



Appeal Decision

Site visit made on 30 May 2025

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2025

Appeal Ref: APP/E3335/W/25/3359148

Stone Gables, Frome Road, Nunney, Frome, Somerset BA11 4LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Andrew Church against Somerset Council.
 - The application Ref is 2024/1613/FUL.
 - The development proposed is the demolition of existing garage & erection of 1 new dwelling and associated site works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have determined this appeal on the basis of the Council's failure to determine the planning application within the statutory timescale. However, I have had regard to the Council's appeal statement, in so far that it provides clarity on the reasons why the Council would have refused planning permission had it been able to do so.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including the setting of the adjacent Nunney Conservation Area and the settings of nearby listed buildings; and
 - the effect of the proposed development on the living conditions of the occupiers of Beech Cottage, with particular regard to outlook.

Reasons

Character and Appearance

4. The appeal site is located immediately adjacent to the boundary of the Nunney Conservation Area. From the evidence before me, and from what I saw when I visited the site, the significance of the Conservation Area, in so far as it is relevant to this appeal, is derived from the value of the development of Nunney in the eighteenth and nineteenth centuries, and the architectural styles and tastes of the time. It has an aesthetic value due to the pleasing appearance of many of the buildings that comprise the Conservation Area.

5. The host dwelling, Stone Gables, is one of four reasonably large dwellings which are separated from Frome Road by an access road and a large expanse of green space. This area forms one of the key entrances into the Conservation Area and there is no doubt that the spaciousness of the surroundings in this location forms an integral part of the setting of this part of the village, while also contributing to the character and appearance of the environs more generally.
6. Fulwell House and Fulwell Farm Cottage, which are located opposite the appeal site, are Grade II listed while the boundary wall and gate piers of Fulwell House are also separately listed as a further Grade II asset. The significance of all three features is derived from their historic appearance, and in particular, their traditional stone construction. The spaciousness provided by the large open area in front of the appeal site contributes strongly to the setting of the listed buildings.
7. The proposed development would involve the demolition of the existing garage of the host dwelling and the construction of a new dwelling. Stone Gables and the new dwelling would be attached, and together would create a significant mass of built form in close proximity to the neighbouring dwelling of Beech Cottage. In addition, the proposed home would project a long way forward of the existing principal elevation of Stone Gables.
8. While I acknowledge that the line of the new dwelling would still sit behind Beech Cottage, the significant built form of the two attached homes, in conjunction with the forward projection of the proposed dwelling into the existing open area of land, would inevitably appear highly cramped and would erode the existing sense of spaciousness that exists. Furthermore, the fact that the proposed dwelling would project so far away from Stone Gables would mean that it would appear as a contrived and incongruous addition to the street scene.
9. While the proposed dwelling would be partially screened from Frome Road by planting, it would still be easily visible from certain vantage points, including the road junction. As such, the proposal would clearly harm the setting of the Conservation Area and the settings of the identified listed buildings, as well as the character and appearance of the surroundings more generally. As a result, I disagree with the conclusions of the appellant's Historic Environment Assessment (HEA) which suggest that no such harm would occur.
10. While I acknowledge that Eling House, to the east of the appeal site, was sited so as to be perpendicular to the three neighbouring dwellings, the relationship that this building has with the Conservation Area is not quite as intimate as the appeal site. In addition, Eling House is not of the same mass as the combination of Stone Gables and the proposed dwelling. As such, it is not directly comparable.
11. Due to the limited scale of the development, the harm that I have identified would be relatively localised. However, the appeal site is located at a prominent entry point to the Conservation Area, and so this localised harm would also be harmful to the character and appearance of the Conservation Area as a whole. The proposal would have a negative effect on the significance of several designated heritage assets and would result in 'less than substantial harm'. In these circumstances, the National Planning Policy Framework (the Framework) requires that this harm must be weighed against public benefits. Great weight must be given to a designated heritage asset's conservation and any harm to its significance requires clear and convincing justification.

12. In this instance, the development would provide one new dwelling which would add to the local housing stock and make efficient use of land. It would provide some economic benefits and there is also potential for some biodiversity enhancements through additional planting. However, the scale of the proposal means that these benefits are limited.
13. I therefore conclude that the public benefits do not outweigh the less than substantial harm I have identified. The proposed development would conflict with Policies DP1, DP3 and DP7 of the Mendip District Local Plan 2006-2029 - Part 1 Strategies and Policies, adopted 15th December 2014 (the LP). Taken together, these policies seek to protect designated heritage assets and ensure that development is of a high quality design.

Living Conditions

14. As has already been noted, the proposed development would be situated in close proximity to the neighbouring dwelling of Beech Cottage. The additional height of the new dwelling, when compared with the height of the existing garage, would be fairly limited. However, the proposed forward projection would add significant built form along much of the length of the shared boundary. Even taking account of the different ground levels, and the generous amount of garden space associated with Beech Cottage, it is inevitable that the proposal would result in the occupiers of that property feeling more enclosed, if only to a limited extent. I am satisfied that this change in circumstances is sufficient to constitute harm. The fact that the occupiers of Beech Cottage have not objected to the proposal does not alter my assessment.
15. I therefore conclude that the proposal would harm the living conditions of the neighbouring occupiers. As such, it would conflict with LP Policy DP7, which in part, seeks to preserve living conditions for existing residents.

Other Matters

16. In reaching my decision I acknowledge that the Council did not themselves find harm in relation to the setting of nearby listed buildings. However, this issue is covered in some detail within the appellant's HEA and is also referenced within their appeal statement. As such, there can be no suggestion of procedural unfairness in this regard. Furthermore, the effect of the proposal upon the setting of the Conservation Area alone would outweigh the public benefits of the scheme and would provide a strong reason for refusal. As a result, the additional harm to the setting of the listed buildings is not a determinative issue that has altered the outcome of this appeal.

Conclusion

17. The Council cannot currently demonstrate a 5-year supply of deliverable sites, and at only 2.21 years, the current shortfall is significant. I have no evidence before me to suggest that this position is likely to improve in the short-term. The tilted balance is not invoked, however, because the Framework at Paragraph 11d(i) and footnote 7 protects both areas and assets of particular importance, which include designated heritage assets. In this instance, I conclude that the identified harm provides a strong reason to dismiss the appeal.

18. As such, the proposed development conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR