
Appeal Decision

Site visit made on 14 January 2026

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2026

Appeal Ref: APP/D0121/W/25/3370846

76 Whitesfield Road, Nailsea, North Somerset BS48 4JF

- 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 and Mrs C Perry against the decision of North Somerset Council.
 - The application Ref is 24/P/1926/FUL.
 - The development proposed is a new dwelling and garage.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr and Mrs C Perry against North Somerset Council. This is the subject of a separate decision.

Preliminary Matters and Main Issues

3. As part of the appeal the appellant has submitted amended plans in order to address the Council's reasons for refusal. These include alterations to the height of the proposed dwelling and garage, and pedestrian visibility splays at the site access. These plans were not before the Council during the determination of the application and, therefore, the views of statutory and interested parties were not sought on their content at this time.
4. As the appeal site is located close to a Grade I and Grade II listed buildings, I have had regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) (the Act). Given this, the Council has a legal obligation, under Regulation 5 of the Act, to publicise applications that affect the setting of a Grade I listed building and, also, to notify Historic England (HE). However, the Council confirmed on Part 2 of the appeal questionnaire that the application was not advertised in the local press and HE was not notified. Consequently, this was undertaken during the appeal process, with views from statutory and interested parties sought in respect of the content of the planning application and the amended plans. No representations were made by these parties, and HE confirmed that advice would not be offered in this case.
5. However, while the revised Street Scene drawing¹ shows a lowered height of the proposed dwelling, the revised Elevations² drawing has not been amended to reflect this change. As the set of plans before me, incorporating the amendments submitted with this appeal, do not show consistent details, were I to accept the

¹ Dwg ref: 008 rev 01 – Street Scene

² Dwg ref: 007 - Elevations

revised plans, my decision would be based on contradictory details. Moreover, were I minded to allow the appeal, the plans would be in conflict with each other and the condition would fail the Framework's tests in this regard. The appellant would also be at risk of enforcement action. I have, therefore, determined the appeal in accordance with the plans which were before the Council when the planning application was determined.

6. Consequently, the main issues are the effect of the proposal on:

- the living conditions of neighbouring occupiers of 7 Ploughed Paddock (No.7) with respect to outlook and 78 Whitesfield Road (No.78) regarding privacy;
- the safety of pedestrians using the Whitesfield Road pavement immediately adjacent to the site's front boundary; and
- the character and appearance of the area, including whether the setting of the nearby listed buildings of the Church of Holy Trinity³ (the Church) and The Rectory⁴ would be preserved.

Reasons

Living conditions

7. The proposed garage would be sited close to the rear boundary of No.7. Although single storey, the ridge height of the proposed garage's pitched roof would be significantly higher than the boundary wall that divides the appeal site and No.7. In combination with the shallow depth of No.7's rear garden, this would result in the introduction of a structure that dominates, and obscures, to a significant degree, the outlook from the ground floor rear windows of the neighbouring property and, to a lesser extent, the upper floors. This would be detrimental to the living conditions of the occupiers of No.7.
8. The proposed dwelling would be sited close to the site boundary with No.78, with part of the side elevation (south) within the minimum distance which the Design Guide⁵ states should normally be maintained where an upper floor window is proposed. However, these distances are not specifically referenced in policies DM32 and DM37 of the Council's Sites and Policies Plan (Part 1) (SPPP1) and the wording of the Design Guide provides flexibility, rather than absolute prescription, to the application of these distances. Nonetheless, the principal objective of the privacy tests in the Design Guide is to support the SPPP1 by ensuring proposals do not prejudice the living conditions of adjoining occupiers through, amongst other things, a loss of privacy.
9. Several windows are proposed in the upper floor of the side elevation closest to the boundary with No.78. Given their height and close proximity to the site boundary, future occupants of the proposed dwelling would have direct views into the garden area of No.78 from the rooms served by these windows. As a result, neighbouring occupiers of No.78 would be likely to experience a loss of privacy when using their external space, despite the existing neighbours support for the proposal.

³ Official list entry: 1136892; date first listed: 11 October 1961

⁴ Official list entry: 1129148; date first listed: 20 January 1986

⁵ North Somerset Residential Design Guide Supplementary Planning Document (Design Guide)

10. Due to its size, there would be few parts of No.78's rear garden space that would not be visible from the upper floor rooms on this side of the proposed dwelling, namely Bedroom 01 and its associated dressing room, despite the more oblique views from the latter space. While new planting along this boundary would provide some screening of views into the adjacent rear garden, it would take time for such planting to establish and grow to a height sufficient to have this effect.
11. Nonetheless, the side window for Bedroom 01 is not its sole opening as a further window is proposed in the front elevation. Given the internal layout of Bedroom 01, its en-suite and dressing room, the front window would be the principal opening, with the side window being secondary. On this basis, restricting the glazing in this window to obscured glass, secured by a suitably worded condition would still allow an adequate amount of daylight to reach Bedroom 01 while acceptable levels of privacy would be experienced by the neighbouring occupiers of No.78. As the dressing room is not a habitable room but rather provides an ancillary function to Bedroom 01, the use of obscured glazing in the openings which serve it would also ensure the neighbouring occupiers of No.78 experience acceptable levels of privacy.
12. Although views of parts of the side garden area of No.78 and the doors opening onto it would be possible from the front window serving Bedroom 01, these would be limited by the existing fence along the site boundary. Furthermore, the small size of this space limits the activities possible within it and any loss of privacy likely to be experienced by the neighbouring occupiers would be negligible.
13. Nevertheless, I have found that the height of the proposed garage would harm the living conditions of neighbouring occupiers of 7 Ploughed Paddock (No.7) with respect to outlook. It, therefore, conflicts with policies DM32 and DM37 of the SPPP1 which require that the design and layout of development should not prejudice living conditions for adjoining occupiers and the Framework's aim of securing a high standard of amenity (living conditions) for existing and future users.

Pedestrian safety

14. A pavement associated with Whitesfield Road runs alongside the front boundary wall of the site. Part of this wall would be removed to facilitate the driveway access to the proposed dwelling. However, as shown on the Street Scene plan, the existing height of the wall would be retained either side of the access. Therefore, when exiting the proposed dwelling, drivers would be unable to see pedestrians walking or jogging along the pavement before the front of their vehicle travels over the threshold from the proposed driveway. The height of the existing evergreen hedge located on the site, adjacent to the front boundary wall, and the closed boarded fence along the boundary with No.78 would further obstruct driver's views of the pavement. Should pedestrians be moving along the pavement when a vehicle exits the proposed access, this would unacceptably increase the risk to the safety of those using the pavement.
15. Despite the above, given the proposed layout of the site and position of the driveway, I see no reason to conclude that the required pedestrian visibility splays could not be accommodated either side of the access, through the reduction in the height of these obstructions. This could be resolved through the use of a suitably worded condition requiring obstructions to be removed from within a specified

visibility splay above a certain height, thereby allowing drivers clear sight of anyone on the pavement.

16. Therefore, subject to the use of a suitably worded condition, the proposal would not harm the safety of pedestrians using the Whitesfield Road pavement immediately adjacent to the site's front boundary, in accordance with Policy CS10 of the North Somerset Council Core Strategy (Core Strategy) and policies DM24 and DM25 of the SPPP1. In combination, these policies seek to ensure development does not prejudice the safety of users of a highway, including pedestrians, and is consistent with the Framework's aim to ensure safe and suitable access for all users.

Character and appearance

17. The site is located within a predominantly residential area comprising a variety of building types, styles, materials and ages. Immediately surrounding the site, the variety of dwelling forms ranges from single storey detached bungalows to semi-detached bungalows and two storey terraces. Many homes have been extended, including those either side of the site;- accommodation at No.76 includes use of the roof space enabled by the installation of dormer windows whilst No.78 retains its single storey typology with extensions to the side. Aside from the residential use of the area, few characteristics or features are apparent or appreciable within the surroundings to the site.
18. While the proposal comprises a two-storey detached home, and would be located between two bungalows, albeit of differing heights, given the already varied building heights in the area, the proposed dwelling would not be an incongruous addition to the character and appearance of the site's surroundings. Furthermore, the subtle changes in ground level, particularly between the site and the dwellings on Ploughed Paddock, and between the site and Whitesfield Road, combined with the variety of building heights, already creates undulations in the levels and roofscape forms in the area. Together with the proposed dwelling's siting back from the road, these factors ensure the proposal would not be an incoherent or discordant addition to the street scene.
19. The listed buildings comprising the Church (Grade I) and The Rectory (Grade II) are located to the south of the site. While of differing ages and separately listed, the Church and the Rectory are linked via the more recent Church Room extension. Although the official listing refers to the Church originating from the 15th century, a new porch was added in 1712, and the building was subsequently restored in 1861. The Church Room extension is located alongside the full length of the Church's elevation closest to the appeal site. Despite this addition and the presence of housing in its surrounds, the central siting of the Church within its grounds provides a spaciousness to its setting, while creating a physical and visual separation with the adjoining residential properties along Whitesfield Road (numbers 76, 78 and 80 inclusive).
20. Moreover, the height of the Church's tower ensures it is visible above the canopies of the mature trees within its grounds and above the roofscapes of the surrounding built form, preserving its historical importance as a community focus in the parish. The significance of the Church, therefore, is largely derived from its age, predominant use of local materials, quality of its architectural style and detailing,

and its setting, including the views of its tower which makes a positive contribution to this significance.

21. In contrast to the form and ecclesiastical architecture of the Church, The Rectory has a residential character, despite its use as office space. While the listing indicates The Rectory incorporates an earlier building, its mid 18th century origins and 19th century additions are appreciable through the building's classical proportions, rendered rubble stone, roof tile form and fenestration details. These features contribute to the building's special interest and its relationship with the Church demonstrates its significance within the community. The visual and physical connection between the two listed buildings is reinforced by the stone wall that defines the Church and The Rectory from Church Lane, Old Church Road and the footpath link to Whitesfield Road.
22. While the proposed dwelling would be sited close to the boundary with The Rectory, it would be located no closer than No.78 and No.80, thereby maintaining the separation and spaciousness of the setting to both listed buildings.
23. Consequently, I conclude that the proposal would not harm the character and appearance of the area, and the setting of the Church and The Rectory would be preserved, satisfying the requirements of the Act and the desirability of sustaining and enhancing the significance of a heritage asset as set out in the Framework. The proposal also accords with policies CS5 and CS12 of the Core Strategy, and policies DM4, DM32 and DM37 of the SPPP1. In combination, these policies commit to achieving high quality places that conserve the historic environment, including the preservation of listed buildings and their setting, whilst demonstrating sensitivity to local character.

Other Considerations

24. The proposal would provide social and economic benefits from the construction and occupation of a new dwelling, in support of the Framework's objective of boosting the supply of homes. Environmental benefits would also be derived from the use of renewable energy. However, given the scale of the proposal, these benefits would be small.
25. I have found that the proposal would not harm the living conditions of existing occupiers of No.78, with particular regard to privacy, nor would it harm the safety of pedestrians using the Whitesfield Road pavement. I have also found that it would not harm the character and appearance of the area and would preserve the setting of the nearby listed buildings.
26. Nevertheless, the proposal would result in harm to the living conditions of neighbouring occupiers of No.7, with particular regard to outlook. Such harm would be significant given the proximity of the proposed garage to the rear elevation of No.7. The development plan policies relating to securing a high standard of living conditions for existing and future users are broadly consistent with the Framework. As such, I give the proposal's conflict with these policies substantial weight and conclude that the appeal scheme is contrary to the development plan as a whole.
27. The Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with the Framework, with the latest position, as confirmed by the Council, being 2.79 years. This represents a significant shortfall which, from

the evidence before me, is increasing as, at the time the planning application was determined by the Council, it stood at 3.88 years.

28. The proposal would align with the Framework's aim to increase the supply of housing and, as a small-scale development, could make an important, and quick, contribution to meeting the housing requirement. The site's location, including its accessibility to a range of services and facilities is also supported by the Framework. Notwithstanding these points, I have found that the proposal would be contrary to the Framework in respect of the living conditions of neighbouring occupiers, with particular regard to the outlook of those residing at No.7. As highlighted above, this conflict attracts substantial weight.
29. Consequently, the identified adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

Conclusion

30. The proposal conflicts with the development plan and there are no other considerations, either individually or in combination, including the Framework's presumption in favour of sustainable development, that outweigh this conflict. For the reasons identified above, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR