



Appeal Decision

Site visit made on 16 September 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29TH September 2025

Appeal Ref: APP/D0121/W/25/3363019

131 High Street, Weston-Super-Mare, North Somerset BS23 1HN

- 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 Shaun Cowley on behalf of Fifty Property Ltd against the decision of North Somerset Council.
 - The application Ref is 24/P/1501/FUL.
 - The development proposed is the change of use from a cafe (Class E) with ancillary accommodation at first floor to a large house in multiple occupation for up to 8no. people with office and communal areas at ground floor (sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a cafe with ancillary accommodation at first floor to a large house in multiple occupation for up to 8no. people with office and communal areas at ground floor at 131 High Street, Weston-Super-Mare, North Somerset BS23 1HN in accordance with the terms of the application, Ref 24/P/1501/FUL, and subject to the conditions in the attached schedule.

Preliminary Matters

2. The planning application is a resubmission (previous decision 23/P/2753/FUL) and there is another appeal at this location (reference APP/D0121/W/25/3364481). However, I have a duty to deal with the scheme before me on its own merits.
3. The Council has referred to Core Strategy (CS) Policy CS3, a document called the Great Weston Conservation Area (CAAMP)¹, and the North Somerset Residential Design Guide Supplementary Planning Document (Section 1: Protecting living conditions of neighbours) (SPD) within its reasons for refusal. Although these were not submitted, the online versions have been reviewed.

Main Issues

4. The main issues are:
 - the effect of the proposal on a non-designated heritage asset and conservation area;
 - the effect of the proposed development on the living conditions of the occupants of No 133 High Street with specific regard to privacy;

¹ Conservation Area Appraisal and Management Plan

- whether the proposal would provide adequate living conditions for future occupants;
- the effect of the proposal on the area's housing mix; and
- whether the appeal site is a suitable location for the proposal having regard to relevant policies relating to local centre uses.

Reasons

Heritage

5. The Council has identified the appeal building as a non-designated heritage asset on the North Somerset Historic Environment Record, and it is within the Greater Weston Conservation Area (CA).
6. The appeal building is located on High Street at the junction with Old Post Office Lane. It is recorded as the post office on the 1844-1888 OS 25" 1st Edition Map and there is a decorative plaque on the front confirming this, though the post office was moved to another building in 1899.
7. Overtime the building has been significantly altered including numerous rear extensions and, more recently, the ground floor has been remodelled as a food takeaway, including the blocking up of windows in the side elevation and a modern shop frontage. Internally the upper floor is uninhabitable, and significant works would be required to reinstate it.
8. Therefore, the building's architectural interest is limited to the upper part of the external front elevation, which retains the proportions and ornate features indicative of the building's age and status. The upper front part of the side elevation is simplified but of the same style and form as the frontage. However, the rear extensions are clearly of a later functional vernacular.
9. The location of the appeal building is within the High Street sub area of the CA. However, the part of High Street the appeal building is on is separated from the main bulk of the CA sub area by The Boulevard and Italian Gardens. Therefore, its character and appearance appear more transitional and less obviously commercial, with clear visual and physical links with the residential areas around Grove Road. Although this part of High Street would have been historically more important commercially, as evidenced by the age and design of the buildings, it has always had a residential element such as 132-138 High Street opposite the appeal building, which is described as a short terrace of five houses in the CAAMP.
10. Accordingly, the detailing of the front section of the appeal building and its physical relationship with the other buildings along this part of High Street provides it significance in terms of a non-designated heritage asset and how it could add to the character and appearance of the CA, were it not in such a poor state of repair.
11. Paragraph 216 of the National Planning Policy Framework (the Framework) states that in relation to non-designated heritage assets 'a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.' Whilst Paragraph 202 requires that heritage assets, as irreplaceable resources, 'should be conserved in a manner appropriate to their significance', and Paragraph 212 confirms 'great weight' should be given to their conservation. Section 72(1) of the Planning (Listed Buildings and Conservation

Areas) Act 1990 as amended, requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA.

12. The proposal would retain the existing shop frontage and repair the upper windows in the front elevation and the front portion of the side elevation. It would reinstate the ground floor side windows with an additional connecting window and replace the rear elements of the building with a cohesive single extension. This extension would provide a larger first floor area, introduce additional windows to the side elevation and align the roof ridge with the front section of the building. It would be built in brick to delineate from the rendered front element but would require the removal of a number of the bonded brick arches in the side elevation of the rear portion of the building. However, as part of the later rear extensions it is found the improvement in cohesion and simplified legibility between the front and rear elements, along with the repair of the historically most important part of the building would mean the proposal would better reveal its significance and so constitute an improvement.
13. It is noted that the Council is concerned with the glazing proposed on drawing PL11A with reference to Historic England's Guidance Note "Traditional Windows, Their Care, Repair and Upgrading". Nevertheless, it is noted in Historic England's more recently issued Guidance Note "Modifying Historic Windows as Part of Retrofitting Energy Saving Measures" allows for the possibility of introducing certain types of double glazing in listed buildings. Therefore, taking account that the appeal building is not listed and the significantly degraded nature of the existing historic windows, in this instance, details of their restoration could be dealt with by condition.
14. It is proposed that at ground floor the existing modern features would be repaired, rather than a more sympathetic frontage reinstated. However, detailing of this could be conditioned, and as this element of the proposal would not be more harmful than existing, it would have a neutral impact on the building's significance and the CA's character and appearance.
15. Therefore, in conjunction with the repair of the most significant and most visible parts of the building, and the bringing back of an active use, on balance the proposal would have a beneficial impact on the overall historic significance of the appeal building as a non-designated heritage asset. These improvements, along with the proposal's preservation of the vertical rhythm of the street apparent in this part of High Street, would also preserve the character and appearance of the CA's sub area.
16. Consequently, the proposal would not have a harmful effect on a non-designated heritage asset and conservation area. It would comply with CS Policies CS5 and CS12, and Sites and Policies Plan (SPP) Policies DM3, DM7, and DM32, in so far as they seek to protect the historic built environment, including non-designated heritage assets, and not cause harm to the existing character and appearance of conservation areas. The proposal would also comply with SPP Policy DM39 as far as the proposed use would not have a harmful effect on the character of the property.

Living conditions – No 133 High Street

17. No 133 has a commercial use to the ground floor with 3 storeys of residential above. It has 4 first floor windows which look directly towards the side elevation of

the appeal building. Currently the first floor of the appeal building has 8 windows facing No 133, some of which are obscure glazed. The proposal would remove the obscure glazing and increase the number of windows to 9.

18. However, the appeal building's first floor windows are higher up than those in No. 133 so the view across is indirect. It was observed during the site visit that only a small proportion of the room served by the windows in No 133 could be seen. Further the additional windows proposed would be located away from the windows in No 133. Therefore, although there would be some intervisibility between the buildings I do not find the proposal would result in a significant loss of privacy for the occupants of No 133².
19. It is recognised that the proposal could be considered to intensify the use of the appeal building. However, due to the length of time the first floor of the appeal building has been vacant, any reuse would likely constitute an intensification so increase the perception of overlooking.
20. Nevertheless, for the reasons given above, although there would be some overlooking and perceived reduction in privacy for the occupants of No 133 this would not be to such a level as to make living conditions untenable. Accordingly, the proposal would comply with SPP Policies DM32 and DM39 insofar as they seek new development to not have a harmful effect on the living conditions of occupants of adjoining properties. As well as align with the guidance in the SPD.

Living conditions – future occupants

21. The proposal would create 8 ensuite bedrooms above a shared communal space which would include a kitchen, a laundry, cycle and bin storage, a toilet and management office. 7 bedrooms would have a singular window facing north and the 8th bedroom would have windows to the north and east.
22. The Council considers the proposal to provide an oppressive standard of living accommodation due to a loss of privacy, poor outlook, insufficient daylight and nuisance from noise and anti-social behaviour. It is noted the Council's housing standards team has found the proposed internal space provision acceptable.
23. As identified in the previous main issue there would be limited intervisibility between future occupants and those of No 133, so I am satisfied the proposal would not cause harm to privacy.
24. It is recognised that some of the proposed rooms are single aspect. However, they would be large and look out onto the street below providing an urban outlook, which is not unexpected in a town centre location. The communal area would have large windows on 2 sides including over the High Street and so provide an active and relatively open outlook. Accordingly, it is found the proposal would provide an adequate level of outlook for urban residential accommodation.
25. It was observed on site that the upper floor had considerable access to daylight through the existing windows in the side elevation even though they are northerly facing, and the weather was inclement. This is down to the proportionally large size of the windows, and this would be maintained even though the upper floor would be divided into multiple rooms. Notwithstanding this the communal area would have

² As required by part 3.1 of the North Somerset Residential Design Guide SPD (Section 1: Protecting living conditions of neighbours).

ample access to daylight from the dual aspect windows and the hallway would have roof lights to allow further natural light egress. These observations align with the appellant's Daylight and Sunlight Report findings. Accordingly, the proposal would be able to provide sufficient access to daylight for future occupants.

26. The appellant's Noise Impact Assessment (NIA) notes at paragraph 6.3 that sound levels may result in a significant adverse impact on the proposed dwellings. However, the NIA, at paragraph 6.3.1, concludes that the only room where mechanical ventilation would be required to reduce the need to open windows therefore keep noise at an acceptable level, is proposed room 8 because of plant noise from High Street. Nonetheless it is noted that room 8 would also have a window in the side elevation which is shown as not being impacted by plant noise so could be opened for ventilation. Therefore, I am satisfied that appropriate noise mitigation could be achieved to ensure the living conditions of any future occupants of room 8, and this could be conditioned.
27. The appeal building is in a central location known for its night-time economy, so future occupants would have an awareness of incidental noise disruption such a location may have. That there are other examples of residential accommodation along this part of High Street also provides context for this.
28. The Council has drawn my attention to an appeal at 41 Oxford Street (reference APP/D0121/W/24/3337068). It is recognised that the inspector in that appeal had concerns relating to noise and the ability of future occupants opening windows. However, this related to a 3-bedroom flat which would likely attract different occupants to that of the proposal and noise would have affected the majority of that flat's windows. In the proposal before me, it has been shown noise would only impact a singular room and this could be mitigated for. I am therefore satisfied the circumstances are substantially different to warrant a different conclusion.
29. Finally turning to anti-social behaviour, it is recognised that due to the night-time economy there is a perception that such behaviour might increase. However, the proposal would provide natural surveillance at ground floor level from the communal living space, something that CS Policy CS12 specifically identifies as a benefit for the creation of safe environments; the immediate area already includes established residential uses, and the Police have not lodged any objection. The Council have submitted crime figures for the 200m area around the appeal site. However, with no context as to how this relates to the area or crime levels in general, this carries little weight.
30. Therefore, for the reasons given above, it is considered that the proposal could provide adequate living conditions for future occupants in accordance with CS Policies CS3 and CS12, and SPP Policies DM32 and DM39 insofar as they seek new development to not have a harmful effect on the living conditions of occupants.

Housing mix

31. The proposal would convert a building with an existing commercial unit into a shared house for 8 people. It is located within the settlement boundary of Weston-Super-Mare but outside of the Area of Restricted Subdivision (ARS). It is in an area where, according to the Council's Housing Team, there is already a high concentration of shared housing including bedsits. As the proposal would contribute to the proliferation of this housing type it would fail to comply with CS Policy CS15,

which seeks to create a genuine mix of housing types throughout the borough. On this matter alone it would also fail to comply with SPP Policy DM39 in relation to development outside of the ARS.

32. In appeal APP/D0121/W/23/3330821 (22 West Street), the inspector referred to an application at this appeal building which was not refused on grounds relating to the proliferation of houses in multiple occupation. However, with limited detail of which previous application the appeal 3330821 is referring to, this carries limited weight.
33. However, CS Policy CS14 establishes Weston-Super-Mare as the focus of new residential development within the district, with priority given to the re-use of previously developed land and the proposal would comply with this.
34. Nevertheless, this does not overcome the proposal's harm to the area's housing mix and its failure to comply with CS Policy CS15 and SPP Policy DM39.
35. The Council have referred to SSP Policy DM34 which relates to gated communities. This is not determinative in this issue.

Location

36. As identified by the appellant, the ground floor of the appeal building was last used as a food takeaway in 2020 whilst the first floor was unused. So, the change of the ground floor from takeaway to residential would constitute a loss of a use appropriate to the town centre location.
37. CS Policy CS21 requires, amongst other things, any proposal which would result in the loss of a town centre use to demonstrate that the vitality and viability of the centre is not adversely affected, and adequate retail provisions remain for local residents. This is echoed within SSP Policy DM60 which seeks to retain the vibrancy, vitality, and community focus of town centres, amongst other things.
38. It is clear the building has been vacant for some time and is in a poor state of repair. However, there is no substantive evidence to allow me to conclude that the town centre's vitality and viability would not be affected, or that adequate provisions would still remain for local residents, were the appeal approved. Therefore, the proposal would fail to comply with CS Policy CS21, and SSP Policy DM60.

Other Matters

39. The planning application associated to this appeal was submitted post 2 April 2024 therefore the Biodiversity Net Gain Regulations must be applied. However, the appellant considers the development to fall within the scope of the de minimis exemption. As it would constitute a redevelopment of an existing building and would not extend the footprint of that building, I am satisfied this would be the case and there is nothing before me to conclude otherwise.
40. That the appellant considers the Council to have failed to behave in a positive or proactive manner is regrettable, but this does not alter the planning merits of the case before me.

Balance

41. The Council cannot demonstrate a 5-year housing land supply, with the main parties agreeing that the current housing land supply is 2.97 years. This has dropped from the 3.88 years referred to in the Officer Report. As the site is not

within, nor would affect any protected areas or assets, as set out in footnote 7 of the Framework, Paragraph 11 indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

42. The proposal would provide shared accommodation for 8 persons in a highly accessible location reasonably quickly, due to the small scale of development required. It would bring back into use a building of historic merit without harming its significance or having a detrimental impact on the CA and would provide adequate living conditions for future occupants as well as maintain those for adjacent residents. These benefits are supported by the Framework which seeks to boost significantly the supply of housing, recognises the importance of small sites in meeting the housing requirement of an area, attributes great weight to the conservation of heritage assets, and seeks to protect living conditions of future occupants and existing nearby residents. In combination with the contribution to the Council's 5-year housing land supply which has worsened significantly since the planning application was refused and taking account of Paragraph 11d)ii, which requires particular regard to directing development to sustainable locations and making effective use of land, I give these benefits significant weight.
43. Limited weight is also given to the local economic and social benefits created during construction and by bringing back into active use a vacant building.
44. No harm has been identified in relation to flood risk, parking, highway safety and protected species. However, by definition a lack of harm cannot weigh for or against the proposal.
45. Nevertheless, it is recognised there is a concentration of similar types of property in this area and that the proposal would likely permanently remove a single commercial unit from the town centre. However, as open market accommodation it would not be in the appellant's benefit to provide a form of housing that there was not some requirement for and the appeal building's transitional location separated from the core of the High Street, in this instance, would mean the harm would be limited. Therefore, the conflict with CS Policies CS15 and CS21, and SPP Policies DM39 and DM60 carries only moderate weight.
46. Consequently, I find the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal should be approved.

Conditions

47. The Council has suggested several conditions which I have considered against the advice in the Framework and Planning Practice Guidance. As a result, I have amended them for consistency, and clarity.
48. In addition to the standard time limit condition (1), I have imposed condition 2 requiring the development to be carried out in accordance with the approved plans, notwithstanding the window details, as this provides certainty.
49. Given the nature of the proposed development, the integrity of the property, its location within the conservation area, and the limited details in the evidence before me, it is necessary to attach conditions relating to external detailing and windows, as set out in conditions 3 and 4.

50. Conditions 5, 6, and 7 are necessary to ensure that the living conditions of future occupiers are protected, and sustainable transport choices and recycling initiatives are encouraged in accordance with the development plan.

Conclusion

51. For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, allowed.

RJ Redford

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos PL07; PL10C; PL11A; PL12A; PL13A; and PL14A, except in respect of the window construction details shown on plans PL10C and PL11A.
- 3) No development above ground level shall take place until details of the materials to be used in a) the construction of the external surfaces of the extension hereby permitted and b) the repair of the parts of building to be retained including the existing shop front, have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 4) No development above ground level shall take place until details of a) the window repairs, and b) the designs of new windows and doors, have been submitted to and approved in writing by the local planning authority. These details shall include but are not limited to plans/elevations/drawings, glazing, materials, and architectural features. The development shall then be carried out in accordance with the approved details.
- 5) The development hereby permitted shall not be occupied until a scheme for protecting room 8 (as identified on drawing PL11A) from noise from the plant (as identified in the Noise Impact Assessment, written by Acoustic Consultants Ltd, reference 10866/LN RevA, dated 27/06/2024), has been installed in accordance with details that have first been submitted to and approved in writing by the local planning authority. This scheme shall thereafter be maintained.
- 6) The development hereby permitted shall not be occupied until cycle storage facilities have been installed in accordance with details that have first been submitted to and approved in writing by the local planning authority. These facilities shall thereafter be retained.
- 7) The development hereby permitted shall not be occupied until refuse and recyclable materials storage facilities have been installed and the collection of such materials arranged in accordance with details that have first been submitted to and approved in writing by the local planning authority. These facilities shall thereafter be retained.

END OF SCHEDULE