



Appeal Decision

Site visit made on 20 March 2025

by **P J Staddon BSc, Dip, MBA (Distinction)**

an Inspector appointed by the Secretary of State

Decision date: 15 April 2025

Appeal Ref: APP/R3325/W/24/3353425

No. 7, Beaufort House, Rectory Road, BURNHAM-ON-SEA TA8 2BY

- 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 Ms. Raina Summerson of Beaufort Park Limited against the decision of Somerset Council.
 - The application Ref is 11/23/00101.
 - The development proposed is 'demolition of buildings and the erection of 11no. new residential units in association to existing care home (revised scheme).'
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of buildings and the erection of 11 no. new residential units in association to existing care home (revised scheme) at No 7, Beaufort House, Rectory Road, BURNHAM-ON-SEA TA8 2BY in accordance with the terms of the application, Ref 11/23/00101 and the plans submitted with it, subject to the conditions set out in the Schedule attached to this decision.

Procedural matters

2. The application form includes a longer development description. I have used the development description above that appears in the appeal form and the Somerset Council (the Council) decision notice, as it accurately captures the development proposal. Based on the submissions before me, it appears that this revised description was agreed by the main parties at the application stage.
3. The appellant submitted 2 additional drawings with the appeal documents, comprising a southern boundary site section¹ and a car parking plan². As these drawings are intended to assist in interpreting the appeal proposal, and do not involve any changes to the scheme, I am satisfied that no issues of unfairness arise.
4. Some of the illustrative 3D model imagery submitted as part of the application includes some discrepancies, with regard to an assumed additional outbuilding to the rear of No 11 Rectory Road. I have made my assessment based on the substantive application drawings, and the findings of my site inspection.

¹ Drawing No 4378/331

² Drawing No 4378/332/Rev A

Main Issues

5. The main issues are:

- The effect of the proposal on the character and appearance of the area.
- The effect of the proposal on the living conditions of occupants of neighbouring properties, with specific regard to light, outlook and visual impact.
- Whether the proposed development would include adequate levels of car parking.

Reasons

Background

6. Beaufort Park is a care home and retirement living complex located within the built up area of Burnham on Sea. It occupies a large site which spans an area between Rectory Road in the south, and The Grove and Gardenhurst on its north side. The main entrance is from Rectory Road via a drive which leads to parking areas and attractive landscape grounds, which include a number of mature trees.
7. There are a number of buildings within the complex. The main building is Beaufort House, which is an attractive red brick built Victorian property, which has been much altered and substantially extended, including a 3-storey block on its east side. The western part of the site is occupied by a large building, Beaufort Court, which I understand to be retirement living apartments.
8. The eastern part of the complex comprises the appeal site, which is defined by the redline on the site location plan³. It is an irregular shaped parcel, which covers the area to the east of Beaufort House, extending up to its boundaries with neighbouring dwellings to the north (No 1a Gardenhurst), east (No 11 Rectory Road, also known as Dalmatian House) and south (Rectory Lodge and No 9 Rectory Road). The appeal site contains some peripherally located garaging, sheds, outbuildings, a 2-storey building which has the appearance of a house (although with multiple entrance doors), a large workshop building with an external staircase giving access to its roofspace, along with a large hard surfaced area between these buildings and Beaufort House.
9. The appeal proposal would clear the existing buildings and structures on the site and introduce an L shaped block of 11 accommodation units. The block would be sited adjacent to the boundaries with its residential neighbours, with the units having inward facing aspects towards a proposed landscaped garden area, and to Beaufort House beyond. The building would be a mix of single and 2-storey elements, with a single storey leg running alongside the site's southern boundary, and the block adjacent to the eastern boundary being largely 2-storey. Materials would be brickwork walls with some zinc clad elements, along with pitched tiled roofs. The appeal proposal comprised a revised scheme following the Council's refusal of an earlier application⁴ for reasons relating to the proposed design incorporating 2-storey elements and consequential impacts on the amenity of the adjacent properties, and the lack of an ecological assessment.

³ Drawing No 4378/301

⁴ Reference 11/23/00023

Character and appearance

10. The Council's first reason for refusal alleges that the scheme would represent over development, that it would not reflect existing character and appearance, and that the 'contemporary' design and choice of materials would have a detrimental visual impact.
11. In my assessment, the proposal would not represent overdevelopment. Whilst the overall building floorspace and mass would be somewhat greater than the existing, the single storey element would be low rise and unimposing. The 2-storey element would replace existing built development, which includes a 2-storey building and large workshop. Moreover, the proposal would include a quite sizeable garden area and, when seen in its wider site context, much of the site would remain open, including its landscaped grounds.
12. The surrounding area is primarily residential in character and land use. The area has a mature and attractive suburban feel, with mature trees, hedgerows and gardens all contributing to that character. However, there is a variety of building sizes, styles, layout and ages in the area and, as such, there is not a narrowly defined or distinct character that the development must adhere to.
13. I note the Council's particular reference to zinc cladding on the 2-storey projections within the scheme, but this material is successfully used in many settings. In any event, its use in the appeal scheme would be quite restrained and confined to features facing the courtyard style sunken garden, such that it will not be prominent in any streetscene view.
14. The appellant's Design and Access Statement explains that the new development is designed to take visual references from Beaufort House, but in a contemporary manner, and to be of a scale that is subservient to the main building and also integrates well with its local setting. Whilst respecting the inevitable subjectivity of judging good design, I am satisfied that the design would be successful in this regard, and that there is nothing that would appear incongruent or out of character in its local context.
15. On this main issue, I conclude that the appeal proposal would not constitute overdevelopment, nor would it be harmful to the character and appearance of the area, and I assess the design and scale to be suitable and appropriate in its local context. This means that the requirements of policy D2 of the Sedgemoor Local Plan (adopted February 2019) (SLP), in terms of promoting high quality and inclusive design, are satisfied.

Living conditions

16. The appeal proposal would introduce single and 2-storey building elements in close proximity to neighbouring residential boundaries. The Council's refusal reason alleges harm to living conditions of properties on Rectory Road, beyond the south and east boundaries of the site.

Rectory Lodge and No 9 Rectory Road

17. To the south of the site is Rectory Lodge and No 9 Rectory Road, which are detached 2-storey houses. The Rectory Lodge dwelling is set towards the back of its plot behind attractive gardens; it has an attached garage block which extends from the dwelling to a point close to the boundary with the appeal site, which is

formed by a brick wall of just under 2 metres height. No 9 is similarly sited on its plot and has habitable room windows and a conservatory facing an enclosed garden and a boundary fence with the appeal site.

18. The single storey block would be adjacent to the garden boundaries of these 2 properties. Occupants of these homes would be able to see the upper parts of the single storey block, but the building would remain low level, and the visible parts would be mainly of the tiled pitched roofs above. There would also be some partial views of the 2-storey elements beyond, but these would be some distance away from the boundaries.
19. Whilst the building would be more visible, and would appear across a much wider span than the existing garage and shed structures, it would not be unduly imposing or visually dominant in the outlook, in my assessment. Moreover, being essentially to the north of the neighbours' gardens, it is unlikely to result in any notable shadowing or loss of light.
20. I am satisfied that both neighbouring properties would continue to enjoy a high standard of amenity and that their living conditions would not be unduly diminished.

No 11 Rectory Road (Dalmatian House)

21. No 11 is a large detached dwelling house set with a spacious plot. Its western rear garden boundary abuts the appeal site. Along this boundary there is a near continuous run of existing buildings along much of its length. Moving northwards (away from the house) there is a brick-built outbuilding, a conservatory structure, a substantial outbuilding with an external staircase, and a 2-storey dwelling type building, all positioned on or very close to the garden boundary. There is a short gap between the workshop and the 2-storey dwelling type building but, opposite this, there is a large and relatively tall outbuilding in the garden of No 11. This large outbuilding has a high-level window in its northern gable elevation, and skylights in its pitched roof, but on my inspection, I noted that it is one space internally, i.e., there is no first floor.
22. The appeal proposal would involve a largely 2-storey element along this boundary, although the section closest to the No 11 dwelling would be single storey. The appellant's east elevation drawing⁵ shows the appeal proposal, along with the outlines of the buildings to be demolished and the neighbour's outbuilding. I spent some time on my site inspection assessing the existing situation and the proposed development.
23. I have reached the view that, whilst the proposal will introduce some change along this boundary, it would not be demonstrably different in terms of its amenity implications. Indeed, the single storey element (closest to the No 11 house) would offer a limited reduction in perceived building mass and, whilst the first-floor tiled gable features are higher than the existing workshop building, this part of the appeal proposal is largely screened by No 11's large outbuilding. Moving further north, the appeal proposal's 2-storey mass would be notably lower than the dwelling type building it would replace. This element would also improve privacy, as it would remove the current situation where first floor and ground floor windows are positioned in very close proximity to No 11's boundary, giving clear views into its rear garden.

⁵ Drawing No 4378/326/Rev A

24. Accordingly, I am satisfied that the appeal proposal will not cause undue harm to the living conditions of No 11 in terms of loss of light, outlook, or visual domination.

1A Gardenhurst

25. Whilst not included in the Council's reason, for completeness I also visited the property to the north of the appeal site. I am satisfied that the appeal proposal will not have any unduly harmful impacts on the living conditions for occupants of this bungalow and its garden space.

Conclusion on living conditions

26. I am satisfied that the appeal proposal will not have any unduly harmful impacts on the living conditions of neighbouring residential properties. I therefore find no conflict with SLP policies D2 and D25 which, amongst other matters, require development proposals to protect and respect residential amenity.

Parking

27. The Council's third reason for refusal alleges that the loss of the existing hardstanding space, that had been used for parking purposes, and the increase in persons living on the site, led to concerns about the adequacy of car parking to serve the needs of those using the site.
28. I have no reason to doubt that the hard surfaced area has been used for parking purposes, but it is not laid out as a formal parking area, and there were no vehicles parked upon it when I visited (there was a minibus parked between the buildings near the eastern site boundary). Although the appeal proposal includes only 3 new parking spaces, the appellant has now demonstrated that the wider Beaufort Park site would include a total of 48 parking spaces (including the 3 proposed spaces within the appeal site).
29. I have not been provided with any evidence from the Council concerning the adequacy of this level of provision for the specialist type of accommodation proposed, nor have I been provided with any evidence of on-street parking or highway safety issues in the surrounding area. When I visited the site, which may not have been at the peak of weekly activity, there was ample parking available within the site, and I did not observe any parking congestion on nearby streets. I have also noted the appellant's submission that parking is never at capacity on the site and that full staff parking is provided.
30. I am also mindful that the Council's committee report confirms that, whilst the Highway Authority did not issue a consultation response in this case, it had confirmed that it had no objection to the earlier scheme⁶, which was very similar in terms of parking generation and demands. I also note that the Council did not include a parking reason in its refusal of that earlier application.
31. Based on the evidence before me, I find no reason to suggest that the level of parking provision would be inadequate and I find no conflict with SLP policy D14, regarding managing the transport impacts of developments.

⁶ Reference 11/23/00023

Other matters

32. I have noted and considered a range of other matters raised by interested parties, including those relating to sewage, water, boundary wall matters, and views that the development is not needed, as there is suitable accommodation already available.

Planning conditions

33. I have noted the appellant's acceptance of all of the draft conditions put forward by the Council, including those requiring details to be submitted and approved in advance of development taking place. I have considered these conditions in the light of the Guidance and paragraph 57 of the National Planning Policy Framework (December 2024). I have made some adjustments and simplifications where I consider it appropriate. The Council has suggested one very lengthy condition concerning land contamination, but there is no evidence before me to suggest that such a condition is necessary in this instance, but I have included a simpler condition to address unforeseen contamination. The Council has also suggested a condition concerning Natural England licensing with respect to any works that may affect bats; however, as that matter is dealt with under other legislation, I do not consider a planning condition to be necessary.
34. In addition to requiring commencement within the relevant statutory period via condition 1, for clarity and so as to ensure that the proposal is implemented as assessed above, I have imposed condition 2, requiring adherence to the relevant plans and drawings. Conditions 3 and 4, requiring a first-floor bathroom window to be obscure glazed, and controlling window/dormer additions, are necessary in the interests of maintaining privacy of neighbouring residential properties. Condition 5 is required to ensure that external facing materials are approved to ensure a high standard of finish. Condition 6 is necessary to ensure appropriate drainage and condition 7 is needed to ensure that parking and servicing areas are kept free for their intended use to serve the development. Conditions 8 and 9 require, respectively, the approval of a Construction Environmental Management Plan (CEMP) and limit noise generating activities, in the interest of safety, the local environment, and to protect the living conditions of neighbouring occupants. Condition 10 is necessary in the event of unforeseen contamination being encountered during construction. Conditions 11 and 12 are necessary in the interests of biodiversity and the interests of protected species.

Conclusion

35. For the reasons set out above, the appeal is allowed and planning permission is granted for the development, subject to the conditions set out in the Schedule attached to this decision.

P. Staddon

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing No. 301; Existing Site Plan Drawing No. 302; Existing Elevations & Sections Plan Drawing No. 303; Proposed Block & Roof Plan Drawing No. 321 Rev A; Proposed Site Layout Drawing No. 320 Rev C; Proposed Floor Plans Drawing No. 322 Rev C; Proposed West Elevation Drawing No. 324 Rev A; Proposed North Elevation Drawing No. 325 Rev A; Proposed South & East Elevation Drawing No. 326 Rev A; and Proposed Sections Drawing No 323 Rev A.
3. The first-floor bathroom window (serving unit 9) within the north elevation of the building shall be fitted with obscure glazing and shall be retained as such thereafter.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed or installed.
5. No external walls or roofs shall be constructed until details of the facing materials and finishes to be used in the development have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.
6. Prior to the commencement of the development hereby permitted, surface water drainage details shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall proceed in accordance with the details so approved and shall be maintained at all times thereafter.
7. The areas allocated for parking on the Site Layout Plan No 4378-320 Rev C shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
8. No development shall commence, including site clearance, groundworks or construction, unless a Construction Environmental Management Plan (CEMP), to manage the impacts of construction during the life of the works, has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be complied with in full and monitored by the developer to ensure continuing compliance during the construction of the development.
9. Noise generating activities (excluding internal works) associated with the implementation of the development, including demolition, clearance, removals, deliveries and construction works, shall not occur outside of the following hours: Monday – Friday 08:00 – 18:00; and Saturday 08:00 – 13:00. At all other times, including Sundays and Bank/Public Holidays, there shall be no such noise generating activities.
10. If, during the course of undertaking the development hereby permitted, any unforeseen contamination is encountered, measures for remediation shall be submitted to, and agreed in writing by, the Local Planning Authority before development affecting the relevant part of the site proceeds. Development shall be undertaken in accordance with any agreed remediation measures.

11. All ecological measures and/or works regarding bats and birds shall be carried out in accordance with the details contained in section 4.4 and 4.5 of the Bat and Bird Assessment by First Ecology (October 2023) submitted with the planning application. A written statement of conformity to these provisions, written by the responsible and qualified ecologist, shall be provided to the Local Planning Authority prior to first occupation of the development.
12. Prior to any construction above damp-proof course level, a Lighting Design for bats, following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023), shall be submitted to, and approved in writing by, the Local Planning Authority. The Lighting Design shall show how and where external lighting will be installed (including technical specifications) to demonstrate that areas to be lit will not disturb or prevent bats using their territory. No external lighting shall be installed on the site other than that set out in the approved Lighting Design, and all approved lighting shall be maintained thereafter in accordance with the approved design.