



Appeal Decision

Site visit made on 30 September 2025

by **Alison Fish BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/E3335/W/25/3369197

41 Taunton Road, Bridgwater, Somerset TA6 3LP

- 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 Edward James of Hinkley Homes against the decision of Somerset Council.
- The application Ref is 08/24/00187.
- The development proposed is described on the planning application form as 'Proposed loft conversion including dormer window to rear, roof lights to front elevation, hip to gable to side elevation, new pitched roof to existing rear extension, elevational changes & change of use to 9 bed HMO with parking to rear'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw during my site visit that a lobby area which is not shown on the submitted plans had been constructed between the communal kitchen and Bedroom 9. However, for the avoidance of doubt, I have determined the appeal on the basis of the plans before me.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal would provide satisfactory living conditions for future occupiers with regard to outdoor space and internal layout; and
 - The effect of the proposal on the living conditions of existing residents by virtue of noise and disturbance.

Reasons

Outdoor space and internal layout

4. The appeal property is one half of a semi-detached pair. The property has a small front garden, but the elongated plot results in a spacious rear garden. Vehicular access is provided from a track at the rear and as a result, I saw that a number of properties use part of the rear garden for parking.
5. Even with 9 parking spaces, and a cycle and bin store, there would be sufficient outdoor space at the rear of the property to accommodate an area to hang out washing and for its occupiers to sit and relax. In the absence of any adopted standards for outdoor space being brought to my attention, I am satisfied that this

would be adequate provision for the intended use. Accordingly, no harm would arise to future occupiers with regards to the provision of outdoor space.

6. The proposed internal layout would utilise three of the ground floor rooms as ensuite bedrooms. This would result in two of the bedrooms being located immediately adjacent to the communal kitchen and dining area.
7. The kitchen and dining area would be the sole communal space for nine adults, with no separate lounge proposed. As the hub of the property, it would likely be in constant use, leading to noise and disturbance for adjacent rooms. While soundproofing could reduce some impact, Bedroom 9 would open directly onto this space and would also be located immediately adjacent to the rear door of the property. The rear door would be used frequently for access to the garden and parking. This would result in an unacceptable level of noise and disruption, compromising the living conditions of its occupant.
8. The proposal would conflict with Policy D25 of the Sedgemoor Local Plan 2011-2032 adopted February 2019 (LP) which seeks to protect residential amenity and avoid unacceptable impacts on the living conditions of future occupiers.

Living conditions of existing residents

9. The appeal property is a substantial property, well suited to a large family. However, the frequency and type of comings and goings at a property occupied by 9 unrelated adults would be significantly different to those of an average family. In particular there would be more people coming and going, at various times of the day with the greater potential for additional visitors. The lack of a communal sitting area would result in these visitors being entertained in bedrooms, 4 of which would be in rooms with a common boundary with the neighbouring semi-detached property. The provision of 9 parking spaces in the rear garden would also generate noise and disturbance in excess of that associated with a single family dwelling.
10. Together, this would result in a harmful level of noise and disturbance to the occupiers of the neighbouring properties. The harm I have identified could not be overcome by a condition limiting occupation to a maximum of 9 adults, not least because this would not prevent visitors to the property. The proposal would be contrary to Policy D25 of the LP which seeks to protect the living conditions of occupiers of nearby properties from unacceptable impacts relating to noise and disturbance.

Other considerations

11. The evidence before me indicates that the Council cannot demonstrate a five-year housing land supply. I return to this in the planning balance.
12. The National Planning Policy Framework seeks to significantly boost the supply of homes including housing for students. This would also have economic benefits. Together I give this modest weight.
13. Compliance with other Policies in the LP with regards to the settlement hierarchy, access to services and facilities in Bridgewater and design is neutral in the planning balance.

14. The absence of specific policies in the LP, or measures such as an Article 4 Direction to restrict HMOs, does not mean that the proposal is acceptable when assessed against the development plan as a whole.
15. The appeal proposal would provide student accommodation in association with the college. Whilst I do not doubt the appellants' commitment to ensuring that the accommodation is managed in a way which minimises the impact on the adjoining residential occupiers, I have no substantive evidence before me as to how this could be secured. Conditions relating to the implementation of the proposed parking and the cycle and bin store would not be sufficient mitigation.
16. Whilst each of the 9 rooms would have at least one window and an ensuite bathroom, and renovations to the property would include new insulation and fire safety measures, this would not overcome the harm to living conditions I have identified above. Similarly, the colleges endorsement of the accommodation being provided does not alter my conclusions in this respect.
17. Even if the appeal property could be lawfully extended and used as a 6 person HMO, the appeal proposal would have 50% more rooms, and a greater number of occupants and visitors. The impact that this would have on the living conditions of neighbouring occupiers would be materially different such that as a fall back, this carries limited weight.

Other Matters

18. Schedule 7A of the Town and Country Planning Act 1990 (as amended) introduced a statutory framework for biodiversity net gain (BNG). The proposal is advanced on the basis that it is exempt from the mandatory BNG requirement to deliver at least a 10% increase in biodiversity. However, as I am dismissing the appeal for other reasons, I have not considered this matter further.
19. I have considered other matters raised by interested parties including, but not limited to, the external alterations to the building, the character of the area, licensing issues and highway safety but given that I have identified harm in respect of the main issues, these are not matters on which my decision turns.

Planning Balance and Conclusion

20. Whilst I have not identified harm in respect of the provision of external space, I have found harm with regards to the living conditions of existing and future occupiers. Even if Paragraph 11(d) of the Framework is engaged due to an insufficient supply of housing land, the harm to living conditions would significantly and demonstrably outweigh the modest benefits. The proposed development would not benefit from the presumption in favour of sustainable development. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal is dismissed.

Alison Fish

INSPECTOR