
Appeal Decision

Site visit made on 24 February 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2021

Appeal Ref: APP/W3330/D/20/3260947

29 Quay Street, Minehead, Somerset TA24 5UL

- 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 Mark Nixon against the decision of Somerset West and Taunton Council.
 - The application Ref 3/21/20/045, dated 18 June 2020, was refused by notice dated 14 September 2020.
 - The development proposed is erection of raised decking and outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that the application is retrospective, and the development has already been undertaken. For the avoidance of doubt, I have determined the appeal on the plans as submitted.
3. For reasons of precision and clarity, I have taken the description of development from the Council's Decision Notice.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Quay Street Conservation Area (QSCA) and affect the setting of 29 Quay Street, a Grade II Listed Building; and
 - The effect of the proposal upon the living conditions of neighbouring residents, in particular from overlooking.

Reasons

5. The appeal site lies within the Quay Street Conservation Area (QSCA). The QSCA is mainly focused around the historic core of the existing harbour and the structures associated with it, along with the buildings which front the Quay Side. Within the QSCA, built development predominately faces towards the coastline, with the form, scale, materials and detailing of the buildings being defining features of its character and appearance. Other defining features include the harbour and views of it along Quay Side, and the existing heavily treed embankment that steeply rises to the rear, providing a distinct and obvious backdrop to the buildings.

6. The appeal site is a three storey, partially thatched, Grade II listed building, which forms part of a terrace of buildings that line the western side of Quay Street. The special interest and significance of the building is therefore informed by its architectural interest as a building of some age, along with its relationship with neighbouring buildings.
7. The outbuilding and decking area are positioned in a part of the appeal site which is accessed via a set of steep steps and, due to the surrounding topography and their position, are located above the roof heights of both the appeal and surrounding properties. Consequently, the development is visible from a number of surrounding viewpoints. When seen against the backdrop of the existing embankment, the proposal represents a form of development that is a visible feature in views along Quay Side, and introduces an unacceptable form of development which is at odds with the verdant and sylvan backdrop to the listed building and the QSCA. As a result, the proposal fails to adequately respond to the sensitivity of its location.
8. Whilst the surrounding trees, along with the potential for additional planting and screening would, to a certain degree, lessen the visual impact of the proposal, this would however, in my view, not be to a sufficient extent so as to overcome the identified harm to the heritage assets.
9. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the QSCA. Consequently, I give this harm considerable importance and weight in the planning balance.
10. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
11. The appellant has not advanced any arguments in relation to the development's public benefits. Consequently, the development would conflict with Policies NH1 and NH2 of the West Somerset Local Plan 2032 (LP) and the Framework. Amongst other things, these policies seek to conserve the local character and historic environment and protect the setting of listed buildings. The proposed development would also conflict with the aims of The Framework as it would fail to sustain the significance of the designated heritage asset where the public benefits would not outweigh the harm.

Living conditions

12. Despite being located in a position that is higher than surrounding dwellings, due to the steepness of the topography and the presence of existing trees, views onto neighbouring land is restricted. Furthermore, even without the decking in place, this part of the appeal site is in use as a garden associated with the appeal property. As such, the proposed decking would not materially increase overlooking of surrounding residential properties.
13. For the above reasons, I therefore conclude that the proposed development would not harm the living conditions of surrounding residents through overlooking and, in this respect, accords with Policy BD/3 of the LP and

Paragraphs 127 of the Framework. These policies, amongst other things, seek to avoid development that would have an unacceptable impact upon the amenities of neighbouring dwellings.

Other Matters

14. The appellant has referred me to other developments to the rear of a number of properties along Quay Street. Having reviewed the information before me, whilst some of these developments are visible within the street scene, I do not consider that their presence outweighs the harm found from the appeal proposal to the identified designated heritage assets. In any event, I am required to consider the appeal on its own merits.
15. Reference has been made by a number of surrounding residents with regards to the impact of the proposal upon slope stability within the area, although I have not been provided with any evidence to substantiate these concerns. Therefore, on the basis of the information before me, it would be unreasonable to withhold planning permission for this reason alone.

Conclusion

16. Although I have found no harm in terms of the impact of the proposal upon the living conditions of surrounding residents, this would be outweighed by the harm from the other main issue. Therefore, for the above reasons, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR