



Appeal Decision

Site visit made on 19 May 2025

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025.

Appeal Ref: APP/D0121/D/25/3358318

10 Links Road, Uphill, North Somerset BS23 4XX

- 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 and Mrs Coleman against the decision of North Somerset Council.
 - The application Ref is 24/P/2242/FUH.
 - The development proposed is erection of a first floor balcony to the front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and relates to the setting of a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues in this appeal are:
 - whether the proposal would preserve or enhance the character or appearance of the Uphill Conservation Area; and
 - the effect of the proposal on the setting and thereby significance of the Grade II* listed building, known as Old Church of Saint Nicholas.

Reasons

Uphill Conservation Area (the CA)

4. The details regarding the designation of the CA have not been provided to me, however, it is evident that its significance derives largely from its historical and architectural qualities. Many of the buildings are traditional cottages and houses with stone wall boundaries and hedges. The surrounding natural features include the dramatic topography of Uphill Hill, open fields and the Axe estuary, which together adds a distinctive character to the CA.
5. The appeal site is located within the CA, overlooking open fields and the estuary which leads into the Bristol Channel. Long distance views of the appeal site can be seen from the public footpath opposite the site which extends along the estuary and connects to the beach. Uphill Marina, within the CA, is located on the opposite side of Links Road, near to the appeal site. Set beneath Uphill Hill, the marina

adds a coastal character to the CA. In addition, panoramic seaside views can be appreciated from the top of Uphill Hill.

6. This section of Links Road is characterised largely by traditional semi-detached houses which contribute to the visual cohesiveness of the street scene. The appeal building itself, however, is a two-storey detached house with a dual pitched roof, which I am advised was granted permission in 1984. While the dwelling is set back further from the road than the neighbouring buildings, it is still visible in views along Links Road and into the CA from the public footpath opposite.
7. The appellant has drawn my attention to glazed first floor balcony at 44 Links Road (No 44). However, I do not know whether this balcony has permission. In any event, No 44 lies outside of the CA and I have considered the appeal proposal on its own merits.
8. The submitted 'Scheme proposals' drawing shows that the balcony would be supported by stainless steel posts from the ground level to a height of 1.8 metres from first floor level. The side balustrades would be 1.7 metres high from first floor level, while the front balustrade would be 1.1 metres high. The notably taller side balustrades would result in an awkward and visually unbalanced appearance. In views from the street and neighbouring properties, the tall sides would add bulk and exacerbate the prominence of the balcony, resulting in a visually intrusive addition to the CA.
9. Furthermore, there is a lack of clarity and consistency in the specified materials for the balustrades shown on the submitted plan. Reference is made to both obscure glazing and the option to clad the balustrades with non-deleterious board material. The plan also suggests that the steel posts may be clad with an unspecified material. Therefore, the external finish of the proposed balcony remains unclear. Nonetheless, whether the balustrades were to be obscurely glazed or clad in non-deleterious material, either would appear incongruous within the context of the CA, which is characterised by traditional buildings constructed from brick or stone. The introduction of a glazed or cladded balcony would disrupt the established visual coherence of the area.
10. Despite the set back position of the appeal property and the modest floor area of the balcony, it would nevertheless be clearly visible in long and short distance views into the CA from the public footpath opposite the site and along Links Road. Overall, the appearance of the proposed balcony by virtue of its design, detailing and materials would be highly visually obtrusive within the established architectural character of the CA.
11. The proposal would thus fail to preserve the character or appearance of the CA and cause harm to its significance as a designated heritage asset. Under the terms of the National Planning Policy Framework (the Framework), I consider this harm would be less than substantial. The Framework requires less than substantial harm to be outweighed by public benefits, which I shall return to within my Heritage Balance below.

Old Church of Saint Nicholas (the Church)

12. Perched atop Uphill Hill, the partially ruined Church dates back to the Norman period. Its significance stems from its architectural and historic interest, featuring a

central three stage tower, chancel and nave. The Church's elevated position underscores its prominence within the landscape and the CA.

13. Long distance views of the Church are afforded from Links Road, highlighting its focus within the settlement and contributing to its significance. While the appeal site cannot be seen together with the Church in the north west section of Links Road, they can be clearly seen together in the south east section of Links Road, despite the appeal building being set back from the road.
14. Within this context, the elevated position, design, detailing and materials of the proposed balcony would add discordant visual clutter to this important view towards the Church. The proposal would jar with the Church's architectural and historical context and thereby detract from the way in which it is experienced and appreciated, undermining the contribution of the setting to the significance of the Church.
15. The proposal would cause harm to the heritage significance of the Church by virtue of unsympathetic development within its setting. In the terms of the Framework, I consider the degree of harm would be less than substantial. The Framework requires less than substantial harm to be outweighed by public benefits, which I shall address within my Heritage Balance below.

Heritage Balance

16. Having regard to Section 72(1) of the Act, I have found that the proposal would cause less than substantial harm to the heritage significance of the CA through failing to preserve its character or appearance. Having regard to Section 66(1) of the Act, I have also identified that the proposal would cause less than substantial harm to the significance of the Church and fail to preserve its setting and special interest. It must be noted that even less than substantial harm to a designated heritage asset carries importance and attracts great weight, in accordance with paragraph 212 of the Framework.
17. Paragraph 215 of the Framework establishes that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. There are no identified public benefits of the scheme that I consider to be sufficient to outweigh the harm which would be caused to the heritage assets. Accordingly, the proposal would not satisfy the Act and conflicts with the historic environment conservation and enhancement policies contained within the Framework. Conflict also arises with Policies CS5 and CS12 of the North Somerset Council Core Strategy (January 2017) and Policies DM3, DM4 and DM32 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 (July 2016) insofar as they seek to conserve the historic environment, require development to demonstrate sensitivity to existing local character and not cause harm to the existing character and appearance of conservations areas, as well as preserve and where appropriate enhance the character, appearance and special interest of listed buildings and their settings.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with

the development plan. For the reasons given above, the appeal should be dismissed.

U P Han

INSPECTOR