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## Appeal Decision

Site visit made on 1 July 2025

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8<sup>th</sup> August 2025

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**Appeal Ref: APP/E3335/W/25/3363838**

**22 Billet Street, Taunton, Somerset TA1 3NG**

- 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 Mrs A James against the decision of Somerset Council.
  - The application Ref is 38/24/0102.
  - The development proposed is the change of use of second floor from offices to a residential apartment and the erection of a dormer.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. It was apparent from the appeal site inspection that the second floor of 22 Billet Street (No 22) had been converted to a flat with an associated rooflight installed. Notwithstanding these works, the appeal has been considered on the basis of the submitted drawings, rather than what has occurred on site.
3. 12 and 13 Paul Street, the United Reform Church, and Wessex Lodge are grade II listed buildings. As required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) special regard has been paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
4. Within the officer report, the Council has referred to the appeal building as being a non-designated heritage asset (NDHA) within a conservation area. The Council has subsequently confirmed that the building is not an NDHA, with the appellant confirming the site falls outside any conservation area. The appeal has been considered on that basis.

### Main Issues

5. The main issues are:-
  - The effect of the scheme upon the character and appearance of the host building and upon the area; and
  - Whether the scheme would provide acceptable living conditions for future occupiers with regard to internal space.

## Reasons

### *Character and Appearance*

6. The appeal property is a mid-terraced building positioned within a mixed-use area, near to the town centre. The terrace comprises a short row of houses constructed from brick under slate roofs. To the rear, all the houses have been extended in a variety of ways, with the appeal property and those at either end of the row having deep two storey extensions. There is a tall boundary wall separating the rear of the terrace from a public car park.
7. The terrace has an attractive historic appearance comprising similarly sized and styled houses with rich detailing that is repeated upon each property. This gives a high quality, cohesive appearance to the terrace, and one that is evident to the rear. Each house has eye-catchingly tall and distinct chimneys, and three of the five houses in the terrace have retained their centrally positioned pitched roofed dormers on the rear roofscape.
8. There is no disagreement between the main parties as regards the principle of the change of use of the offices to a dwelling. Although the dormer would accord with the Council's Design Guide (2021) in that it would be set down from the ridge and away from the eaves and party walls, it would occupy much of the roof plane and would form a large and bulky addition to the house. Its size would result in it having a dominating impact, and particularly so given its proximity to the dormer upon the neighbouring house, 24 Billet Street (No 24). The proposed dormer would have some similarities with that at No 24, such as the flat roof, the hanging slates, and the fenestration style. However, the resultant combined impact of two large, but different dormers in close proximity to each other, would result in a discordant, piecemeal appearance.
9. In addition to the dormer at No 24, at the other end of the terrace is one upon 16 Billet Street (No 16). Although that at No 16 spans much of the breadth of the roof, it is shorter than that at No 24 and it is set well down below the ridge and is higher above the eaves than that proposed. Having regard to these differences it does not have such a dominating, bulky impact as that proposed.
10. There are a wide variety of buildings and uses to the rear of the terrace, ranging from shops, offices, a row of houses along Paul Street, and the United Reform Church. Notwithstanding this variety, the terrace of which No 22 forms part has a defined, attractive residential appearance, particularly given the chimneys and central cluster of pitched roof dormers. The dormer would be clearly visible from long views away, including from as far away as Paul Street. Furthermore, given the proximity to the town centre, the car park is a busy one, and it also provides a pedestrian link from Paul Street to Billet Street. As such the discordant nature of the dormer would be publicly visible.
11. There are listed buildings nearby. Wessex Lodge is an imposing house on the corner of Billet Street with Billetfield. Now used as offices, it is an eye-catching building due to its large size, its ornate Gothic style and its distinctive form. Between this building and the terrace is a large, modern four storey block, which effectively screens Wessex Lodge from No 22, and given this the dormer would have a neutral impact upon the setting of this listed building.

12. As regards the listed houses at 12 and 13 Paul Street and the United Reform Church, the former are part of a terraced row of two and three storey buildings that abut the public footway. The church is positioned to one side of the car park access and has its own car park. These sizeable car parks separate the listed buildings from No 22, and having regard to the extent of the separation and that the dormer would be positioned within a terrace, the scheme would have a neutral impact upon the settings of these listed buildings.
13. The appellant has referred to the dormer being permitted development under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which would be applicable if No 22 was in its original use as a dwelling. Irrespective of the historic use of the property, these rights do not apply to offices or flats, and the weight that can be attributed to such a fallback is limited.
14. For these reasons the dormer would unacceptably harm the character and appearance of the host building and the area, and the suggested conditions would not overcome these harms. Consequently, there would be conflict with Policy DM1 of the Taunton Deane Core Strategy (2012) (CS) and Policy D7 of the Taunton Deane Site Allocations and Development Management Plan (2016) (MP), as these seek, amongst other things the creation of a high standard of design quality and sense of place which reflects the site and its context, and that the appearance and character of a building and street scene would not be unacceptably harmed by the development.

#### *Living Conditions*

15. MP Policy D10 specifies minimum internal floorspace requirements for new dwellings, and a 1 bed 1 person dwelling would be required to have a gross internal floorspace of 39 sqm. These standards reflect those within the Nationally Described Space Standards, albeit the floor area of a single person dwelling where there would be a shower room instead of a bathroom would be 37 sqm.
16. The main parties have confirmed that the dwelling would be for a single person and would have a floorspace of 34 sqm. Although the flat would have a carefully considered layout optimising the use of space, the size of the dwelling would not meet the above referenced standards. Even a modest shortfall in the size of a small dwelling would compromise the living conditions for future occupiers by resulting in unacceptably cramped and constrained internal space.
17. The appellant has referred to there being a large demand for one bed properties in Taunton, and pointed out that future occupiers would be near to the town centre with its wide range of services, facilities and employment opportunities. Such a location would accord with CS Policy CP6 and MP Policy A5 as these require, amongst other things, to reduce the need to travel, with residential development being within walking distance or have access to public transport, to employment, and essential services and facilities. Nevertheless, such benefits and the provision of a modest area of external space would not outweigh the small size of the dwelling and the compromised living conditions it would afford future occupiers. As the scheme would not provide future occupiers with acceptable living conditions with regard to internal space, it would be contrary to the requirements of MP Policy D10.

## Other Matters

18. The appellant has submitted revised plans for the appeal that propose a smaller flat-roofed dormer that is set back further away from the party walls and from the eaves. However, this dormer would result in a dwelling with an internal floorspace that would be smaller than that of the appeal scheme. Irrespective of the changes to the size and appearance of the revised dormer, the dwelling would fail to meet the internal floor standards cited above, and having regard to this, the revised plans have not been considered further.
19. The site is in an area that is hydrologically connected to the Somerset Levels and Moors Ramsar, which comprises large areas of lowland wet grassland and wetland habitats that support internationally important wildfowl, flora and invertebrates. Nutrient pollution is a particular problem for freshwater and wetland habitats as it can cause eutrophication that disrupts and destroys them, thereby detrimentally impacting upon the species they support. Unacceptable levels of phosphates are entering the Ramsar impacting upon its interest features, with one of the sources being from residential development. Consequently, it is imperative that new residential development should ensure that no additional nutrients enter the Ramsar.
20. To achieve nutrient neutrality the appellant has reserved phosphate credits, which would be secured by condition. The Conservation of Habitats and Species Regulations (2017) require the decision maker to undertake an Appropriate Assessment (AA) where there are likely to be significant effects from the proposal, either alone or in combination with other schemes. This duty falls to occur with the appeal and would include scrutinising the proposed measures to ensure that the integrity of the habitat site would not be adversely affected. This matter will be returned to later.

## Planning Balance

21. With a housing land supply of 4.11 years the Council has a shortfall of supply, and the provision of an additional home would be an important benefit of the scheme that would weigh in its favour. The National Planning Policy Framework (the Framework) requires the development of under-utilised land, with great weight occurring from the use of a site within an existing settlement. The scheme would accord with these objectives. Future occupiers would be close to services and facilities in the town centre, and this would result in modest economic and environmental benefits.
22. Weighing against these benefits would be the impact of the dormer upon the character and appearance of the building and the area, and that future occupiers would experience unacceptable living conditions with regard to internal space. These harms are considerable and weigh very heavily against the proposal. The Framework requires that due weight should be given to existing policies according to their degree of consistency with the Framework. CS Policy DM1 and MP Policies D7 and D10 are broadly consistent with the Framework and its requirements for achieving a high standard of amenity for future users, the creation of high quality buildings that add to the overall quality of an area, and those that are sympathetic to local character and maintain a strong sense of place. Consequently, the conflict of the scheme with the development plan should be afforded considerable weight.

23. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. The adverse impacts in this case amount to cumulative harm that significantly and demonstrably outweighs the modest environmental, social, and economic benefits that arise from the scheme. These considerable harms also outweigh the great weight from the provision of an additional home that makes an effective use of land in a sustainable location, when assessed against the policies in the Framework as a whole. It follows that the presumption in favour of sustainable development does not apply.
24. If the appeal was to have been allowed, it would have been necessary to undertake an AA and give further consideration to the likely effectiveness of mitigation and avoidance measures for the Somerset Levels and Moors Ramsar. In doing so the suggested condition would have to be scrutinised to ensure that the integrity of the habitat site would not be adversely affected. However, as the appeal is being dismissed for other reasons, this has not been necessary.

### **Conclusion**

25. The scheme would adversely harm the character and appearance of the host building and the area and would also fail to provide future occupiers with acceptable living conditions, and the suggested conditions would not overcome these harms. There would be conflict with the development plan when considered as a whole, and there are no other considerations, including the requirements of the Framework, that outweigh this finding. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

*J J Evans*

INSPECTOR