

---

## Appeal Decisions

Site visit made on 25 September 2025

by Tom Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2025

---

### Appeal A Ref: APP/E3335/W/24/3357955

#### 22 Frome Road, Beckington, Frome BA11 6TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended (the '1990 Act') against a refusal to grant planning permission.
  - The appeal is made by Damian Kelly of DJ Kelley Homes Ltd. against the decision of Somerset Council.
  - The application reference is 2024/0511/FUL.
  - The development proposed is described on the application form as: 'erection of a single dwelling and associated works'.
- 

### Appeal B Ref: APP/E3335/W/24/3357975

#### 22 Frome Road, Beckington, Frome BA11 6TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended (the 1990 Act) against a refusal to grant planning permission.
  - The appeal is made by Damian Kelly of DJ Kelley Homes Ltd. against the decision of Somerset Council.
  - The application reference is 2024/0560/FUL.
  - The development proposed is described on the application form as: 'the erection of two dwellings and associated development following the demolition of the existing dwelling and outbuildings.'
- 

## Decisions

1. Appeals A and B are dismissed.

## Preliminary matters

### *The relationship between appeals A and B*

2. Appeals A and B relate to adjacent sites within the same ownership, different parts of the expansive right-angled plot of no.22 Frome Road. The appellant explains that whilst the schemes 'are on the same wider site, they do not rely on one another to be acceptable, and can be implemented alone, or together'. At appeal the appellant clarified the plans upon which the Council made decisions,<sup>1</sup> and submitted 2 additional plans reflecting minor changes to the design of the scheme to which appeal A relates.<sup>2</sup>
3. The Council's decision notice in respect of applications 2024/0511/FUL and 2024/0560/FUL are both of 6 September 2024. The Council's first reason for refusal in each concerns the effects of the schemes on historic integrity. That goes principally to the value of the site in that respect. In relation to application

---

<sup>1</sup> In respect of appeal A plan nos. 1166/8, 1205/1, 1205/2B, 1205/3A, 1205/4A, 1205/6 and 1205/6, and in respect of appeal B plan nos. 1166/8, 1166/1B, 1166/2C, 1166/3B, 1166/4D, 1166/5B, 1166/6D and 1166/7B.

<sup>2</sup> Plan nos. 1205/2C and 1205/4B.

2024/0511/FUL the Council's decision notice also cites adverse implications to the living conditions of the occupants of no.18 Frome Road, and in respect of application 2024/0560/FUL adverse implications are contended to result to the occupants of no.20 Frome Road. I have therefore dealt with the appeals collectively insofar as there is commonality between the issues at hand, drawing distinctions between them as necessary.

### *Planning history*

4. The proposals before me have been amended during the course of the Council's consideration of them. Both were recommended for approval at officer level but ultimately refused permission via committee decisions. Nonetheless that a proposal has evolved does not indicate that it is acceptable. Members are not bound to agree with the recommendations of officers. In any event section 79(1) of the 1990 Act enables me to determine applications as if made to me in the first instance.
5. No.22 Frome Road is vacant and has fallen into disrepair; its plot is now largely overgrown. Some work appears to have been undertaken relatively recently to certain site boundaries, for what purpose is unclear. Various observations have been made about what has, or has not, been undertaken here previously (and the potential reasons or intentions behind those actions or inactions).
6. It is not for me, however, to speculate on those observations. There is no indication that no.22 or its plot is subject to planning enforcement proceedings or private legal dispute. In and of itself objecting to a scheme carries no different weight than expressing support for it, noting that the proposal has attracted objection and some support for the redevelopment of no.22. My decision focusses squarely on the planning implications of the scheme, setting any extraneous matters aside.

### *Statutory context*

7. No.22 falls within the Beckington Conservation Area, its north-western and south-western boundaries reflecting the boundaries thereof here. Grade II listed no.20 and no.18 Frome Road are one side, grade II listed nos.24 and 26 the other. The latter face grade II listed no. 32, the Haven. Beyond no.26 relative to the appeal sites, and set back from the highway, is the Grade II listed Baptist Chapel (attached to which is some form of utilitarian building beside a modern outbuilding). Beyond the Chapel is no.28, an unlisted and ostensibly mid twentieth century property. Relatively nearby, on the opposite side of Frome Road to the appeal sites, and similarly set back from the highway as is the Chapel, is an expansive grade II\* listed Abbey.<sup>3</sup> I have therefore approached the appeals in the context of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

### *Policy context*

8. As in section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended, each proposal must be determined in accordance with the development plan unless material considerations indicate otherwise. The appeals are against the decisions of Somerset Council, an authority which came into being on 1 April 2023. The appeal sites fall within what was the former administrative area of Mendip

---

<sup>3</sup> Somewhat confusingly referred to under list entry no. 1345319 as 'Dwelling at right angles to rear of No. 3: Wall and Gate Piers, The Abbey, The Grange'.

District Council. Existing development plan documents of former authorities remain extant. In this instance the development plan includes policies of the Mendip Local Plan Part 1 2006-2028 (adopted 15 December 2014, the 'LP1') and of the Mendip Local Plan Part 2 (adopted December 2021, the 'LP2').

9. I have had regard to all relevant material considerations in determining these appeals, including the latest version of the National Planning Policy Framework (published 7 February 2025, the 'NPPF'), the Planning Practice Guidance, the Mendip Design and Amenity of New Development Supplementary Planning Document (adopted March 2022) and the Beckington Conservation Area Appraisal (published August 2010, the 'BCAA'). There is nothing to indicate that work on an emerging Somerset Local Plan is yet at a sufficiently advanced stage so as to be accorded significant weight in this decision, nor that any emerging policies intend to set a markedly different approach to extant policies relevant to these appeals.
10. The Council explain that they are presently unable to demonstrate a five year forward supply of deliverable housing sites relative to requirements in line with NPPF paragraph 78 ('5YHLS'). By extension NPPF paragraph 11.d) applies. NPPF paragraph 11.d)i. sets out that where policies which are most important for determining the application are out-of-date, which includes where a 5YHLS cannot be demonstrated, permission should be granted unless the application of policies that protect areas or assets of particular importance provides a strong reason for refusal. NPPF paragraph 11.d)ii. begins that permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits...'.
  11. The Council's position is that they are able to demonstrate a forward supply of deliverable housing sites amounting to 2.21 years' worth of provision. It is unclear whether that takes account of changes to the local housing need methodology of 12 December 2024. Nonetheless there is therefore evidently a significant shortfall. That is likely to persist for some time given its scale and as resolution is likely to be more-or-less reliant on Somerset-wide plan making.

### *Relevant policies*

12. The absence of a 5YHLS does not, however, displace the statutory basis for decision-taking. It remains a matter of judgement as to the weight of any harm associated with conflict with relevant development plan policies. In summary, and amongst other provisions, LP1 policy DP3 'Heritage Conservation' sets out that proposals will be supported which preserve and, where appropriate, enhance the significance and setting of the District's Heritage assets. Criterion 1.b) also sets out that any harm in that respect should be justified. LP1 policy DP7 'Design and Amenity of New Development', again in summary and amongst other things, seeks to ensure that all development is appropriately designed, including in respect of protecting amenity or living conditions.
13. Reflecting that heritage assets are an irreplaceable resource, NPPF paragraph 212 sets out how great weight should be given to their conservation relative to their importance. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced, not merely seen. More broadly NPPF paragraph 135.c) sets out how development should be sympathetic to local character and history.

NPPF paragraph 135.f) further sets out that planning should ensure that development secures a high standard of amenity for existing and future users.

## **Main issues**

14. Against the context above, the main issues are the effects of the proposals in respect of historic integrity and in terms of the living conditions of the occupants of neighbouring properties.

## **Reasons**

### *The appeal sites*

15. The plot of no.22 is right-angled. It has a frontage to Frome Road to the south-east between nos.20 and 24. It extends to the north-west towards the plot of no.18 in the direction of a watercourse flanked by trees and vegetation (a tributary of the River Frome). It also encompasses land directly to the rear of a substantial retaining wall as far as the plot of no.28. That retaining wall abuts, and broadly maintains the orientation of, the rear elevation of the Chapel. The appeal site to which appeal A relates is the larger part of the plot of no.22 between the retaining wall and watercourse. The appeal site to which appeal B relates, which includes no.22 itself, is the smaller part extending from Frome Road to near the line of the retaining wall.
16. The appellant describes the appeal sites as the 'very generous' garden and curtilage of no.22 (providing an aerial image of when it was maintained). As above, however, the site has been largely left to its own devices over several years. No.22 is, atypically, set back from the prevailing building line to the west of Frome Road here. Judging by its simple form and construction, it is late twentieth century (typical of much monotonous development characteristic of the 1980s).
17. In form no.22 might best be described as a chalet bungalow; eaves extend to beneath first floor windows, with first floor accommodation within the steep pitch of the roof. It features extensive and asymmetric windows facing towards Frome Road and north-westwards. Its principal elevation is part rendered and part stone clad (the latter being cut, squared and uniform rather than reflecting local rubblestone construction). There is nothing in no.22 that reflects prevailing character or appearance, the BCAA therefore aptly describes it as an 'unlisted negative building'.
18. Frome Road, which in short order becomes Bath Road, is the principal north-south axis of the Village. Beckington has also something of a nucleated form around where Frome Road becomes Bath Road and is joined by Church Hill, Warminster Road and Goose Street (heading away from Bath Road to the south-east, east and north-east respectively towards the arc of the A36 thereabouts). Beyond Goose Street, Mill Lane heads away to the west.
19. Both the Conservation Area and LP1 'development limits' are loosely centred on and around those roads, the latter encompassing a larger area including elements of the Village which are not historic. Hereabouts the boundary of the Conservation Area and Development limits are not aligned, albeit that the plot of no.22 is within both. The Council rationally have no inherent objection to residential development in this location.

20. The appeal sites are relatively near the southern extent of the Conservation Area and development limits. In that direction the Conservation Area incorporates grade II Beckington Manor on the same side of the Road. The plot of Beckington Manor extends to Stubb's Lane, footpath FR1/4. Stubb's Lane heads away westwards from Frome Road into the countryside towards Dairy House Farm which is next to the meandering course of the River Frome as it flows towards the Avon. Frome Road and Bath Road follow a higher contour.
21. Around Dairy House Farm footpath FR1/3 returns towards Beckington at an acute angle to footpath FR1/4, rising as it does along Mill Lane. The development limits of the Village there are represented by the relatively new development of Valley View, aptly named being at a relative high point in the landform. The topography here plays an important role in respect of historic integrity.
22. Broadly the landform declines from Frome Road to the south-west, tracking the valley of the watercourse. That watercourse is partly culverted within or by the plot of no.20, thereafter emerging to run beside the rear boundary of the plot of no.22. Given that the landform rises to the east of Frome Road around the Abbey, in all likelihood that watercourse draws from higher ground thereabouts. There are views of elements of the Village, including of the Chapel, from vantage points along footpath FR1/4.
23. I also walked along a footpath which spurs northwards from footpath FR1/4 towards the watercourse. There are occasional glimpsed views of the Chapel from vantage points along that footpath, albeit filtered by intervening trees and hedgerows. There are also various private vantage points from which the southern fringe of the Village is appreciable, notably from within properties and their plots close to no.22 and those at Valley View. As inherent in the definition of setting in the NPPF, visibility and historic significance are different concepts.
24. Reflecting on the location of the site relative to the morphology of the Village, it is clearly to the west where the rural context is most readily apparent. The built form of the Village to the east extends instead close to the A36. The approach to the Village from the south is also where there is the clearest sense of transitioning from the countryside to an historic Village. Approaching the Village along Bath Road from the north, Beckington is largely occluded in the topography. It is also fair to say there is a higher concentration of historic properties towards the south of the Village as opposed to its northern or eastern fringes.

#### *The nature of the appeal sites*

25. On the basis that the plot of no.22 is already domestic garden and curtilage, the appellant's position is that if no.22 were to be reoccupied, it is 'likely that the appeal site would reestablish its former maintained lawn with domestic paraphernalia'. There is some logic in that position, but only so much.
26. That position contrasts, however, with how the appellant invites me to treat the plot of no.18 (which is instead outside the settlement limits). That is similarly a right-angled plot. It is initially square to the rear of no.18, then runs perpendicularly behind the appeal site to which appeal A relates. The appellant's contention is that the garden to no.18 does not represent curtilage on the basis that it was once an

orchard, and given the absence of a certificate of lawful use under section 191 of the 1990 Act as to its use.<sup>4</sup>

27. There is, however, an irony in that. The plot of no.18 is smaller than that of no. 20. Consistent with their rural setting and history, many properties at Beckington benefit from spacious plots.<sup>5</sup> Scale hereabouts is a poor yardstick for establishing whether land is sufficiently intimately connected with a dwelling so as to represent curtilage in planning terms.
28. At the time of my site visit the element of the plot of no.18 behind the appeal site was maintained to a domestic standard. It featured various paths along with domestic or ornamental planting and occasional paraphernalia. There is nothing to substantiate that an orchard there was ever more than a domestic adjunct, nor that the plot of no.18 is unauthorised in its present state or use.
29. The rationale for the development boundary being set as it is here, i.e. to the exclusion of the garden of no.18, is unclear. Although hypothesis, it may have had as much to do with landscape features as land use. Furthermore, and noting that the onus is principally on an applicant to substantiate their case,<sup>6</sup> there is neither planning history to no.22 nor a certificate of lawful use related to its plot before me.
30. Whilst care needs to be taken with interpreting historic mapping, the appellant has reproduced an element of the 1886 Ordnance Survey map of the area. That shows 2 buildings within the appeal site to which appeal B relates, towards no. 24 Frome Road. Those have evidently been lost to history; they are absent on the Ordnance Survey map of c.1900 reproduced in the BCAA. In all likelihood therefore, before the establishment of no.22 the site was devoid of development for decades.
31. Moreover the 1886 map shows that what has become the plot of no.22 then comprised 3 separate field parcels. The appeal site to which appeal A relates is illustrated as separate to the parcel in which the 2 historic buildings were once situated. At that juncture neither the appeal site to which appeal A relates, nor the element of the plot of no.18 beyond the watercourse, are shown as occupied by trees (despite trees being illustrated on the 1886 map elsewhere). In short, therefore, all I can say with confidence is that the plots of nos.22 and 18 have, in their entireties, become used as gardens over time.

### *Special interest and significance*

32. The list entry for no.20 sets out that it is likely early nineteenth century.<sup>7</sup> Albeit subsequently extended to the rear, the property is essentially modest and intimate. Its form reflects both the intricacies and limitations of historic craftsmanship. No.20 has a classical symmetrical facade of coursed local rubble stone with dressed sash window and door surrounds. Many other properties at Beckington are of similar era, construction and aesthetic and might fairly be described as variants on a theme. That is notwithstanding that the relevant list entries note that nos.24 and 26 likely trace their origins to 1763, and that no.18 is likely late nineteenth century.

---

<sup>4</sup> Noting that the NPPF defines previously developed land as excluding 'land in built-up areas such as residential gardens', with NPPF paragraph 124 setting out that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

<sup>5</sup> Including that of The Loft, to the rear of nos.16 and 18 Frome Road, no.28 Frome Road, and Beckington House.

<sup>6</sup> Section 62(3) of the 1990 Act.

<sup>7</sup> Notwithstanding that many properties with ostensibly Georgian or Victorian facades encompass earlier structures.

33. The Baptist Chapel, now vacant, dates from 1786. It also has a symmetrical facade, staunchly neoclassical, with an imposing pediment flanked by a balustraded parapet which encloses a pyramid roof topped with a decorative lantern. The Chapel's walls, gate piers and gates, respectively of coursed stone, ashlar and wrought iron, are included within the list entry. As set out above, the north-western elevation of the Chapel abuts the boundary of the appeal site to which appeal A relates.
34. Given that proximity, surprisingly absent from the appellant's evidence is any substantive consideration of the inter-relationship between the appeal sites and the special interest or significance of the Chapel or nearby listed buildings (including in respect of ownership, function or change over time). That is a clear shortcoming of the evidence before me. That absence is to such an extent that the appellant's position in respect of appeal A, as set out in their statement of case, was that 'the appeal site does not form part of the setting of the Baptist Chapel due to its positioning to the rear, away from the primary elevations of this building and away from those features which contribute to its significance'. The plot of no.22 is, instead, clearly within the setting of the Chapel and other nearby listed buildings.
35. Turning to the special interest and significance of the Chapel, the Baptist Church emerged out of non-conformism in the early seventeenth century. As a doctrine, Baptism was met with varying levels of acceptance thereafter. Baptism grew as a force as part of what is commonly known as the eighteenth century Great Awakening, from when the Chapel originates. Physically, in its imposing architecture and setting, the Chapel was consciously designed to reflect the authoritative spiritual home of the local community. That was intrinsically a community which emerged and evolved at a time when the economic locus of England was predominantly agricultural.
36. Whilst land immediately to the rear of the Chapel is no longer agricultural, it appears to have been so historically (and, as above, and potentially up until the establishment of no.22). In any event, the plot of no.22 is expansive. The propensity for land to be maintained to a domestic standard, or to host associated outbuildings and paraphernalia, declines relative to the increasing scale of a garden and its distance from the dwelling that it serves. Therefore although it appears that the plot of no.22 could legitimately be maintained to a domestic standard, it is inconceivable that the level of built development proposed via appeal A could be undertaken were it not for the scheme itself.
37. The appeal site to which appeal B relates is something of a break in the line of properties this side of Frome Road. By comparison with the appeal site to which appeal A relates, dwellings here would not necessarily jar with an historic pattern of development. The relative openness of the appeal site to which appeal B relates is not, however, entirely incidental. At present it enables views of the landscape beyond the Village towards footpath FR1/3 and Mill Lane, thereby authentically echoing how Beckington emerged in a rural context.<sup>8</sup>
38. Turning to the Conservation Area, the BCAA explains that the Village has a 'preponderance of 17<sup>th</sup> and 18<sup>th</sup> century stone built houses'. That built heritage

---

<sup>8</sup> Acknowledging that the BCAA does not specifically identify the appeal site or views through it as of particular importance.

evidently aligns with a period of economic prosperity, founded on agriculture, cloth production, trade and religious influences (including the Chapel and Abbey). The BCAA further sets out how no.28, the Chapel, and nos.24 to 26 are accessed via vestige of the historic road layout here (being offset from Frome Road).

39. The BCAA places the appeal sites within one of three character areas of Beckington, 'Castle Corner and the remainder of Frome Road'. Whilst that is a somewhat mixed character area, BCAA paragraph 5.4 explains how 'most of the older development is at one plot's depth from the roads, either set directly on the road edge or, in the case of several larger gentry houses, such as the Old Rectory and Beckington House, positioned in large gardens'. That is an observation with which I agree.
40. Notwithstanding some variety, what the BCAA describes as two storey 'vernacular cottages' tend to predominate, noting that a third attic storey is often present in 'prominent gables'. Nos 18, 20, 24 to 26 and 32 all appear two storey. The prevalence of local (Bath) limestone and forest marble, including in boundary walls prevalent throughout the Village, are also rightly identified as important in contributing to a sense of harmony.
41. Insofar as relevant to these appeals, special interest and significance, along with the character and appearance of the Conservation Area, derives principally from the fabric and construction of historic buildings, their relationship to one another, and in no small measure their landscape context. Those characteristics authentically represent in physical form successive waves of intangible social and economic forces, contributing towards historic integrity. Inherent in my reasoning above is that the plot of no.22 presently contributes positively in that respect.

### *The proposals*

42. In short, the proposal to which appeal A relates is to construct a 4 bedroom dwelling close to the retaining wall boundary of the site. That dwelling would be horseshoe shaped, orientated principally towards the north-west. It would be rectilinear in form and contemporary in aesthetic. The ground floor would be stone clad, the first floor finished in timber beneath a flat sedum roof.
43. Similarly in summary, the proposal to which appeal B relates is to demolish no.22 as shown on plan no. 1166/8, and to erect a semi-detached pair of 4 bedroom houses. Elevations of the proposed dwellings are shown on plan shown on plan no. 1166/4D. The relationship between the existing layout of that site and its surroundings is shown on plan no.1166/2C (and, in section, via plan no.1166/7B).
44. The proposed semi-detached dwellings would be set slightly back of the building line here. Whilst of the same overall scale as one another, their ridgelines would step down fractionally reflecting the topography declining from no.24 to 20 Frome Road. Their principal elevations would reference a loose classical symmetry.
45. The Design and Access statements for both schemes refer to the use of Purbeck Stone. Whilst I am told that has recently been used in development at Shepherd's Way at Beckington, the use of local stone could nevertheless be secured via condition (as could protecting existing trees and new landscaping).

*The effect of the proposal on historic integrity (appeal A)*

46. The design of the proposed dwelling has evidently been influenced by the topography of the site. At its tallest it would reach only slightly above the retaining wall. Its form is somewhat broken. Its height, form, and the muted tone and hues of proposed materials would assist it in being somewhat recessive. There would likely be very little visibility of it from public vantage points along Frome Road or nearby footpaths.
47. Nevertheless the dwelling would be built where there has historically been an absence of development. It would be set in a location where, as reasoned above, the interaction between the Village of Beckington and its rural environs is readily apparent, failing to reflect the prevailing single plot layout of development referred to in the BCAA. Notwithstanding the absence of any substantive evidence as to the interrelationship between the appeal site and nearby listed buildings, that would be anachronistic.
48. Following on from my reasoning in paragraph 36 of this decision, the nature of the site would change fundamentally. Despite the design of the proposal having taken account of the nature of the site to some extent as above, it would nevertheless appear staunchly modern. Although contemporary design and historic integrity are not necessarily inimical, difference naturally draws attention. Consequently the scheme proposed via appeal A would dilute or confuse an understanding of the relationship of the Chapel and nearby listed buildings with their surroundings.

*The effect of the proposal on historic integrity (appeal B)*

49. Broadly the height of the dwellings proposed by appeal B would be consistent with those of buildings nearby. I acknowledge that the scheme has been designed to make efficient use of the site, which historically featured 2 buildings close to its frontage with Frome Road. The proposed dwellings would also pick up on various design cues and variations between historic properties hereabouts, notably in terms of differential treatments of windows and doors and surrounding detailing.
50. Nevertheless the scheme to which appeal B relates would reduce openness here, which is of some value to historic integrity. The dwellings would obscure views of the landscape context to the west of the Village. Whilst there is some variance in the scale of properties at Beckington, the proposed dwellings would be of more substantial overall scale or bulk compared to their immediate neighbours. That dissonance would be particularly apparent in terms of their roofs, which are comparatively steeply pitched and features rooflights (which are neither historically accurate nor in any sense characteristic here).

*Consideration*

51. As such, both the proposals to which appeals A and B relate would detrimentally affect historic integrity. In that respect there would be conflict with the expectations of statute, with the relevant provisions of LP1 policies DP3 and DP7, and of NPPF paragraph 135.c).
52. It is for the decision-taker, having established that harm would result, to gauge its magnitude. Given the factors set out at paragraphs 46 and 49 of these decisions,

the existing nature of the site, and as a small proportion of the settings of nearby listed buildings and of the Conservation Area would be affected, it is fair to categorise any harm as less than substantial with reference to NPPF paragraph 212. That harm would logically be more diffuse insofar as the Conservation Area is concerned. Albeit there are shortcomings with the evidence before me, in respect of appeal A that harm would fall towards the low end of a spectrum within that categorisation, and at the lowest end of the spectrum in respect of appeal B.

53. In summary, NPPF paragraph 215 sets out that where less than substantial harm would result, that should be weighed against the public benefit of the proposal. That is a balance to which I will return, noting also that NPPF paragraph 213 sets out that any harm to, or loss of, the significance of a designated heritage asset should require 'clear and convincing justification'.

*Living conditions of the occupants of no.18 (appeal A)*

54. The appellant's central contention is that whilst there would be some change as to how the occupants of no.18 'experience the site, this does not equate to unacceptable harm'. I accept that the plot or garden of no.18 is relatively spacious. Views across land at a greater distance from a dwelling are inevitably less likely to feel intrusive compared to views at close quarters. Privacy, and the perception thereof, is to some extent reliant on personal perception.
55. The appellant explains that the first floor bedroom windows at the dwelling proposed would be approximately 15 metres from the stream and plot of no.18. There are also trees and vegetation alongside the watercourse. The appellant has ventured revised plans whereby windows would be designed with louvres, or brise-soleil, with the aim of reducing perceived overlooking.
56. Nevertheless following on from my reasoning in paragraphs 25 to 31 and 39 of this decision, if not wholly exceptional, the relationship of the proposed dwelling to the plot of no.18 would be atypical relative to the prevailing pattern of development at the fringes of Beckington (which sets the prevailing baseline in terms of privacy). As with the relationship between the Village and its surroundings, topography is significant here too. Broadly the plot of no.22 slopes down to the watercourse and then rises beyond it towards Mill Lane and Valley View. Consequently, at certain points, the view between the appeal site and plot of no.18 is likely to be broadly level, with intervening trees and vegetation set down in the topography.
57. The topography also influences views. The dwelling proposed via appeal A has been designed so as to nestle in landform by the retaining wall. By consequence the principal aspect from the dwelling would be squarely towards the plot of no.18, and south-westwards where there is greatest openness (there being no outlook towards the south-east). Any louvres would not interfere with that aspect, or indeed a perception of being overlooked. Furthermore the 15 metre separation distance cited by the appellant refers to only to the first floor windows, rather than the use of the site itself. I cannot support the appellant's contention that implications for privacy would be no different were no.22 and its plot brought back into active use.
58. As such I conclude that the scheme would adversely affect the existing level of privacy within the plot of no.18 to an extent that would be atypical and detrimental by consequence. Notwithstanding certain mitigating factors, in that respect the

scheme would conflict with the relevant provisions of LP1 policy DP7 and NPPF paragraph 135.f).

*Living conditions of the occupants of no.20 (appeal B)*

59. At present, and as shown on the maps of 1886 and c.1900 referenced above, the plot of no.20 is a modest and essentially triangular parcel of land. It extends to the rear of no.20 to only part of the depth of the appeal site to which appeal B relates, and is also enclosed by the plot of no.18.
60. As above, both the plots of nos.20 and 22 decline from Frome Road towards the north-west. What is not readily apparent from the plans referenced in paragraph 43 of this decision is that the plot of no.20 is also sunken relative to that of no.22 (to a greater degree closer to Frome Road). Even considered relative to its immediate neighbours, let alone the spacious nature of certain plots reflected in paragraph 27 of this decision, the plot of no.20 is particularly limited and confined.
61. There is a ground floor window and glazed door at no.22 facing the plot of no.20. However those appeared to be obscured or textured and, given the differential in ground levels between those plots and the presence of established planting along the boundary, there is little meaningful intervisibility there. Whilst there is a north-east facing dormer window at no.22, that is orientated towards the south-westerly corner of no.20 (with views obtainable through that principally across the roof of the property). By consequence, and as the south-westerly elevation of what was signed as no.18a has no windows, the rear garden of no.20 presently benefits from a good level of visual privacy.
62. Whilst the scheme to which appeal B relates would inevitably result in an additional intensity in the use of the plot of no.22, the proposal would, if anything, increase the level of visual privacy within the plot of no.20. As shown on plan no.1166/4D there would be no first floor windows facing towards the plot of no.20. Whilst that could theoretically be seen as a benefit, there is nothing to indicate that no.22 as it stands is unauthorised (and no.20 is not in want of privacy).
63. In terms of a sense of enclosure, as shown on plan no.1166/2C, the footprint of the proposed dwellings would be set further away from no.20 than that of no.22 as it stands. The appellant sets out that the scheme would not breach a 45 degree line drawn from the centre of the nearest habitable window at no.20 with reference to the Building Research Establishment's 'Site layout planning for daylight and sunlight: a guide to good practice' ('BR209, 2022'). The kernel of the appellant's position is that the scheme would either lessen a sense of enclosure within the plot of no.20 or not result in an undue rection thereof. I disagree.
64. Whilst the proposed dwellings would be set in from the common boundary with no.20, plan no.1166/2C does not convey the steeply pitched roof of no.20 as it stands, angled away from the plot of no.20. Instead the side elevation of the proposed dwelling would be in part 2 storey, in part a 3 storey gable. That element of the proposed dwellings would have a higher ridgeline than that of no.22 presently, would remain set relatively close to the common boundary between the

plots, and would extend beyond the rear elevation of no.20.<sup>9</sup> There would be a markedly different relationship of the modest built form of no.20 with that of its immediate neighbour.

65. Whilst I acknowledge that the location of the dwelling has been informed by discussion with the Council regarding the relationship of the scheme to nearby listed buildings, the height, scale and mass of the scheme is in large part the logical corollary of seeking to provide 2 substantial 4 bedroom dwellings. Moreover the methodology in BR209, 2022 inherently relates to natural light obtainable at a habitable window, rather than in respect of outside space. There is no evidence before as to any effect that the greater scale of the dwellings proposed, which are to the south-west of the site, would have in terms of overshadowing of the plot of no.20 (which may well add to a sense of enclosure). In my view the particularly modest and sunken nature of the plot of no.20 places some importance on avoiding adversely increasing a sense of enclosure.
66. Consequently I conclude that the would entail an uncharacteristic sense of being hemmed in or enclosed within the plot of no.20, thereby failing to accord with LP1 policy DP7, criterion 1.b) or to ensure a high standard of amenity in line with NPPF paragraph 135.f). It appears that the appellant accepts that there may be some implications in this respect in setting out that in their view the implications would not be of 'a level what would justify the withholding of planning permission'.

### **Heritage and planning balance**

67. As set out in paragraph 10 of this decision, NPPF paragraph 11.d)i) applies. Arguably, given both local circumstances in terms of the absence of a 5YHLS and the emphasis in the NPPF on significantly boosting the supply of homes, each additional new house is important. The effect of numerous small schemes is inevitably significant in aggregate. With that perspective in mind, the appellant points to various elements of the NPPF which are supportive of enabling housing delivery, developing smaller sites and of schemes that make effective use of land. Whether considered individually or collectively, the proposals to which Appeals A and B relate would be beneficial in terms of enabling a net addition of 1 or 2 dwellings within the development limits of Beckington.
68. Not only would there be public benefits in terms of additional housing, but so too would additional dwellings entail social and economic benefits (notably in supporting employment during construction and as future residents would make use of services and facilities in the area). The appellant has set out how there would be the opportunity for biodiversity enhancement associated with the scheme which would not otherwise arise. The demolition of no.22 would represent a further heritage and public benefit in respect of appeal B in terms of removing from the Conservation Area a building which detracts from character and appearance.<sup>10</sup>
69. Nevertheless, fundamentally, neither the support in the development plan nor NPPF for new housing is unconditional (or at the expense of ensuring that all development is appropriate for its context). The schemes would result in

---

<sup>9</sup> Setting aside the ostensible discrepancy between the footprint of no.22 as shown relative to the appeal site in the location plan and on plan no.1166/2C in respect of appeal B.

<sup>10</sup> It is, however, an entirely unsubstantiated point that the scheme proposed via appeal A would 'aid in ensuring the development of the site overall is viable' in respect of its relationship to the demolition of no.22.

incremental additions to housing stock, rather than in terms of contextual appropriateness. Biodiversity net gain is required by statute, notwithstanding my reasoning in paragraph 36 of this decision.

70. Moreover the demolition of no.22 cannot logically be considered without an assessment of what would come in its place. Critically there is nothing to justify the particular nature of the scheme before me, for example in terms of implications for historic significance, or in terms of the scale of the dwellings proposed relative to local needs (such that I cannot rationally conclude that comparable benefits could not be achieved by an alternative, and less harmful, approach).
71. Therefore even were the public benefits of either appeal considered singularly or collectively to outweigh the heritage harm that would result within the terms of NPPF paragraph 215,<sup>11</sup> some adverse effects to historic integrity and to the living conditions of the occupants of nos.18 and 20 would remain. As such, and even if the schemes were acceptable in all other respects, the adverse implications of allowing the appeals would significantly and demonstrably outweigh the benefits of either scheme in line with NPPF paragraph 11.d)ii). Consequently no other material considerations provide sufficient justification for allowing the appeals.

## **Conclusion**

72. For the above reasons, having taken account of the development plan as a whole along with all other relevant material considerations, I therefore conclude that the appeals should be dismissed.

*Tom Bristow*

INSPECTOR

---

<sup>11</sup> And, by extension, that there would be no 'strong reason' under NPPF paragraph 11.d)i).