
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: 08 April 2026

Appeal Ref: APP/E3335/W/25/3375432

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 and Mrs Don against the decision of Somerset Council.
 - The application reference is 3/21/24/066.
 - The development proposed is to erect a three-bedroom detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted to erect a three-bedroom detached dwelling at 59 Hillview Road, Minehead, Somerset TA24 8EF in accordance with the terms of the application reference 3/21/24/066, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 3042/200 - Proposed Site Layout, 3042/202 Proposed Plans and Elevations, PP-13398859v1 - Location Plan (dated 19.9.24).
 - 3) No development shall take place above slab level until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the local planning authority. Development shall only be carried out in accordance with the details approved.
 - 4) No development shall take place above slab level until details of a surface water drainage scheme to prevent discharge of surface water onto the highway have been submitted to and approved in writing by the local planning authority. The approved drainage scheme shall be installed prior to development above slab level and thereafter maintained at all times.
 - 5) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing 3042/200 - Proposed Site Layout. Thereafter those spaces shall be retained for the parking of vehicles only.
 - 6) The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained at that gradient in perpetuity.

Preliminary Matters

2. Immediately prior to undertaking my site visit for this appeal, I also conducted a site visit for an appeal for a proposal to erect a two-bedroom detached dwelling on

a site within the same garden but with a different appellant.¹ This appeal is subject to a separate decision but I have had regard to it before reaching my decision on this appeal.

3. The description of development on the application form includes reference to the appeal site's location on land to the south 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, south 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.
4. The requirements for biodiversity net gain (BNG) were introduced under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021 and was amended by the Levelling Up and Regeneration Act 2023. There are exemptions to the requirements for BNG. These include where a development would be subject to the de minimis exemption. The latter applies where the development would not impact a priority habitat, it would affect less than 25 square metres of onsite habitat, and 5 metres of linear habitats such as hedgerows. I invited comments from both main parties on the applicability of the requirements for BNG. The appellant has indicated that the proposal would benefit from the de minimis exemption. I observed on site that it is characterised by existing buildings, hardstanding and lawn with no habitat value. I have therefore determined that the development is exempt from the requirements for BNG as it would be subject to the de minimis exemption.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the streetscene.

Reasons

6. No 59 Hillview Road is part of a row of 2 pairs of semi-detached 2 storey dwellings of similar age and design. The dwellings on the opposite side, and further northwards on the same side of the road are different in appearance, proportions and spacing. There is little overall uniformity or rhythm within the streetscene, the character and appearance of which is eclectic, even within the immediate surroundings of the appeal site. Detached dwellings are as much of this character and appearance as semi-detached properties. There are also variations in building widths and spacings, as well as the materials, ages and designs of the dwellings.
7. The proposal would introduce a 2 storey detached dwelling alongside No 59's gable end, and within the space that would be left following the proposed demolition of the outbuilding and wall within the appeal site. The gap between the 2 storey elements at Nos 59 and 61 Hillview Road is wider than that which prevails along most of the street. There are also outbuildings and a wall linking these 2 dwellings. The gap above No 61's outbuildings would remain. A smaller gap is proposed between the new dwelling and No 59 but, given that there is no prevailing rhythm of spaces and buildings, the close proximity of the house to No 59 would not appear incongruous within the streetscene. Similarly, the narrowness

¹ Planning Inspectorate reference 3375107 and Council reference 3/21/24/068.

of the proposed building and its overall scale and design is not currently found within the streetscene but the eclectic variation in building designs and widths means it would be in keeping with the area.

8. Overall, I find that the development would have an acceptable effect on the character and appearance of the streetscene. In these regards it would accord with policy NH13 of the West Somerset Local Plan to 2032 (WSLP). Amongst other things, this policy seeks the highest standards of designs in developments so that they make a positive contribution to the local environment and create a distinctive place.

Conditions

9. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have also imposed a condition requiring details of the facing and roofing materials to be submitted to and approved in writing by the local planning authority. Render and concrete tiles have been specified on the application form, but exact details are required to ensure that the materials complement those found within the streetscene.
10. The Council have suggested a condition requiring the implementation of a scheme to prevent discharge of surface waters onto the highway. Such provision is necessary to prevent runoff causing a hazard to highway users.
11. The Council have also suggested conditions relating to highway safety matters. The first of these is one requiring the provision of on-site parking prior to occupancy of the dwelling and retention thereafter. The need for off street parking is also necessary and reasonable given my observations on site in relation to the demand for on-street parking.
12. Finally, the Council have suggested a condition requiring the gradient of the access to be no greater than 1 in 10. I note from my observations on site, that No 59's existing driveway and vehicular access would largely be replaced by the access and parking serving the new dwelling. The gradient specified by the Council could easily be achieved and would aid highway safety in terms of ease of control of motor vehicles manoeuvring on and off site as well as providing a relatively shallow gradient to negotiate for walkers. As such, I have also imposed this condition.

Conclusion

13. The proposal would be acceptable when considered against the main issue and it would accord with the development plan when read as a whole, and so the appeal is allowed.

S Sharp

INSPECTOR