



Appeal Decision

Site visit made on 2 May 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/W3330/D/25/3361668

6 Henley Road, Taunton, Somerset TA1 5BL

- 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 Rob Mennell against the decision of Somerset West and Taunton Council.
 - The application Ref is 38/24/0397.
 - The proposed development is described as 'A rear extension. Comprising a single storey (and partial side) extension with a FF extension to create a new bedroom with a duo pitched roof over'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 8 Henley Road, with particular regard to outlook and light.

Reasons

3. The appeal property is a two-storey detached dwelling with an 'L' shaped footprint. The neighbouring property, No 8 Henley Road (No 8), is situated to the south of the appeal site and features a kitchen window on the ground floor of its side elevation facing the appeal site (the side elevation kitchen window). A timber fence runs along the boundary between the two properties, providing a degree of separation and screening.
4. The proposed two-storey extension would be located at the southwestern corner of the host dwelling, close to the kitchen window of No 8. Although it would not project beyond the side elevation of the host property towards No 8, it would extend at two storey level into the rear garden of appeal property close to the shared boundary with No 8 and its kitchen window.
5. No 8 also has two sets of patio doors on its rear elevation. Whilst these doors may allow some natural light into the open-plan kitchen and lounge area, in my view, the existing side elevation kitchen serves as a primary source of natural light to the working area of the kitchen, given its sizeable width and height.
6. Whilst I appreciate that the boundary fence already exists between the appeal site and the side elevation kitchen window, the proposed extension would be significant in scale due to its considerable length and height. It would introduce a bulky, dominant feature directly in front of the side elevation kitchen window. Consequently, irrespective of any detailed assessments, it would limit natural light entering the primary working area of No 8 kitchen and result in poor outlook.

7. The appellant suggests that a single storey extension could be carried out under permitted development rights, and it could have the same effect to the neighbouring property. However, there is no substantive evidence which demonstrates exactly what could be built under permitted development, and I therefore cannot directly compare it with the appeal proposal. In any event, a single storey extension would be more likely to have a lesser adverse effect on the neighbouring property than the taller two storey extension proposed.
8. I note the comments about another property on Henley Road, and it was suggested that the Council overruled an objection. However, there is limited substantive evidence about this scheme. I therefore cannot compare it with the appeal proposal. In any event I have determined this appeal on its merits with particular regard to the specific details of the scheme before me and the relationship between No 8 and the appeal property, which cannot be directly comparable.
9. Overall, I find that the appeal proposal would harm the living conditions of the occupiers of No 8 with particular regard to outlook. Accordingly, the proposed development would be contrary to Policy DM1e of the adopted Taunton Deane Core Strategy 2011-2025 Development Plan Document September 2012 (CS), and Policy D5B of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016. Taken together, these policies seek to protect the residential amenity. I note that the Council refers to a conflict with Policy DM1d of the CS. However, this is related to character and appearance, and I therefore find no conflict with it.

Other Matters

10. I note that the appeal scheme would provide an opportunity to improve the energy performance and carbon footprint of the appeal property and additional accommodation for a growing family. However, these benefits do not outweigh the harm that I have found.
11. I acknowledged the concerns regarding the accuracy and reliability of the photographic evidence. However, both the appeal site and the neighbouring property have been observed. The appellant mentioned the existing trees on the neighbours' own land. As my observations were that the existing trees are not in the vicinity of the kitchen area, therefore, the removal of these trees is not determinative to the appeal. I also note that both neighbouring residents and the appellant have mentioned the rights of light. However, I have already found that the appeal proposal would harm the living conditions of the neighbouring property with particular regard to outlook, due to loss of light and poor outlook. Consequently, it does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Conclusion

12. The proposal conflicts with the development plan and other material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

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INSPECTOR