
Appeal Decision

Site visit made on 12 February 2026

by **S Sharp BSc(Hons) BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 April 2026

Appeal Ref: APP/E3335/W/25/3375107

59 Hillview Road, Minehead, Somerset TA24 8EF

- 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 Sykes-Brown against the decision of Somerset Council.
 - The application reference is 3/21/24/068.
 - The development proposed is erect a two-bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Immediately following my site visit for this appeal, I also conducted a site visit for an appeal for a proposal to erect a 3 bedroom detached dwelling at an adjoining site described by that appellant as land to the south of 59 Hillview Road.¹ This appeal is subject to a separate decision.
3. The description of development on the application form includes reference to the appeal site's location on land to the east of 59, Hillview Road, whereas the site location on the form is described as 59, Hillview Road. From the evidence before me and from my observations on site, I am satisfied that the appeal site is at 59, Hillview Road, east of the dwelling, but not outside of its curtilage. The reference to the location is not part of the development proposed and I have therefore deleted it from the description in this decision.

Main Issues

4. The main issues in this appeal are: -
 - whether acceptable living conditions would be provided for future occupiers of the proposed dwelling, with specific regards to privacy; and
 - the effects of the proposed development on the character and appearance of the area.

¹ Planning Inspectorate reference 3375432 and Council reference 3/21/24/066

Reasons

Living conditions

5. The appeal site is part of the rear garden of 59, Hillview Road. The appellant's evidence states that the separation distance between the rear elevation of the proposed dwelling and the existing dwelling at No 59 would be 15 metres (m). Within this gap, the proposed dwelling would have a rear garden depth of 5.7m, the remaining distance being within the retained garden of No 59. The Council's evidence does not dispute these measurements, and I have used them in my assessment.
6. I acknowledge the appellant's comments that 15m separation distances are not uncommon. However, each case must be considered on its own merits. In this instance, I note that there are 2 first floor windows on the rear elevation of No 59 facing directly towards the appeal site. One of these is obscure glazed but the other has clear glazing and serves a habitable room. The proposed boundary fence between the existing and proposed properties would only screen the adjacent area of the proposed dwelling's rear garden. The patio area and views through the patio doors into the kitchen-diner would be unobstructed. Views would also be afforded into one of the proposed dwelling's bedrooms.
7. The proposed, west facing patio area is likely to be used regularly, especially in good weather, given it is directly outside of the kitchen/dining room and accessible by patio doors. The patio doors would also provide a very clear view into the kitchen/dining room. In this context, I find that the separation distance is not sufficient to prevent a harmful effect on the levels of privacy that future occupiers of the proposed dwelling would enjoy.
8. Overall, the level of harm to the living conditions of future occupiers of the proposed dwelling would be significant. This would result in conflict with policy NH13 of the West Somerset Local Plan to 2032 (WSLP). The policy advises that the detailed design of proposals should respond positively to neighbours and local context.

Character and appearance

9. The proposed development would become part of the Hillview Close streetscene. This is currently characterised by a mix of garden fences, hedges, garages and dwellings. The appeal site's fence that abuts this street has an overall neutral impact on the character and appearance of this streetscene as it is similar in height, material and finish to other rear boundary fences that abut the street. I note the development site at the end of Hillview Close. This replaces garages with a dwelling which continues and is complementary to the existing line of dwellings on the street's eastern side. The proposed dwelling would continue this line around onto the western side. The proposal's single storey form would not reflect the prevailing 2 storey forms on Hillview Close but, because it would be on higher ground than the existing dwellings on the opposite side of this road to the appeal site, it would not appear as an incongruous addition to the streetscene. Indeed, a dwelling fronting Hillview Close instead of a high rear garden fence would have a positive complementary, and not harmful effect on Hillview Close's streetscene.
10. The siting of the proposed dwelling behind the existing dwellings on Hillview Road and its single storey scale would mean that it would not be readily visible from, or

form a coherent part of the built development along that road. The character and appearance of the Hillview Road streetscene would therefore be preserved.

11. The proposed subdivision of the rear garden of No 59 Hillview Road and the siting of the new dwelling would result in a change to the established pattern of similarly deep gardens. However, these gardens are largely enclosed spaces and make little contribution to the overall character of Hillview Road and Hillview Close. As such, the effect of the proposal on the character and appearance of the area would be limited. There would also be sufficient space around the development that it would not read as being cramped.
12. Overall, I find that there would be no harm resulting from the development on the character and appearance of the area. As such there would be accordance with policy NH13 of the WSLP in relation to this matter. This policy seeks to ensure the highest standards of designs in developments and, amongst other things, that they make a positive contribution to the local environment and create a distinctive place.

Other matters

13. I acknowledge there is common ground between the parties regarding a number of other matters and that the proposal would accord with other development plan policies. Nonetheless, the absence of any harm in these regards does neither outweigh nor justify the harm to living conditions that I have identified above.

Planning balance

14. It is the harm to living conditions and the resultant conflict with policy NH13 of the WSLP, which leads me to find conflict with the development plan as a whole.
15. There is common ground between the parties that the Council cannot demonstrate a 5-year supply of deliverable housing sites. The current supply is 3.1 years. This is a significant shortfall. As such paragraph 11d) of the National Planning Policy Framework (the Framework) is engaged.
16. I have no evidence before me that the application of policies within the Framework that protect areas or assets of particular importance² provide a strong reason for refusing the development proposed. Therefore, in this case, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
17. In terms of benefits, one dwelling would contribute to the Council's housing supply. This would last for the lifetime of the development and I recognise the contribution the household would make to the social fabric of the town during this period. I also recognise the proposal would constitute an efficient use of land and that small scale sites would make an important contribution to the Council's housing supply. The bungalow proposed would also widen the range of accommodation types available in the area surrounding the appeal site, which is an additional, specific benefit. There are also the benefits in relation to construction employment and post-occupancy spend in the local economy. These benefits support the aims of the Government's objectives and aims of the Framework to boost the supply of homes,

² Footnote 7 of the Framework.

address the needs of groups with specific housing requirements, support economic growth and promote social interaction. Nonetheless, notwithstanding the significant shortfall in supply, given the proposal is for just a single dwelling, I attach moderate weight to them overall.

18. I have already found that the proposal would result in a significant level of harm to the living conditions of future occupiers of the dwelling, with resultant conflict to policy NH13 of the WSLP. This policy is consistent with the provisions of the Framework, particularly paragraph 135 which, among other things, seeks to ensure that development provide a high standard of amenity for existing and future users.
19. When assessed against the policies in the Framework, taken as a whole, I find that the adverse impacts derived from the harm to living conditions significantly and demonstrably outweigh the benefits. Given this significant and demonstrable harm, there are no material considerations, including the provisions of the Framework, that indicate that a decision should be made otherwise than in accordance with the development plan. The conflict with the provisions of policy NH13 of the WSLP that would result from the harm to the living conditions of future occupiers of the proposed dwelling is determinative.

Conclusion

20. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed

S Sharp

INSPECTOR