
Appeal Decision

Site visit made on 12 November 2025

by **S Ramsden BSc (Hons) MA MA IHBC**

an Inspector appointed by the Secretary of State

Decision date: 12 January 2026

Appeal Ref: APP/E3335/W/25/3368855

1 Park Hayes, Leigh on Mendip, Radstock BA3 5QN

- 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 S James against the decision of Somerset Council.
 - The application reference is 2024/2257/FUL.
 - The development proposed is for the erection of 2 no. 2 bed dwellings attached to existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 no. 2 bed dwellings attached to existing dwelling at 1 Park Hayes, Leigh on Mendip, Radstock BA3 5QN in accordance with the terms of the application, reference 2024/2257/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development on the application form is stated as “Extension to provide two attached 1 / 2 bed dwellings.” This was subsequently amended by the Council and appears on the decision notice in the form given above. I have used this as the description, as it more accurately reflects the development.
3. Planning permission was granted for the erection of a single storey bungalow to the rear of 1 Park Hayes (No 1) in 2024. It falls outside the boundary of the appeal site and could be implemented independently of the development subject of this appeal. The proposed block plan submitted with the appeal shows the footprint of the bungalow and, at the time of my site visit, I observed that the site has been cleared although construction has not commenced. I have therefore taken this permission into account in determining the appeal.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the appeal site and the surrounding area; and
 - whether the development would provide appropriate levels of outdoor amenity space for existing and future occupants.

Reasons

Character and appearance

5. The appeal site is one half of a pair of semi-detached houses, previously extended with a two storey side extension of matching design and materials. The pair forms

a group with two other pairs to the south side of Park Hayes of similar design. No 1 occupies a corner site at the east end of the group.

6. The surrounding area has a predominantly residential character comprising a mixture of two storey, semi-detached and short terraces of houses, although there are a number of detached bungalows and two storey houses in the vicinity. There is, therefore, a mixture of house types and plot sizes in the surrounding area.
7. The proposal is to replace the existing side extension with two dwellings, each with two bedrooms. They would follow the same building line and form of No 1 to the front. To the rear, the proposed dwellings would project from the existing building line by just over 1m. They would have gabled rear elevations, with ridge lines sitting below, and perpendicular to, that of the front block.
8. To the front, the proposed dwellings would be of a form and materials consistent with the appeal property and its neighbours. The fenestration pattern would broadly reflect that of the wider group. The dwellings would have a smaller plot width than their immediate neighbours, but would not appear unduly cramped. The block would read as a short terrace and not appear out of place in the street scene.
9. The rear projections would have consistent materials and fenestration pattern with the host building and, being set down from the roof of the front block, would appear subordinate. They would be visible from, but not unduly prominent in, views from the street to the side of No 1. The relationship with the approved single storey bungalow to the rear of No 1, if it were implemented, would not be dissimilar to other comparable situations in the vicinity. Taking all that into account, the development would respect the character and appearance of the appeal site and surrounding area.
10. For the above reasons, I conclude that the proposed development would not have a harmful effect on the character and appearance of the appeal site and the surrounding area. Accordingly, I find no conflict with Policies DP1 and DP7 of Mendip District Council Local Plan Part 1 (2006-2029)(the Local Plan) which seek to ensure that development is formulated with an appreciation of, and is appropriate in, the local context. I also find no conflict with paragraph 135 of the National Planning Policy Framework (the Framework) which seeks to ensure that development is sympathetic to local character and optimises the potential of the site.

Provision of outdoor amenity space

11. Demolition of part of No 1 and the erection of two attached dwellings would require sub-division of the appeal site into three. Each dwelling would have an area to the front, primarily for access and off street parking, and an outdoor amenity space to the rear.
12. The rear amenity space for each dwelling would be modest in size. Nevertheless, there is no reference to specific size requirements within any policy or guidance that is before me. The spaces would be fairly level, of regular shape and would offer some privacy. They would be south facing and would not be significantly overshadowed by the approved bungalow to the rear boundary. The outdoor amenity areas would each offer a usable space of a reasonable area given the size of the dwellings.

13. For the above reasons, I conclude that the development would provide appropriate levels of outdoor amenity space for existing and future occupants. Accordingly, I find no conflict with Policy DP7 of the Local Plan. This policy, in summary, seeks to ensure that developments provide a satisfactory environment for current and future occupants.

Conditions

14. I have considered the Council's list of suggested conditions in light of advice in the Framework and Planning Practice Guidance (the Guidance). Where necessary and in the interests of precision and brevity I have amended the wording of conditions.
15. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out following the approved plans, for the avoidance of doubt and in the interests of certainty.
16. To ensure that suitable access and parking areas are provided and thereafter retained in the interests of amenity and highway safety I have imposed a condition relating to those matters.
17. Given the proximity of the site to existing dwellings, a condition limiting the hours of construction on the site would be reasonable and necessary in the interests of the living conditions of neighbouring occupants.
18. Although the Council has suggested a condition relating to the provision of an electric vehicle charging facility, this is covered by other legislation. This suggested condition may not pass the tests of necessity and is therefore not reasonable to impose.
19. The Council has suggested a condition for the removal of permitted development rights for the development. Paragraph 55 of the Framework is clear that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Guidance states that such conditions may not pass the tests of reasonableness or necessity and should only be used in exceptional circumstances. In this case I consider this not to be the case as the opportunities for additions to the proposed dwelling would be limited in any event.
20. The Council has also suggested a condition relating to provision of a Biodiversity Gain Plan in relation to securing Biodiversity Net Gain (BNG). Although the planning application form states that the development would be custom build and, therefore, exempt from BNG, there is no mechanism before me to secure this. Nevertheless, the appellant has also submitted a BNG Statement, which concludes that a total net gain of 10.28% could be achieved on site. The Council has not disputed this figure and I have no reason to come to an alternative conclusion. As the statutory BNG condition would apply under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), there is no requirement to duplicate it in my decision.

Conclusion

21. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to conditions.

S Ramsden

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.: 2024204 Existing Site Plan; 2024205A Proposed Site Plan; 2024206 Proposed Floor Plans; 2024207 Proposed Elevations; 2024208 Section A-A; 2024209 Location Plan; 2024210 Notes 1 of 2; and 2024211 Notes 2 of 2.
- 3) The development hereby permitted shall not be occupied until the access and vehicle parking spaces have been provided in accordance with drawing no 2024205A. Thereafter those areas shall be kept free of obstruction, and those spaces shall be retained for the parking of vehicles only.
- 4) Demolition or construction works shall take place only between the hours of 08:00 and 18:00 Mondays to Fridays and between the hours of 09:00 and 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays. There shall be no deliveries to the development arranged for outside of these approved hours.

*****END OF CONDITIONS*****