
Appeal Decision

Site visit made on 8 September 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 October 2025

Appeal Ref: APP/D0121/W/25/3367493

68 Beach Road, Weston-Super-Mare, North Somerset BS23 4BG

- 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 & Mrs Purgas against the decision of North Somerset Council.
 - The application Ref is 24/P/2385/FUL.
 - The development proposed is erection of a new detached dwelling following demolition of a detached garage block.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a new detached dwelling following demolition of a detached garage block at 68 Beach Road, Weston-Super-Mare BS23 4BG in accordance with the terms of the application, Ref 24/P/2385/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Background and Main Issues

2. The Council has confirmed that it does not intend to defend refusal reason 1 of its Decision Notice concerning the flood risk Exception Test in light of the arguments presented in the appellant's appeal statement. Having considered the information submitted, I find it reasonable to conclude that a flood risk Exception Test is not required for the proposal.
3. In view of the above, there is no identifiable conflict with Policy CS3 of the North Somerset Council Core Strategy (January 2017) (the CS), Policy DM1 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 (July 2016) (the DMP), the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG), as referred to in the Council's Decision Notice.
4. Accordingly, the main issues in this appeal are:
 - whether the proposed development would provide acceptable living conditions for its future occupiers with particular regard to privacy, outlook and light; and
 - the effect of the proposed development on the character and appearance of the area, including the Greater Weston Conservation Area (the CA) and the setting of Clarence Park.

Reasons

Living conditions

5. The appeal proposal seeks to demolish an existing block of single storey garages and erect a two-storey dwelling in the rearmost part of the appeal site. The front of the proposed dwelling would contain bedroom, living room and kitchen windows, facing the rear of 68 Beach Road (No 68). The rear elevation of No 68 has windows to habitable rooms on the ground and first floors, including on its outrigger.
6. The Residential Design Guide – section 1 Protecting living conditions of neighbours Supplementary Planning Document (January 2013) (the SPD) states that ‘the privacy of neighbouring properties will normally be preserved by maintaining a distance of at least 21 metres between a proposed upper floor window and existing habitable room windows.’
7. According to the Council, the distance between the first floor bedroom windows of the proposed dwelling and the windows on the outrigger of No 68 would be 21.09 metres. Based on the appellant’s measurements, this distance would be 23.26 metres. Both measurements exceed the Council’s minimum separation distance of 21 metres, as set out in the SPD. Thus, the proposal would comply with the SPD in this respect and provide an acceptable standard of privacy for future occupiers of the proposed dwelling in terms of its relationship with No 68.
8. 67 Beach Road (No 67) consists of a large nursing home which has eight windows on its southern elevation, nearest the proposed dwelling, facing the appeal site. Four of the windows, on the first and second floors, serve bedrooms while the remaining serve corridors and utility areas. Although there would only be approximately 14 metres between the nearest bedroom window of the nursing home and the nearest window on the front elevation of the proposed dwelling, the proposed dwelling would sit obliquely to No 67, at an angle rather than facing it directly. This angled arrangement means that the primary views from No 67 would not be directly aligned, thereby minimizing opportunities for direct overlooking. As a result, the relationship between the two buildings would be less intrusive than if they were positioned directly opposite one another.
9. Furthermore, all the windows to the first and second floors of this part of the nursing home, nearest to the appeal site, are obscurely glazed, limiting clear or direct views from these windows to the proposed dwelling. The ground floor windows do not serve habitable rooms and are obscured by boundary vegetation. Therefore, the privacy of future occupiers of the proposed dwelling would be satisfactorily preserved.
10. The Council has drawn my attention to an appeal decision¹ relating to 1 St Pauls Road in Weston-Super-Mare. However, the appeal decision notes that ‘the separation distance to the rear habitable room windows of No 3 (*St Pauls Road*) would be less than the 21m required by the SPD.’ (*My addition for clarification*). In the appeal before me, the appellant has demonstrated that the distance between the front elevation of the proposed dwelling and the nearest window of No 69 would be 23.11 metres, satisfying the 21 metre standard in the SPD. Therefore, the circumstances of the two sites, in this respect, are not the same.
11. Furthermore, I am not aware that the windows of the neighbouring properties to 1 St Pauls Road were obscurely glazed so cannot be certain it represents a direct

¹ Ref. APP/D0121/D/20/3255513.

parallel to the appeal proposal. In any case, I have determined the appeal on its own merits.

12. Although not specifically cited as a reason for refusal, the Council contends that the garden of the proposed dwelling would be overlooked by neighbouring properties. However, as previously noted, the bedroom windows of the nursing home closest to the appeal site are obscurely glazed, which significantly limits the potential for overlooking.
13. As the proposal would achieve the minimum separation distance of 21 metres, and windows to the habitable rooms of the nursing home closest to the proposed dwelling are obscurely glazed, thus providing adequate privacy, it would not be necessary to obscurely glaze the first floor windows of the proposed dwelling.
14. The appellant has signalled acceptance of a condition requiring revised plans to be submitted to provide clear-glazed windows. I am satisfied that, with the imposition of such a condition, the proposal would provide an adequate level of outlook and light for future occupiers of the proposed dwelling.
15. Given the above, and in the absence of evidence to the contrary, I find no identifiable conflict with the Framework, the National Design Guide, the National Model Design Code and BRE Site Layout planning for daylight and sunlight.
16. For the reasons given, with the imposition of the aforementioned condition, the proposed development would provide acceptable living conditions for its future occupiers with particular regard to privacy, outlook and light. Accordingly, it would comply with Policy CS12 of the CS which seeks to achieve well designed buildings and Policies DM32 and DM37 of the DMP insofar as they require development to not prejudice the living conditions of the occupiers of the proposal through the loss of privacy, overlooking, overshadowing or overbearing impact.

Character and appearance

17. The appeal site relates to a large detached two storey building that has been divided into four self-contained flats with a communal garden and block of four garages in the rear. This section of Beach Road is characterised by large detached and semi-detached Victorian houses looking out towards the Weston bay. The site is also adjacent to Clarence Park, a non-designated historic park and garden that was laid out in the late 19th Century.
18. The appeal site is within the CA wherein I have a statutory duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
19. The significance of the CA is largely derived from its historic buildings and layout, which reflects the special relationship between the town and its seaside setting. The appeal site is located within the Sea Front character area, defined by the sweeping curve of Weston Bay and grand Victorian and Edwardian buildings that overlook the expansive lawns.
20. Both main parties agree that the proposal would result in less than substantial harm to the significance of the CA at the lower end of the scale, and some minor harm to the setting of Clarence Park. Based on the evidence provided and my own observations during the site visit, I see no reason to dispute this conclusion.

21. When viewed from public vantage points within Clarence Park, the proposed dwelling would be seen in the context of existing development that has already taken place at the rear of many of the buildings fronting Beach Road. The proposed dwelling would be similar in height and form to the dwelling that has been erected in the rear of No 69. As a result, the proposal would not appear at odds with the existing pattern of development adjacent to Clarence Park. The blank rear elevation of the proposed dwelling would be clearly visible from Clarence Park, particularly during winter months when the screening effect of trees growing near the eastern boundary of the site would become less effective due to the loss of foliage. As a result, some harm to the setting of Clarence Park would arise. However, given the nature of the proposal and the existing context of Clarence Park, the impact to its setting, and thereby its significance, would be limited.
22. Certain elements of the proposed dwelling's design and materials would reflect the Victorian buildings found in the CA. However, the proposed colour of the windows and the excessive number of them would be incongruous with the prevailing character of the fenestration on the historic dwellings in the area. The proposed dwelling would be set back considerably from the street, thus minimising its visual impact. However, it would still be partly visible from Beach Road so that its incongruity would be perceptible in the street scene.
23. Overall, the proposal would cause harm to the character or appearance of the CA, as a whole, which would detract from its significance as a designated heritage asset, albeit this would equate to a limited amount of harm due to its degree of prominence within the CA. In the terms of the Framework, the harm to the CA would be less than substantial. A low level of harm to the setting of Clarence Park would also arise.
24. For the reasons given, the proposed development would cause harm to the character and appearance of the area through its failure to preserve or enhance the character or appearance of the CA, and result in a minor degree of harm to the setting of Clarence Park. As such, there would be conflict with Policies CS5 and CS12 of the CS insofar as they seek to conserve the significance of heritage assets and achieve well designed buildings. In addition, the proposal would not comply with Policies DM3, DM5, DM32 and DM37 of the DMP insofar as they require development to not cause harm to the street scene, the character and appearance of conservation areas, historic parks and gardens and create high quality places,

Heritage and Planning Balance

25. I have found that the proposal would provide acceptable living conditions in terms of privacy, outlook and light. However, it would fail to preserve the character or appearance of the CA and result in minor harm to the setting of Clarence Park. In light of this, the proposal conflicts with the development plan as a whole.
26. The harm to the CA, as a whole, would be less than substantial, at the lower end of the spectrum. Paragraphs 212 and 213 of the Framework advise that great weight should be given to the asset's conservation, irrespective of the level of potential harm and that any harm to the significance of a designated heritage asset should require clear and convincing justification.

27. 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. Paragraph 216 of the Framework also requires a balanced judgement in relation to proposals affecting a non-designated heritage asset, having regard to the scale of any harm or loss and the significance of the heritage asset.
28. In terms of the public benefits, the proposal would provide one additional dwelling, contributing to the supply of housing in an area where the Council is unable to demonstrate a five year housing supply. The Council has indicated that its housing supply is currently only 2.79 years, which represents a significant shortfall. Furthermore, it has been drawn to my attention that the Council has not had a five year housing land supply for 13 years.
29. While the proposal is for one dwelling, it would nonetheless make an important contribution to meeting the housing requirement for the area, as indicated by paragraph 73 of the Framework which recognises that small sites can be built out relatively quickly. Furthermore, paragraph 125 of the Framework advises that substantial weight should be given to the value of using suitable brownfield land within settlements for homes, proposals for which should be approved unless substantial harm would be caused. The site is near to the town centre and its wide range of facilities and services.
30. I therefore attach considerable weight in favour of the provision of a dwelling within a sustainable and suitable brownfield location, particularly in light of the significant shortfall of deliverable housing sites.
31. The Council has pointed to a dismissed appeal² at 62 Beach Road where the Inspector attributed moderate weight to the benefit of providing two additional dwellings. However, at the time of that appeal, the Council was only required to demonstrate a four-year housing land supply, in line with the version of the Framework then in force. At that time, the Council was found to have a 3.5 year housing supply, which was marginally below the required level of housing. Since that appeal, the Framework has been revised to require all local planning authorities to maintain a minimum five-year housing land supply. As such, the circumstances of the earlier appeal differ significantly from those of the current appeal, where the shortfall in housing supply is notably greater.
32. The proposal would also result in economic benefits associated with both the construction of the development and through new occupiers supporting local services, which is afforded limited positive weight.
33. In the particular circumstances of this appeal, the public benefits are of sufficient weight to outweigh the less than substantial harm to the significance of the CA as a designated heritage asset and the minor harm to the setting of Clarence Park. Therefore, there would be no conflict with the historic environment protection policies in the Framework. I am aware of no other adverse effects that significantly and demonstrably outweigh the benefits of the proposed development.

² Ref. APP/D0121/W/23/3331866.

Conditions

34. The Council has provided a list of suggested planning conditions, which I have considered against the Framework and advice contained in Planning Practice Guidance. Where appropriate, I have amended the wording for precision and enforceability. I have also removed tailpieces to conditions that circumvent the statutory route to vary conditions or deprive interested parties of the opportunity to comment.
35. Along with the standard time condition, the approved plans should be specified to provide certainty (conditions 1 and 2). As set out above, another condition would be necessary to require the approval of a revised Scheme Proposals plan to show the omission of obscured glazing and the submission of details for clear glazing to the windows on the western elevation of the dwelling in the interests of providing adequate outlook and light (condition 3). In view of this, the Council's suggested condition 12 is not necessary. As the proposed materials are specified within the approved plans, the Council's suggested condition 4 is unnecessary.
36. A condition requiring a construction management plan is reasonable and necessary in order to protect the living conditions of nearby occupiers during construction and for highway safety reasons (condition 4). A condition requiring the details, programme and implementation of a surface water drainage scheme has been included to reduce the risk of flooding (condition 5). Conditions 4 and 5 have been worded as a pre-commencement condition as a later trigger would limit the effectiveness or the scope of measures which could be used, and the appellant has given their agreement to its imposition.
37. A condition requiring the proposal to be completed in accordance with the approved Flood Risk Assessment is necessary in the interests of making the development safe (condition 6).
38. A condition ensuring the timely consolidation and surfacing of the proposed parking area is necessary in the interests of highway safety (condition 7). A condition requiring the timely provision of the secure cycle parking facilities is required to encourage the use of sustainable transport modes (condition 8).
39. A condition requiring the installation of renewable or low carbon technologies on site is necessary to reduce carbon emissions (condition 9). A condition requiring the timely provision of waste and recycling space and facilities has been included to encourage sustainable waste management (condition 10).
40. A condition removing permitted development rights for dwelling enlargement, improvement or other alteration, additions or alterations to the roof and the installation of additional windows is necessary and reasonable, given the appeal site's location in the CA and near to Clarence Park and neighbouring dwellings (condition 11).

Conclusion

41. The proposed development would conflict with the development plan but material considerations, including the Framework and the benefits arising from the development, indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be allowed.

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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: Site location plan; Existing block plan; 'Existing survey' 2675 01 REVA; Proposed block plan; and 'Scheme proposal' 2675 02 REVD.
- 3) Notwithstanding the proposed western elevation and section on the drawing entitled 'Scheme proposal' 2675 02 REVD, the dwelling hereby permitted shall not be first occupied until an amended 'Scheme proposal' plan showing the windows on the first floor to be clear glazed is submitted to and approved by the Local Planning Authority. The windows shall be completed in accordance with the approved details prior to the first occupation of the dwelling hereby permitted.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (a) the parking of vehicles of site operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials used in constructing the development;
 - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (e) measures to prevent mud, grit and dirt being carried onto the highway during construction;
 - (f) measures to control the emission of dust and dirt during construction;
 - (g) measures to control noise from works on the site;
 - (h) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (i) measures to keep access roads clear of vehicles; and
 - (j) delivery, demolition and construction working hours.
- 5) No development shall be commenced until surface water drainage details, together with a programme of implementation, have been submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details and programme.
- 6) The development hereby permitted shall be constructed in complete accordance with the approved Flood Risk Assessment.
- 7) The dwelling hereby permitted shall not be occupied until a properly consolidated and surfaced parking area for 2 vehicles for the proposed dwelling and 2 vehicles for the existing dwelling (4 vehicles in total) has been constructed in accordance with the approved plans and specifications. The approved parking area shall thereafter be permanently retained and kept available for parking at all times.

- 8) The dwelling hereby permitted shall not be occupied until secure parking facilities for 2. Bicycles have been provided on site in accordance with the approved plans and specifications. The approved facilities shall thereafter be permanently retained and kept available for the parking of bicycles at all times.
- 9) The dwelling hereby permitted shall not be occupied until measures to generate 10% of the energy required by the use of the development (measured in kilowatt hours – KWh) through the use of renewable or low carbon technologies have been installed on site and are fully operational in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be retained in operation.
- 10) The dwelling hereby permitted shall not be occupied until space and facilities for the separate storage and collection of waste and recycling materials have been provided in accordance with plans and specifications that have first been submitted to and approved, in writing, by the Local Planning Authority. The said space and facilities shall thereafter be made permanently available for the storage and collection of waste and recycling materials only in connection with the uses hereby permitted.
- 11) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no additional windows or development falling within Part 1, Classes A, AA, B, C, D or E of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission.

End of conditions