



Appeal Decision

Site visit made on 11 February 2025

by **Alison Fish BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 February 2025

Appeal Ref: APP/E3335/W/24/3349133

Plot 1, The Old Chapel Bakery, Union Street, Wells, Somerset BA5 2PU

- 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 Gabriela Roberts of Gabriela Roberts Architecture against the decision of Somerset Council.
 - The application Ref is 2024/0695/FUL.
 - The development proposed is described on the planning application form as 'This application proposes an amendment to permission 2023/0096/FUL to change from 2 large units to 4 smaller units while retaining the original building fabric'.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Gabriela Roberts of Gabriela Roberts Architecture against Somerset Council. This application is the subject of a separate Decision.

Preliminary Matters

3. A revised ground floor layout plan (drawing number 04 Revision A) was submitted as part of the appeal. This includes minor alterations to internal walls resulting in an increase to the floorspace in units 1 and 4 and a reduction in floorspace to units 2 and 3. I am mindful of guidance¹ that the appeal process should not be used to evolve a scheme, and that I should consider essentially only what was before the Council at application stage, on which the views of interested people were sought. However, in this instance, the changes proposed are minor and relate to the position of internal walls only. Accordingly, I have taken the amended plans into account in reaching my decision.

Main Issues

4. The main issue in this appeal is whether the proposed development would provide adequate living conditions for future occupiers by reason of light, space and privacy.

Reasons

5. The appeal proposal consists of the conversion of a former restaurant and shop on the ground floor of the property into four residential units.

¹ The Planning Inspectorate 'Procedural Guide: Planning Appeals – England'.

6. The property sits at the back edge of the footway and is on a busy thoroughfare from a public car park to the main shopping area. The south elevation of the appeal property is single storey and comprises of full height glazing under a tiled roof. This means that passers-by would have clear views into the units. As a result, occupiers of the units would no doubt seek to protect their privacy by the addition of filters on the glass, shutters or curtains to the windows on the south elevation. The lack of any formal subdivision of the sleeping area at the rear of units 2 and 3 adds further to the need for privacy.
7. However, the windows on the south elevation provide the only source of natural light for units 2 and 3. The proposal also includes replacing part of the existing glazed entrance doorway to those units with rendered walls. This would serve to reduce further the amount of natural light entering those units. This, combined with the long narrow layout means that natural light to the rear of the units would be very limited.
8. Therefore, future occupiers of units 2 and 3 would be required to make a choice between allowing natural light into the property and protecting their privacy from passers-by. This would compromise the living conditions of those occupiers to a harmful extent.
9. The submitted drawings indicate that each of the units would accommodate a double bed and would comprise accommodation for two people. The Nationally Described Space Standards (NDSS) require one storey dwellings for two people to have a minimum gross internal floorspace of 50 square metres (sqm). Whilst the amended ground floor layout plan indicates that the two end units (units 1 and 4) would be 50 sqm, units 2 and 3 would comprise 41 sqm and 39.8 sqm respectively. In both cases, these are significantly below the minimum requirements of the NDSS.
10. I have been mindful that planning permission has already been granted for the conversion of the ground floor area to two residential units². Whilst I have not been provided with the full details, I understand that both the units would have a greater number of windows, including additional openings on the side elevations. For the reasons outlined above, the appeal proposal is materially different and I have determined the appeal on its own merits.
11. I also understand that the approved scheme for two units would mean that the floorspace of each unit would somewhat exceed those required by the NDSS. However, the evidence provided by the appellant does not support their contention that four small units would meet an identified housing need.
12. Whilst the appellant suggests that the addition of rooflights and sun tunnels to the roof on the south elevation could increase natural light to the units, those proposals are not before me.
13. The appeal site is conveniently located and would provide four units of accommodation within an easy walk of the main shopping area. Whilst this weighs in favour of the proposal, it does not mean that suitable and appropriate living conditions for occupiers should be cast aside. The proximity of the development to shops and other services does not outweigh my concerns about the impact on the living conditions of occupiers of the units.

² LPA Ref: 2023/0096/FUL

14. To conclude, the proposal by virtue of its size, lack of privacy and inadequate provision of natural light would provide inadequate living conditions for future occupiers. This would conflict with Policy DP7 of the Mendip District Local Plan 2006-2029 Part 1: Strategy and Policies adopted December 2014, which seeks to provide a satisfactory environment for future occupants of new development.

Other Matters

15. The appeal site lies within the fluvial catchment of the Somerset Levels and Moors Ramsar. The interest features of the Ramsar are considered unfavourable, or at risk, from the effects of excessive phosphates largely derived from foul water discharge. As I am dismissing the appeal, an Appropriate Assessment under Regulation 63 of the Habitats Regulations 2017 in terms of the impact of the proposal on the Ramsar is not required.
16. Although not a reason for refusal, I am mindful of my duty under Section 72(1) of the Listed Buildings and Conservation Areas Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of the Wells Conservation Area (CA). The proposal relates to a change of use with some minor external works including the insertion of new doors and the provision of rendered porch entrances to units 2 and 3. These minor works would not result in harm to the CA and would thus preserve its significance. This weighs neither in favour nor against the proposal.

Conclusion

17. The proposed development would be contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal is dismissed.

Alison Fish

INSPECTOR