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# Appeal Decision

Site visit made on 16 March 2020

**by Mrs H Nicholls MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 April 2020**

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**Appeal Ref: APP/W3330/W/19/3242257**

**2 Moorlands, Moor Road, Minehead TA24 5RT**

- 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 Mr Nick Dunn against the decision of Somerset West and Taunton Council.
  - The application Ref 3/21/19/013, dated 3 February 2019, was refused by notice dated 30 May 2019.
  - The development proposed is construction of new 3 bedroom house in front garden of 2 Moorlands.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. West Somerset and Taunton Deane Councils ceased to exist on 1 April 2019, following a merger to form the new Somerset West and Taunton Council. Provisions within the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 allow for any "*plan, scheme, statement, or strategy*" prepared by one of the merged authorities to be treated as if "*it had been prepared and, if so required, published by the single tier council for the whole or such part of its area as corresponds to the area to which the particular plan, scheme, statement or strategy relates*". The status of the West Somerset Local Plan to 2032 has not changed following the merger.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including on the Higher Town Conservation Area and setting of the Grade II listed building, Edgehill.

## Reasons

4. The appeal site forms the front garden of No 2 Moorlands, which, due to the steep topography of the area, is situated at an elevated level along with its attached counterpart, No 1 Moorlands. Below the appeal site is the former vicarage, (listed as No 28 and Edgehill, albeit with 'Edghill' on its name plaque), which are grade II listed buildings listed together along with the front part-rubble, part-render wall. The end of the garden forms an embankment behind Edgehill and the garden level is marginally below its roofline. The garden is also split into two main levels, accessed from the driveway via a set of steps.

5. Adjacent to the site is a recently constructed dwelling which was built within the garden of No 1 Moorlands. Whilst the dwelling appears to be substantially complete, there are elements of external landscaping in its limited garden space which appear, as yet, unfinished.
6. The appeal site lies within the Higher Town Conservation Area (CA). Section 72(1) of the Listed Building and Conservation Areas Act 1990 (as amended) (the Act) requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. From the Minehead Conservation Area Review (2003) and from my own observations, the special qualities of the CA include the prominent church building as a focal point, the associated buildings including the former vicarage and stables, and the range and quality of its historic buildings, the majority of which are cottages which line the narrow historic streets. Due to the steep topography of the area, there is a high degree of intervisibility between various parts of the CA. It also possesses a richness due to the variety of traditional materials, including thatch, cob, brick, stone, red clay tiles and the architectural detailing on some buildings, including brick chimneys, canopied porches and bay windows.
8. As the appeal site falls within close proximity of a listed building, I am also required under Section 66(1) of The Act to pay special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest which it possesses. From the evidence and my own observations, I consider that the significance of Edgehill relates primarily to its age, historic association with other prominent historic buildings, built fabric, which comprises a building built in two parts, and its specified features of special interest, including its brick stacks and splayed bay window to the front gable.
9. As a minor element of the Higher Town CA, currently experienced as part of the rising backdrop to Edgehill and seen as a green gap separating Nos 1 and 2 Moorlands from the same, the appeal site makes a minor contribution to the significance of the CA.
10. The appeal site appears to form part of the swathe of tiered and sloping landform that separates Edgehill from the buildings on the tier above. It provides a sense of understanding of the steep topography of the area and allows Edgehill, set above the road as it is, to appear as a dominant building in a streetscape which otherwise comprises largely of cottages of a more modest scale. In this sense, the appeal site is a valuable part of the setting of Edgehill and makes a moderate contribution to its significance.
11. The appeal proposal would introduce a large, contemporary dwelling on the garden to the rear of Edgehill. Whilst there would be a degree of separation therefrom, this would be relatively modest and the building would appear to overcrowd the available space and introduce a prominent and uncharacteristic element in the streetscene behind Edgehill. Whilst the height of the proposed dwelling has been minimised as far as possible, its siting and scale would still detract from the prominence of Edgehill in the streetscene.
12. In views from the south-east, the appeal proposal would appear an incongruous and dominant addition, despite the separation and intervening landscape between it and the road at a lower level. In views from outside the

church, the appeal proposal would also combine with the recently constructed dwelling next door to largely fill the remaining gap on the tier behind Edgehill, undermining the value provided by the relief in the built form. That the openness that once existed has already been eroded to a large extent by the construction of a new dwelling further raises the importance of retaining some spaciousness to avoid the urban form taking on a cramped appearance.

13. In terms of the contemporary design of the proposed dwelling, I note that the Council's non-binding pre-application advice leant towards a solution that would harmonise with the permitted dwelling next door, although that had not been constructed at that time. Whatever the rationale for the design of the adjacent dwelling which has now been constructed, it does not assimilate with the form or appearance of buildings found within the wider surroundings. As a sleek, flat roof, timber-clad structure, it is devoid of vertical emphasis, gable features or the varied palette of materials found elsewhere within the CA. Whilst the proposal would include more glazing and a more varied depth to its principle east-facing elevation, the overall result would be to add a further degree of incongruity within the CA and streetscene. This would not be sufficiently mitigated by the evergreen hedge which has already been planted on the eastern boundary of the site but that has established only modestly in the intervening period.
14. In terms of the appellant's query concerning the rationale for granting permission for the adjacent dwelling and refusing the appeal application, it is well-established that each application is decided on its own merits. There is also limited information as to what particular policy circumstances or other considerations were before the Council at that time. Secondly, that very proposal has also diminished the area's capacity to accept further change. In my view, the cumulative effects of the proposal considered with the adjoining building would result in greater harm to the significance of the CA and listed building than might have been the case if either one of the proposals were considered individually, or perhaps as a single holistic proposal.
15. In view of this main issue, the proposal would harm the character and appearance of the area and would fail to preserve the character and appearance of the Higher Town Conservation Area. It would also harm the setting of the Grade II listed building, Edgehill. For these reasons, the proposal conflicts with Policy NH1 of the West Somerset Local Plan to 2032 (adopted 2016) which seeks to sustain and/or enhance the historic rural urban and coastal heritage of the district.
16. The National Planning Policy Framework (2019) ('the Framework') states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also states that where a development proposal would lead to less than substantial harm to the significance of designated heritage assets, this harm should be weighed against the public benefits of the proposal. Under the terms of the Framework, the harm I have identified to the respective heritage assets would amount to less than substantial harm.

### **Other Matters**

17. I am mindful that the living conditions of future occupiers and existing occupiers could be compromised if the dwellings were too close and had overlooking windows. That they would be adequately separated by topography

and distance so as to avoid any harm in this regard is not sufficient in itself to suggest that the proposal is acceptable.

### **Planning balance and conclusion**

18. The proposal would deliver an additional open market dwelling in a sustainable location and would generate both short-term economic benefits throughout the construction period and longer-term economic benefits through its future occupation by incoming residents. However, the limited scale of the proposal would restrain the magnitude of these benefits and I therefore afford them limited weight.
19. The proposal would result in less than substantial harm to the significance of the identified heritage assets. Whilst I consider that the magnitude of harm would be moderate in both identified instances, more weight can reasonably be attached in the overall balance to more than one instance of less than substantial harm.
20. Accordingly, the totality of the identified harm would not be outweighed by the public benefits of the proposal in this case. The proposal therefore conflicts with the development plan, read as a whole, and with the provisions of the Framework.
21. For the reasons set out above, the appeal is dismissed.

*Hollie Nicholls*

INSPECTOR