



Appeal Decision

Site visit made on 17 November 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 December 2025

Appeal Ref: APP/D0121/D/25/3373876

27 Penrice Close, Weston-super-Mare, North Somerset BS22 9AH

- 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 O'Dea against the decision of North Somerset Council.
 - The application Ref is 25/P/1471/FUH.
 - The proposed development is demolition of existing garage and side lean to canopy and proposed raising of the roof to create an additional storey including erection of a rear extension of the same height and 5no. rooflights.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are the effect of the development on the (i) character and appearance of the area and (ii) living conditions of neighbouring properties with particular regard to overbearing, privacy, and loss of light matters.

Reasons

3. The appeal site is a detached single storey bungalow located near to the end of the Penrice Close, which is residential cul-de-sac. The appeal property is in a part of the cul-de-sac where the land slopes downwards to the southeast. There is a clear uniformity in dwelling types around the appeal property that comprise single storey bungalows of similar design. The pattern of development in the wider cul-de-sac beyond the immediate vicinity of the appeal site comprises further bungalows alongside some small clusters of two-storey detached dwellings.
4. The appeal scheme proposes to demolish the existing garage and lean to canopy and erect an additional storey and rear extension. This would change the appearance of the dwelling from a single storey bungalow to a two-storey house.
5. This change would create a dwelling that would appear markedly out of character with its surroundings that is characterised by single storey bungalows with a uniform appearance and scale. In this context, the proposed extended dwelling would appear in the street scene as an uncharacteristically large dwelling in terms of its height that would prominently jar with its immediate single storey surroundings in the street scene.

6. The impact of the development would be exacerbated by the depth of the rear extension, which would be visible from the street scene. Along with the additional height, the proposal would, therefore, result in a dwelling that would unacceptably detract from the character and appearance of the cul-de-sac in terms of its size, scale and discordant visual relationship with its most immediate neighbouring single storey properties.
7. I acknowledge that there are two storey dwellings within the cul-de-sac. However, these are on different sections of the cul-de-sac to the appeal property. They are also positioned in small clusters together and as such do not appear incongruous in their sections of the street scene. Consequently, the presence of two storey dwellings in the wider street scene does not provide justification for the localised harm that would occur from the appeal proposal.
8. I note the appellant contends the Council did not consider the submitted planning statement, which identified that permitted development rights for an upward extension under Class AA of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development (England) (Order) 2015 (as amended) (GPDO) should be a material consideration in this case. For the avoidance of doubt, I have considered the submitted planning statement and all other information including the provisions of Class AA of the GPDO in reaching my decision.
9. Under Class AA of the GPDO, permitted development rights depend on prior approval from the local planning authority being given following assessments regarding amenity and external appearance and other prescribed aspects. Since no prior approval application has been made, there is no evidence before me that confirms whether an upward extension would be approved. Therefore, I give the potential for permitted development under Class AA of the GPDO at the appeal site very little weight in this decision and consequently does not justify the harm caused by the additional storey and rear extension to the area's character and appearance.
10. Moreover, as permitted development rights do not apply to the appeal proposal, I find that the Council was justified in assessing the proposal for its impacts on the street scene and character of the area against related development plan policies. I also note the Council refer to the possibility of an upwards extension in the Officer's Report, which indicates they did consider this matter when making their decision.
11. In conclusion, the proposal would result in a visually incongruous development due to its size and scale, which would be notably at odds with the character and appearance of the street scene. Accordingly, I find that the proposal would conflict with Policy CS12 of the North Somerset Core Strategy 2017 (CS) and Policies DM32 and DM38 of the North Somerset Sites and Policies Plan (Part 1) 2016 (SPP), which require development to demonstrate sensitivity to the existing local character, reflect the characteristics of the site and surroundings and not harm the street scene or local area. The proposal also is contrary to the guidance within the North Somerset Residential Design Guide Supplementary Planning Document 2013 (SPD) and the requirements of Paragraph 135 of the National Planning Policy Framework (the Framework), which seek to ensure development has an acceptable impact on local character.

Living conditions

12. Regarding impact on light to No 25 Penrice Close, the SPD states that extensions are assessed against two stages of the 45-degree test; the first stage considers

depth and width, and the second stage considers height. The SPD also states that if a proposal fails both tests then it would normally be considered unacceptable but if only failing one test, then it is unlikely to result in a significant harmful impact. I note there is a difference in opinion between the appellant and the Council as to whether the proposal passes both 45-degree tests or just the second one.

13. Notwithstanding, in isolation I find it unlikely that there would be a materially harmful loss of light to the side window on No 25's eastern elevation based on it being a small, secondary window to a habitable room. However, of more concern is the potential impact on the rear conservatory and habitable room that it is attached to. No evidence has been provided that assesses the impact on the conservatory from the horizontal plane. It appears to me from the information before me that even though the second part of the 45-degree test is passed, it would fail the first part when assessing impact to the side and rear windows of the conservatory.
14. Therefore, I am not satisfied that it has been adequately demonstrated that there would not be a significantly harmful loss of light to all the affected windows, when considered together, that serve habitable rooms at No 25. Additionally, due to the narrow gap that exists between the appeal property and No 25, the excessive depth and scale of the proposal would have a prominent and overbearing presence, which along with the potential for loss of light to one or more habitable rooms would have an unacceptable effect on No 25's living conditions.
15. In terms of privacy to No 29, while the appeal property is on slightly higher ground, the views from the rear window would be oblique as opposed to direct and as such unlikely to have a materially harmful impact on privacy to the extent it would justify refusing planning permission if this were the only issue. However, as there are other issues with the appeal for it to not succeed, I do not need to consider this aspect any further in this decision.
16. In conclusion and for the reasons stated, the proposal would likely result in unacceptable harm to the living conditions of neighbouring properties contrary to Policies DM32 and DM38 of the SSP, which requires that the design of development should not prejudice the living conditions of adjoining properties and occupiers. The proposal also conflicts with the guidance in the SPD and requirements of Paragraph 135 of the Framework that require development to have a high standard of amenity for existing and future users.

Other matters

17. Other objections made to the planning application included concerns with the loss of bungalows in the area, potential damage to the neighbouring attached garage, strength of foundations and creating a tunnelling impact. However, given I have found the appeal proposal to be unacceptable for other reasons I do not need to consider these other matters further in this decision.

Conclusion

18. For the reasons given and having assessed all relevant material considerations, I dismiss the appeal.

N Perrins

INSPECTOR