



Appeal Decision

Site visit made on 13 November 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/E3335/W/25/3370777

6 Water Lane, Somerton, Somerset TA11 6RF

- 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 K Gibbons against the decision of Somerset Council.
 - The application Ref is 22/02990/FUL.
 - The development proposed is the demolition of adjoining garage, formation of drive, parking, turning and erection of 1 No. Bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposed development on the character and appearance of the area, including in relation to trees; and (ii) the effect of the proposed development on the living conditions of the occupiers of No. 5 Water Lane, with particular regard to noise and general disturbance.

Reasons

Character and Appearance

3. The appeal site forms part of the rear garden space of No. 6 Water Lane. Like many settlements, Somerton has clearly expanded over recent decades. However, in general, this has involved the provision of new homes that front onto roads. In contrast, the proposed dwelling would be situated directly behind No. 6 and would therefore form backland development. Given the predominant character of the area, this form of development, including the access drive between two existing homes, would clearly appear as a highly incongruous and out of place feature within the street scene which would detract from the appearance of the immediate surroundings.
4. Moreover, Water Lane itself is also predominantly characterised by homes which are situated close to the road, and as such, it has a relatively compact and tight knit feel. However, the generous size of the rear gardens of the houses on the western side of the street, including No 6, does provide some sense of spaciousness by providing a visual gap between the dwellings and the houses beyond on New Cross. The provision of a new home within this gap would clearly disrupt the existing arrangement and, despite the removal of the garage, the proposal would make the immediate area feel more crowded overall.

5. I note that the proposed dwelling would be a bungalow of limited height, and that new planting is proposed. However, the dwelling would still be glimpsed from the public realm, including at the point of access. Therefore, the identified harm would be readily apparent.
6. I also acknowledge that the appellant could build ancillary structures within the garden or extend the existing dwelling. However, such schemes are simply not directly comparable to a new dwelling in terms of size and appearance, and they would also not be accompanied by features such as a parking area. It is therefore inevitable that the proposed development would result in a greater level of harm.
7. An existing mature ash tree is situated very close to the boundary of the rear garden of No. 6. The tree is quite large and is visible from Water Lane. As such, while there are also other trees in the immediate vicinity, it does contribute to the character of the area to some extent. The appellant has provided a Tree Report by South West Stump Grinders and Tree Services (December 2023). The report includes a diagram which identifies that the root protection area of the ash tree is likely to extend into the rear garden of No. 6. However, the same report identifies that the tree is category U, meaning that due to its existing condition, it is unlikely to live longer than 10 years. Furthermore, even if the tree was lost as a result of the proposed development, the provision of new trees could be secured via condition. While they would take some time to mature, they would fully mitigate the loss of the ash tree in future. Therefore, taking account of the condition of the ash tree, and the potential for further planting, I do not find harm in this regard.
8. Nevertheless, I do find that the backland siting of the proposed dwelling would result in clear and significant harm. As such, the proposal would conflict with Policy EQ2 of the South Somerset Local Plan 2006 – 2028 (the LP), the relevant aspects of which seek to ensure that new development is well designed and that it preserves character and appearance. For the reasons given, I do not find conflict with LP Policy EQ5 which seeks to protect green infrastructure. I also do not find conflict with Policy EQ3 which concerns the historic environment.

Living Conditions

9. The proposed access drive would be situated between No's 5 and 6 Water Lane. The existing rear garden space to No. 5 is clearly a relatively quiet and peaceful space for the occupiers to enjoy. The use of the proposed access driveway, immediately adjacent to the boundary of No. 5 and its rear garden, would inevitably result in some additional noise and disturbance for the occupiers of that property, even when taking account of the current arrangement of a driveway and garage. However, it is the case that the associated harm would likely be limited due to the small number of vehicle trips that would be generated from a single dwelling. I do not find that vehicle lights would result in additional harm given that the topography of the ground is relatively even. Moreover, new boundary treatments, which could be secured via condition, would likely block vehicle lights from the view of the occupiers of No. 5 to a large extent.
10. However, due to the limited harm I have identified in relation to vehicle noise, I find that the proposal would conflict with LP Policy EQ2, insofar as it seeks to protect the living conditions of existing residents.

Other Matters

11. I note that the proposal has the potential to affect the integrity of the Somerset Levels and Moors Ramsar Site and Special Protection Area. However, as I am dismissing the appeal, I am not required to consider this matter further.
12. The appeal site is situated near to a Grade II listed building known as Lomans. Its significance, insofar as it is relevant to this appeal, is derived from its attractive appearance, including its slate roof between stepped coped gables, sash windows and brick intermediate chimney stacks. Given the presence of a substantial dwelling between the listed building and the appeal site, and the mature planting that exists, intervisibility between the two is very limited. As a result, I do not consider that the harm I have identified to the character and appearance of the area extends to the setting of the listed building. I note that the Council does not disagree with this conclusion.

Conclusion

13. From the evidence before me, the Council is unable to demonstrate a five-year supply of deliverable housing sites, with the current figure being just 2.11 years. In such circumstances the test set out in paragraph 11(d)(ii) of the National Planning Policy Framework (the Framework) is engaged.
14. In this instance, the benefits of the proposal include the provision of a single new home that would assist in meeting need in the area, support for local facilities, and the creation of jobs during the construction phase. Despite the level of shortfall in housing land supply, which leads me to attribute increased weight to the benefits, I still only afford limited weight to them overall given that they are relatively minor in nature.
15. I have concluded that there would be material harm to the character and appearance of the area and to the living conditions of neighbouring occupiers. The support for the principle of development within the Framework, including making efficient use of land, is countered by the importance it places on the provision of development that preserves character and appearance and living conditions. In this instance, the combined harm would be significant and enduring. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits.
16. Consequently, for the reasons given, the proposed development conflicts with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm. The appeal is therefore dismissed.

C Butcher

INSPECTOR