 B, 2742 (PL-)02 and 2742 (PL-)03 A shall be constructed in accordance with the approved details and shall be used solely for purposes incidental to the existing dwelling known as 'Westcroft'.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the access and carport shall not be used in connection with any separate residential unit of occupation.

For the avoidance of doubt, no other development shown on the aforementioned drawing is permitted or approved.

Preliminary Matters

2. A revised plan was submitted with the appeal, Ref 2742 (PL-)01B, which shows the removal of the half hip ends of the roof and the inclusion of solar panels on the southern roof plane. Where amendments are proposed, regard should be had to the principles established in the Holborn Studios case¹ which expanded upon those established in Wheatcroft², in terms of the materiality of the change and whether anyone who should have been consulted on the changed development would be deprived of that opportunity. As the plan details minor amendments, and

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823

² Wheatcroft Ltd V SSE [1982]

the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I take the amended plan into account. I shall therefore determine the appeal on the basis of the plans referred to on the decision notice, as well as the amended plan submitted as part of the appeal.

3. A unilateral undertaking made as a deed under Section 106 of the Town and Country Planning Act 1990, as amended, dated 12 January 2025, was submitted. It provides for a financial contribution to be made towards the *Plymouth Sound and Estuaries Management Scheme* in relation to the fourth reason for refusal.

Main Issue

4. The main issues in the appeal are:
 - the effects of the proposal on the character and appearance of the area;
 - the effects of the proposal on the living conditions of occupiers of Westcroft, with particular regard to outlook;
 - whether the proposal would incorporate adequate energy efficiency measures; and
 - the effects of the proposal on the *Plymouth Sound and Estuaries Special Area of Conservation* and *Tamar Estuaries Complex Special Protection Area*.

Reasons

Character and appearance

5. There are two parts to the appeal proposal; I deal with the proposed dwelling first.
6. The appeal site is formed from the sloping garden area of Westcroft. Part of this site is currently occupied by a modestly scaled domestic garage associated with the same. The proposal is to demolish the garage and construct a new pitched roof dwelling in its place. Whilst the dwelling would have accommodation across two floors, the first floor accommodation would be set within the roof and would have rooflights instead of dormer windows.
7. The appeal site is on the corner of Whitchurch Road and Mohun's Close and is relatively prominently positioned. The topography of the site is also relevant with Whitchurch Road on the higher side of the dwelling and Mohuns Close set lower. The surrounding area is characterised by predominantly detached or semi-detached pairs of dwellings which share a relatively common front building line with neighbouring dwellings and set back from the street. The frontage spaces, extensive presence of greenery and trees in frontages and repetitive 20th century house types gives the area a polite, homogeneous quality.
8. Though there is an existing building on part of the site, it is a modestly scaled domestic outbuilding, discreetly positioned and used in connection with the planning unit of the host dwelling. Due to the scale, position and orientation of the proposed dwelling, it would dominate the site and jar with the current street pattern and overall harmonious quality to the built context. The overall effect of the proposal in combination with the existing dwelling, Westcroft, would be of a cramped, contrived and insensitive form of development.

9. As such, the proposal would have an erosive effect on the character and appearance of the area, thus conflicting with policies DEV20 and DEV23 of the *Plymouth and South West Devon Joint Local Plan* (JLP) (adopted 2019). These policies collectively seek to ensure that new developments achieve high standards of design that contribute to townscape and landscape by protecting and improving the quality of the built environment.
10. Conversely, the access and more appropriately scaled carport would be sited more discreetly off Mohun's Close. The proposal would retain existing trees on and adjoining the site. Whilst the proposal would require relatively extensive engineering operations to excavate the sloping site and provide retaining wall structures, these would be acceptable in the context of the street scene and without material harm to the character and appearance of the area. Consequently, this aspect of the proposal complies with JLP policies DEV20 and DEV23.

Living conditions of neighbouring occupiers

11. Westcroft has its main outlook to the west to allow for long views across Tavistock. However, there are at least 5 windows in the east elevation which would be affected by the elevated blank gable elevation and car parking area sited in close proximity thereto. Though there would be no glazed openings or doors in the opposing elevation of the new dwelling, the car parking area would be situated in the gap between the two facing elevations. Occupiers would regularly drive into this space, initially orientated towards Westcroft's windows and would pass to and from the car in extremely close proximity at an elevated position between ground and first floor windows, which could also lead to a sense of intrusion.
12. Whilst the current occupiers of Westcroft would choose to have the proposal in such close proximity, the planning system also seeks to protect the interests of all, including future occupiers. The proposed arrangement would undoubtedly be off-putting for future occupiers given the proximity and elevation of the gable end and even closer cars parked on top of a retaining wall.
13. As such, with exception of the access and car port, the proposal would harm the living conditions of occupiers of Westcroft, with particular regard to outlook, contrary to policy DEV1 of the JLP which seeks for development to ensure that new development provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents.

Energy efficiency measures

14. Policy DEV32 of the JLP requires all development to make a demonstrable contribution to reducing carbon emissions. The *Plymouth and South West Devon Climate Emergency Planning Statement* (the CEPS) was also adopted in 2022 and is a material consideration in the determination of planning applications that seeks to further the aims of JLP Policy DEV32.
15. The appellant has submitted a SAP assessment and has offered to install an air source heat pump to generate annual operational savings against Building Regulations of around 760kg CO₂/yr. This would equate to a saving of around 19 tonnes of carbon over a 25 year period. However, beyond these measures there has been little quantification of the means by which carbon reduction measures would be an integral part of the design such as to offset the embodied carbon of the garage to be demolished and the addition of the construction of the dwelling.

16. The solar panels belatedly added to the scheme and suggestion of other measures, such as reuse of waste building materials from the garage could secure further carbon savings. Though unsatisfactory for it to be an afterthought, rather than as an integral part of the design throughout its evolution, the matter could now be resolved by way of planning condition such as to comply with Policy DEV32 of the JLP and with the aims of the CEPS.

Protected Sites

17. The appeal site is within the 12.3km Zone of influence (Zoi) for *Plymouth Sound and Estuaries Special Area of Conservation* (SAC) and within the 12.3km Zoi for the *Tamar Estuaries Special Protection Area* (SPA). The SAC and SPA, hereafter collectively referred to as the Protected Sites, are designated for their marine habitats such as sandbanks, estuaries, shallow inlets and bays, reefs and saltmarshes. These sheltered waters are home to the protected Allis shad migratory fish and other protected species. They also provide important feeding and roosting areas for little egret and avocets which are both protected birds.
18. New residential development within these Zois, in combination with other developments, will increase the human population and this will result in an increase in the level of marine recreation, which will result in contamination, physical damage, loss of habitat and bird disturbance. These impacts affect the status and distribution of key species and features and therefore act against the stated conservation objectives of the Protected Sites. Whilst there would be no other potentially damaging direct impacts, harm to integrity of the Protected Sites from the recreational effects cannot be 'screened out' under the *Conservation of Habitats and Species Regulations 2017*, as amended. As such, the following constitutes an appropriate assessment undertaken in respect of the same.
19. In recognition of the potential effects on integrity, the Council has developed the *Plymouth Sound and Estuaries EMS Recreation Mitigation and Management Scheme* November 2019 ('the Mitigation Scheme'). This contains a package of mitigation measures which have been costed and divided by the anticipated housing supply within the ZOI to provide the level of financial contribution required per new dwelling, based on tariff per number of bedrooms, to deliver the required mitigation. For a three bed dwelling, the charge rate is £467.91.
20. The UU provides for the full contribution under the Mitigation Scheme prior to first occupation of the proposed dwelling. As the proposal only engages recreational effects and there is a secured Mitigation Scheme solution, I am satisfied that the proposal would not harm the integrity of the Protected Sites and would thus comply with policies DEL1 and DEV26 of the JLP which seek to ensure that development does not adversely affect the integrity of a European site and to seek planning obligations where needed to offset the loss of any amenity or resource.

Other Matters

21. I have given consideration to the caveated support from the Town Council and a number of letters from local residents which appear broadly supportive of the proposal. These attract limited weight in support of the scheme.
22. The appellant has indicated that the Council is unable to demonstrate a five year supply of housing land with the necessary buffer following the publication of the National Planning Policy Framework (the Framework) in December 2024. This is

not disputed by the Council in its Statement. The only evidence available appears to suggest that the shortfall is in excess of two years' worth of housing, albeit without detail of the requirement to allow a more precise calculation to be undertaken. I return to this below.

Planning Balance

23. As elements of the scheme which are separate of the proposed dwelling, the access and carport would not give rise to the same adverse impacts. This aspect of the scheme complies with the development plan. However, owing to its harm to the character and appearance of the area and harm to the living conditions of neighbouring occupiers, the proposed dwelling conflicts with the development plan when taken as a whole.
24. The Council has accepted its inability to demonstrate a five year supply of housing land which engages the provisions of paragraph 11 d) of the Framework. There are no strong reasons for refusal specifically in relation to the Protected Sites, and thus, consideration should be given to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole and having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
25. The provision of a family-sized dwelling in a sustainable location would be the key benefit of the scheme. In the context of an acknowledged sizeable shortfall in the supply of housing, even a single dwelling is a benefit that attracts modest weight. Additional limited economic benefit would flow from the construction phase.
26. However, the adverse impacts of the proposed dwelling to the character and appearance of the area and the living conditions of neighbouring occupiers from the proposed dwelling would significantly and demonstrably outweigh the benefits outlined above. As such, the proposal does not constitute sustainable development under the terms of the Framework and the presumption in its favour does not apply.

Conditions

27. In addition to a statutory time limit for commencement, a condition is needed to specify the approved plans in relation to the approved part of the scheme. A condition is also needed to specify the ancillary use of the carport to the host dwelling which it would serve.

Conclusion

28. For the reasons set out above, I conclude that the appeal should be allowed insofar as it relates to the access and car port. Insofar as the appeal relates to the proposed dwelling, I conclude that for the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that this element of the appeal should be dismissed.

H Nicholls
INSPECTOR