



Appeal Decision

Site visit made on 21 August 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Appeal Ref: APP/E3335/W/25/3365911

7 St Albans Place, Taunton, Somerset, TA2 7BG

- 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 M D Thorne against the decision of Somerset Council.
 - The application Ref is 38/24/0304.
 - The development proposed is the construction of a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and on the living conditions of the occupiers of No. 9, with particular regard to privacy.

Reasons

Living Conditions

3. The appeal site is a corner plot, and as such, the rear elevation of the proposed dwelling would face the back garden space of No. 9. It is clear that the first floor rear windows of No's. 5 and 7 already provide opportunities for overlooking the garden space of No. 9, and as a result, the privacy of the occupiers of that dwelling is already affected.
4. The proposed dwelling would have two windows that would provide further opportunities for overlooking the garden area. One of those windows would serve a bathroom and so would be obscure glazed, thereby negating any potential harm. However, the second window would serve a bedroom. It is notable that this window would directly overlook the patio area of No. 9 which is likely to be the part of the garden that the occupiers would utilise most frequently. Therefore, despite the distance between the rear elevation of the proposed dwelling and the shared boundary with No. 9, it is inevitable that the proposal would result in further potential harm to the privacy of the occupiers of the neighbouring property.
5. The appellant has noted that a planning application for a two-storey side extension was permitted in 2021. However, while this may have also provided further opportunities for overlooking, the construction of an extension, which would be used by the same household, is clearly not as harmful as introducing a new dwelling with additional occupiers.

6. The appellant has also suggested that this issue could be addressed by moving the proposed rear bedroom window to the side elevation of the property. While this might be the case, no alternative plans have been provided, and I am required to make my decision based on the approved plans before me. I also do not consider that the lack of an objection from the occupiers of No. 9 means that the proposal would be acceptable in this regard.
7. I therefore conclude that the proposed development would harm the living conditions of the occupiers of No. 9. As a result, it would conflict with the relevant aspects of Policy DM1 of the Taunton Deane Core Strategy 2011 – 2028 (the CS) which seek to preserve the living conditions of existing residents.

Character and Appearance

8. The openness of this corner plot does contribute to the character of the area by providing a sense of space within the urban form. However, much of this current perception of space is provided by the elongated front garden area of No. 9, and the adjoining front garden of No. 7. While the amount of space would be reduced to some degree by the construction of the proposed dwelling, the majority of the front garden space of No. 7 would be retained, as would the entirety of the front garden area of No. 9. As such, the areas that contribute most strongly to the feeling of space in this corner plot would be retained, and I do not consider that the siting of the proposed dwelling would change the appearance of the immediate area to an extent that could constitute harm.
9. The construction of the dwelling would turn an existing pair of semi-detached houses into a short terrace. However, terraced properties are common within the immediate area, including those directly opposite the appeal site. As such, the proposal would not appear as being incongruous or out of place within the street scene. The provision of parking spaces to the front of properties does not seem to be particularly unusual in the surrounding area, and so I also do not consider that the location of the proposed spaces in this instance would be harmful.
10. I therefore conclude that the proposed development would not harm the character and appearance of the area. As such, it would conform with the aspects of CS Policies DM1 and DM4, and Policy D7 of the Site Allocations and Development Management Plan, which require developments to be well designed, including by ensuring that buildings 'turn street corners well'. It would also conform with the relevant guidance contained within the District Wide Design Guidance SPG which has similar aims.

Other Matters

11. I note that the proposal has the potential to negatively effect the integrity of the Somerset Levels and Moors Ramsar site. However, as I am dismissing the appeal for other reasons, I am not required to consider this matter further.

Conclusion

12. From the evidence before me, it is clear that the Council is unable to demonstrate a five-year supply of deliverable housing sites, with the current figure being just 3.95 years. In such circumstances the test set out in paragraph 11(d)(ii) of the National Planning Policy Framework (the Framework) is engaged.

13. The proposal is contrary to the objectives of CS Policy DM1 in relation to living conditions and therefore conflicts with the development plan taken as a whole, notwithstanding that I have not found harm in relation to character and appearance.
14. The aforementioned policy is broadly consistent with the aims of the Framework, notably, in respect of seeking to ensure that new developments preserve the living conditions of existing occupiers. Consequently, I have given considerable weight to the conflict with the development plan.
15. The appeal proposal would make a small but nonetheless positive contribution towards housing supply in an area with a significant housing shortfall. It would also provide some social and economic benefits associated with the construction and subsequent occupation of the proposed dwelling, including the potential for future residents to support wider services. I have considered Paragraph 61 of the Framework which seeks to significantly boost the supply of homes. I have also considered Paragraph 73 of the Framework, which recognises the importance of small sites in meeting the housing requirement of the area. Still, given the scale of development, I give these benefits modest weight.
16. The potential for additional overlooking of the rear garden space of No. 9, and the consequent effect on privacy, is a serious matter to which I must give significant weight. Therefore, when assessed against the policies in the Framework taken as a whole, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. The appeal scheme therefore does not benefit from the presumption in favour of sustainable development.
17. In conclusion, the proposal conflicts with the development plan when taken as a whole. There are no material considerations, including the provisions of the Framework, that indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

C Butcher

INSPECTOR