

PLANNING APPLICATION REPORT

Case Officer: Anna Henderson-Smith

Parish: Gulworthy **Ward:** Bere Ferrers

Application No: 3154/19/HHO

Agent/Applicant:

Mr Jeremy Maddock - Elford Maddock
Architect'I Practice
23 Fore Street
Bere Alston
Yelverton
PL20 7AA

Applicant:

Mr & Mrs Backaller
1 Morwellham
PL19 8JL

Site Address: 1 Morwellham, Tavistock, PL19 8JL

Development: Householder application for proposed 2 storey rear extension and replacement detached garage (Resubmission of 2537/19/HHO)



Reason item is being put before Committee

Cllr Musgrave:

'I fully understand your reasons for recommending refusal but I have real concern regarding the following issues:

- The existing property is small and unsuited for family accommodation.*
- There are nine representations all supporting the application*
- An identical development to a neighbouring property was approved by the council in August last year. '*

Recommendation:

REFUSE

Reasons for refusal

The proposed extension, by reason of its prominence, size, design and requirement for changes to the property's internal configuration, is not considered acceptable given the cottage's clear contribution to the Outstanding Universal Value of the World Heritage Site. as such it is considered contrary to policy DEV22 of the Joint Local Plan, the Cornwall Mining World Heritage Site SPD and Management Plan, and the NPPF, in particular paras 184, 189 and 194.

Key issues for consideration:

The impact of the development upon the World Heritage Site designation

Financial Implications (Potential New Homes Bonus for major applications):

n/a

Site Description:

The site is a terraced two-storey dwelling in the World Heritage Site within Morwellham Quay. The building is grey roughcast render with a slate roof, white UPVC windows and a substantial shared chimney, it has a small flat roof single storey rear extension at present and stone outbuilding. The building is in the same style as the many other workers cottages built across the borough during the mining boom of the 19th C which is the basis for the UNESCO inscription as a WHS. These cottages are mid 19thC and are in a similar style to Westbridge Cottages in Tavistock and those on Parkwood Road, all built around the same time. In this Morwellham location there are 5 groups of 4 identical cottages (20 original cottages).

The site is also within the Tamar Valley Area of Outstanding Natural Beauty, forms part of the setting of several listed buildings and is close to a public right of way (which follows a portion of the access to the dwelling past the listed properties).

The Proposal:

Two-storey rear extension to mid-terrace dwelling and replacement detached garage

Consultations:

- County Highways Authority – no comments to make
- Environmental Health Section - no comments made, (however unsuspected contamination condition would be applied if approved)
- Gulworthy Parish Council – support 'the appearance of the proposal would be more consistent with the neighbouring buildings/property)

- Cornish Mining World Heritage Site Officer – Considers the scheme should be refused
- Heritage Specialist – Can't support the scheme, objects
- Historic England – *'the proposal will have an impact on the scheduled remains of Morwellham Quay and on the Outstanding universal Value of the Cornwall and West Devon Mining Heritage WHS within which the complex sits. Morwellham Quay ranks as one of the country's most complete C19 inland ports and it retains clear evidence for the C18 and C19 expansion of a medieval river port. It is an industrial complex that retains great integrity and the unintensive use of the site since it ceased as a mining port in the early C20 has resulted in few modern modifications. Morwellham's principal significance lies in its role in the development of the orefields in the C18 and C19; it was probably the most important copper ore exporting centre in Europe during the mid –C19. It survives in an unusually complete state and many of tis archaeological features reflect this significant period in the site's history.*

The extensive range of docks and quays in particular provides evidence that the port was a key interface between the mines of West Devon and global trade. Much of the integrated transport infrastructure survives well as either surface or buried remains including the sub surface remains of in situ early- C19 platways and turntables which are particularly rare and significant survivals nationally. The Tavistock Canal is considered to be a good example of a mineral canal and its associated incline is the only known extant example of a water powered inclined plane in the country. The site of the manganese mill is of particular importance as possibly the only known surviving in the SW and it will retain buried evidence for the technology and processes used in this industry in addition there is a considerable archive of documentary material relating to the history of Morwellham; it is accessible to the public and thus serves as an important educational resource and amenity.

The proposal will result in a significant addition to the formerly modest cottages, which may serve to detract from visitors understanding of the modest nature of these cottages and the settlement as a whole. This will be more evident being the final cottage of the row and although the extension would mirror that underconstruction at number 2, it does have the potential to intrude on the primacy of the main, frontal elevation. The extension at number 2 being approved under previous policy. We do, however, recognise that the proposal will, alongside the approved extension at number 2, preserve an element of the original symmetry of the cottages.

Historic England have noted the above points referred to previously by other consultees and would echo those concerns, urging your authority to determine the application with national and local policy and specialist advice from your conservation officer. We do not object to the proposed garage.

Recommendation –

Historic England has concerns regarding the application on Heritage Grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 190, 192, x193, 194, 196 and 200 of the 200 of the NPPF.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.'

Representations:

9 letters of support received outlining the following:

- The back of the cottage has seen all sorts of additions designed for working families, appropriate for its original use
- Will not adversely affect the appearance of the rear of the cottage
- It will not be visible from the front
- 3-4 already has a rear extension, this would balance the buildings and make them affordable homes suitable for families
- This would be an improvement, removing the flat roof extensions and renovating and preserving the historic outhouses
- The community relies on younger families as part of the mix, and for anyone older/infirm a first floor bathroom is essential
- The cottage needs bringing up to modern living standards
- Similar to existing extensions
- Many of the cottages in the road have been combined to form 3 bed residences, the remaining four single cottages can't cater for growing families or those with mobility issues
- These cottages often has one family staying in them for several censuses. Allowing the extension would a family to live in the village and perpetuate this history
- Valuable enhancement to the village
- A change which will support future generations
- Would like to see the village community survive rather than turn to holiday homes and as such this extension is necessary to make it a family home
- In the interests of the community as a whole to allow it
- Will be symmetrical with the neighbouring property
- Will improve the housing stock be reducing carbon emissions

Relevant Planning History

Number 1:

2537/19/HHO- Householder application for proposed two storey rear extension and replacement detached garage – refused 24/9/19 reason as follows:

'The proposed two storey extension will harm the character and authenticity of the heritage asset. Therefore the development is contrary to the aims of Joint Local Plan policy DEV22, P3 of the World Heritage Site Management Plan and paragraphs 189, 193, 196 of the National Planning Policy Framework.'

Number 2 :

1967/18/HHO - Householder application for a two-storey rear extension and detached garage – approved 22/8/18

2345/19/HHO- householder application for proposed 2 storey rear extension and detached garage - refused

Others in the row:

1818/19/HHO - Householder application for demolition of existing flat-roofed rear extension and construction of new two storey extension, construction of new single garage and studio in garden (number 8) – refused 24/9/19

1817/19/HHO - Householder application for demolition of existing flat-roofed rear extension and construction of new two storey extension, construction of new single garage and studio in garden (number 7) - refused 24/9/19

ANALYSIS

Principle of Development/Sustainability:

The principle of an extension of this size to the rear of a residential property is not contrary to policy in principle, however due to the constraints of the site, building and the areas significance (discussed below) there are in principle issues with the proposal. Essentially this is an application that may ordinarily be seen as acceptable were it not for the heritage context. There have been other similar approvals in the vicinity and the applicant has cited these as justification for this proposal, including on adjacent and adjoining properties. For this reason the following gives a brief summary of the current policy context within which this application must be considered.

Local and national policy

The policy context for the World Heritage Site (WHS) has been changing in recent years with clarification and additional emphasis on WHS being put in place by the NPPF and the adoption of the Joint local Plan (JLP) with a specific policy DEV22. NPPF para 184 adds weight to the previous version by stating that WHS inscription is of the 'highest significance', this is reiterated in para 194 which places WHS status alongside that of scheduled monuments and the highest graded listed buildings.

JLP policy DEV22 states:-

Development proposals within the Cornwall and West Devon Mining Landscape World Heritage Site or its setting will conserve or where appropriate enhance the Outstanding Universal Value of the site. In particular, regard should be given to the following:

- (1) The historical and cultural significance of the seven key attributes that express the Outstanding Universal Value of the Site as well as other key buildings or other features and their contextual setting as may contribute to this significance.*
- (2) The need to conserve and maintain existing historic fabric and to retain and reflect locally distinctive features in the design of buildings, layouts and landscape to ensure the authenticity and integrity of the World Heritage Site is maintained.*
- (5) The need to be in accordance with the principles and objectives of the relevant Cornwall and West Devon Mining Landscape World Heritage Site Management Plan and other guidance/ adopted documents, including the World Heritage Site Supplementary Planning Document.*

(6)Proposals that would result in harm to the authenticity and integrity of the Outstanding Universal Value should be wholly exceptional. Less than substantial harm must be justified. Proposals causing harm will be weighed against the substantial public, not private, benefits of the proposal and whether it has been demonstrated that all reasonable efforts have been made to mitigate the extent of the harm....

The WHS Management Plan (MP) identifies the attributes which led to UNESCO inscription. Morwellham is a key centre of the WHS and represents a condensed site with multiple attributes (of the seven upon which inscription was based) relating to i) actual mining, ii) transportation, iii) preparation and shipment of ores, iv) ancillary industries and v) mining settlement. The cottages fall into that last attribute having been built for valued workers whether miners or working in other associated activities. The provision of quality housing for workers is a significant component of the Tamar valley and Tavistock area within the WHS and the essential character of these cottages is that they were modest in scale. Each cluster of cottages has a group value which needs to be evaluated, understood and protected from harmful change.

The commitment of the local planning authorities is to strive to ensure that 'integrity' and 'authenticity' are preserved and this is contained in MP Policy P3: 'Planning authorities will ensure that new development protects, conserves and enhances the Site and its setting.'

In response to concerns from UNESCO and ICOMOS regarding some planning decisions in the WHS, the WHS team prepared a Supplementary Planning Document to assist applicants in preparing and presenting their proposals. It is also a tool for officers and Council Members in assessing proposals. This was adopted by WDBC in May 2017. Section 6 of the SPD is particularly useful for applicants and agents making planning applications in the WHS.

As such the policy matrix for determining development proposals within the WHS has become more robust in the last couple of years and elevated and clarified the importance and status of WHS designations.

Design:

Heritage:

The Heritage Specialists consideration of the proposal is as follows:

'The proposal echoes an approval on the adjoining cottage. The application does not adequately assess the contribution of the cottages to the Outstanding Universal Value of the WHS and so falls short of the level of heritage assessment required by NPPF189.

The concerns I wish to raise can be summarised as follows:-

- 1 – Two storey additions will progressively erode the integrity and authenticity of the cottages by making them much larger than designed and built.*
- 2 – The extent of the extension links the cottage to the outhouse, thereby breaking down the differentiation and legible relationship between home and service block.*
- 3 - The proposal involves substantial demolition of the rear wall upstairs and removal of the existing (I assume original?) staircase and replacement with a different configuration. Whilst internal changes do not require permission on an unlisted building the reason for that change is the extension of the dwelling.*
- 4 – That re-configuration to add a bedroom in the rear corner also results in an additional window to the SW elevation that unbalances the existing authentic appearance. Whilst*

additional windows do not require permission on an unlisted building the reason for that change is the extension of the dwelling. (If the windows were done under PD they would have to be obscured and non-opening).

The garage, like other outbuildings to the cottages is located on land which was not associated with the dwellings until (it seems) WWII when the land became allotments as part of 'dig for victory'? Whilst this is of social historic interest it is not associated with the attributes which led to UNESCO inscription. So long as the 'profiled sheeting' is authentic 3 inch corrugated iron, reflecting the use of that material in the local vernacular for functional buildings, I would have no objection to that part of the application.

My conclusion is that the proposal represents less than substantial harm to an heritage asset which has WHS attributes and, therefore, contributes positively to the OUV of the Cornwall and West Devon Mining Landscape WHS. Whilst the harm is in the moderate range of 'less than substantial' it is certainly not insignificant. This harm has to be outweighed by public, not private benefits and I cannot see any such benefit.

In light of changes to the NPPF and adoption of the JLP I am unable to offer support for this proposal.'

In addition to these, the WHS Office would not normally comment on such an application, leaving it instead to WD officers, however in this instance they have felt they wish to offer the following comment/advice:

'These cottages can be viewed from both front and rear in a way that more densely packed miner's terraces generally cannot. Equally they remain relatively unscathed by alterations and they are also so very prominent in the context of Morwhellham being a standalone cluster that is readily legible when entering the site.

The main issue is one of cumulative harm. The fact that one extension follows that as previously approved so soon afterwards lends weight to that line of argument.

In the most recent changes to the NPPF the raising of the WHS to the first paragraph of section 16 confirms the importance of the WHS as a heritage asset of the highest significance.

The WHS office would also suggest that the Heritage Statement as submitted whilst seeking to meet the terms of paragraph 189 of the NPPF does not employ a recognised methodology for heritage assessment in relation to a WHS such as the ICOMOS 2011 HIA guidance or the adopted WHS SPD of 2017.

The assessment of harm in relation to WHS attributes is therefore not undertaken in a manner that would comply with a recognised methodology for the weighing and grading of impacts to an attribute that expresses the OUV of the WHS or the wider WHS context in which the site sits.

It is noted that as well as the more recent application adjacent to this this one the HS makes reference to the approved application 4312/2003/TAV, which is of course, prior to WHS inscription in 2006. Both planning policy and requirements for heritage impact assessment have altered markedly since 2003.

Reference to such anomalous development cannot be a reason to grant further such development. An Inspector dealing with an appeal for a site called "Osocozy" in St Agnes (to which the WHS had objected) used the following wording;

"I would note here that the existence of permissions to develop on mineworkers' smallholdings elsewhere does not justify development that would be unacceptable in the present." (APP/D0840/W/16/3153446)

Clearly then there is confirmation that past harmful development within the WHS cannot be a justification for allowing it now.

It is also noted that harm has been identified in the context of the WHS as a designated heritage asset and that such harm has to be outweighed by public, not private benefits. In the absence of such benefits then the scheme should be refused when employing the titled balance as established in case law."

As such then it is evident from the comments of the heritage specialist, WHS officer and those of Historic England that this proposal is not considered by those specialists to be compliant with the various national and local policies and guidance relating to development within the WHS and the accompanying documentation with the application fails to properly consider and justify the proposal and its impacts on the OUV of the WHS.

It is recognised that the adjacent property at number 2 had a similar proposal approved last year, however the policy landscape and context for decision-making has moved on since then.

It is also recognised that these cottages are relatively small and that they may not be of a size and layout expected today for a family, however they are heritage cottages of great value to the World Heritage Site designation and are not simply an old cottage than can be altered and adapted to change with the times with no consequence. These cottages and the WHS have a value of a certain period of time, associated with a certain period and event in history and as such this renders the cottages less able to absorb change without eroding their value and contribution to the world-wide heritage recognition.

Amenity:

There are not considered to be any amenity issues insofar as residential privacy with this proposal, it echoes the approved scheme at the neighbouring property and is not considered to cause undue harm to privacy or neighbour amenity in general.

Highways/Access:

No issues, the proposed garage is acceptable and replaces an existing garage in the same location.

Other Matters:

Landscape – the site lies within the AONB, however it is not considered that the proposal would have a significant detrimental effect upon the landscape, and would be read against the existing built form of the properties.

The proposed garage is in close proximity to the adjacent hedge and mature tree, were this proposal to be approved, conditions to ensure the demolition of the existing garage and construction of the replacement did not damage these in the short term or in the future following additional growth, would be required.

Biodiversity – a report and investigation was undertaken and no bats, owls or nesting birds were found.

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by condition, and this approach has been agreed by Natural England, however this is not necessary for applications of a householder nature such as this one.

Conclusion:

The proposed extension would harm the historic accuracy of the cottage and the purpose for which it was built. In turn this would erode the contribution that the cottage and the group as a whole make to the OUV of the World Heritage Site. There is no over-riding public benefit associated with this proposal and as such it is considered to be non-compliant with national guidance, planning policy and the Joint Local Plan. The garage, with conditions, would be acceptable in principle, however it is not possible to only approve one element.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
SPT14 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
TTV29 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: WHS management plan and SPD

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

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DELETE THIS SECTION IF A COMMITTEE REPORT

The above report has been checked and the plan numbers are correct in APP and the officers report. As Determining Officer I hereby clear this report and the decision can now be issued.

Name and signature:

Date:

Ward Member - Date cleared - Comments made -	Ward Member – Date cleared Comments made -
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