The Planning Inspectorate

Appeal Decision

Site visit made on 4 January 2017

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10th January 2017

Appeal Ref: APP/D5120/W/16/3157851
9 Lewis Road, Sidcup, Bexley, DA14 4NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Malakouti against the decision of the Council of the London Borough of Bexley.
- The application Ref 15/02653/FUL, dated 1 November 2015, was refused by notice dated 8 February 2016.
- The development proposed is the conversion of the existing 3 bedroom dwelling and outbuildings into 3 individual flats.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. After the Council issued its decision to refuse planning permission, an appeal[1] was determined for a similar form of development. This is a material consideration, to which I have had regard.

Main Issues

3. The main issues are whether the proposal represents overdevelopment of the site resulting in a harmful loss of family housing; and the effect on the living conditions of neighbouring occupants, with particular regard to outlook from 11 Lewis Road.

Reasons

4. Policy H11 of the Unitary Development Plan (2004) (UDP) requires that, amongst other things, conversions of an existing dwelling should only take place in a dwelling of at least 110sqm gross internal floor area as originally built. The appeal property was not originally built as a dwelling, having been a shop at ground floor level with a flat above. However, permission was subsequently granted and implemented for its conversion to a dwellinghouse and that is the current use of the building.

5. The supporting text to policy H11 explains that one of its purposes is to protect the stock of small to medium sized dwellings in the area. The building now contributes to this stock, as a dwelling with less than 110sqm gross internal floor area. It seems to me that the need for small to medium sized dwellings is not diminished by the fact that the property was not originally built as such,

[1] APP/D5120/W/16/3143434

nor is its contribution to the local stock. As such, I can see no grounds to support the appellant's assertion that the policy should not apply and find that the proposal is in conflict.

6. The proposal seeks a range of extensions to the property in order to accommodate the three flats, including a two storey side extension, single storey rear extension and large dormer window. The Council is largely content in terms of the effects on character and appearance from the public realm. Furthermore, concerns the subject of the previous appeal, in relation to accessing private amenity space and cycle storage, have now been resolved.

7. However, creating such access has led to the introduction of a first floor opening and walkway across a flat roof to provide access to a garden area and this is to be enclosed with tall screens. Whilst the screens would be necessary to maintain neighbours' privacy, the feature would be uncharacteristic, introducing a utilitarian structure and unsightly mass at first floor level that would be readily visible from neighbouring properties. The need for this elaborate pedestrian access is in my view indicative of a continued attempt to overdevelop the site, at odds with the objectives of policy H11. The proposal would also conflict with Policy H9 and H10 of the UDP, which seek to maintain character and avoid overdevelopment.

Neighbours' living conditions

8. The Council raises concern that the proposed single storey extension would harm the outlook for occupants of the adjacent property, No 11. This is a matter that was considered as part of the previous appeal for a very similar extension and was found not to harm neighbours' living conditions. This is because the extension would be set away from the boundary for much of its depth, screened by the existing single storey extension to No 11 for much of its depth, and would replace an existing garage building and polycarbonate roof that currently extends deeper into the site.

9. The extension the subject of this appeal has in fact been reduced in size and height so as to further reduce its impacts on the neighbour, notwithstanding that its overall depth remains unaltered. Having viewed the site from the neighbouring property, I conclude that the development would not harm the living conditions of the neighbouring occupants', in concurrence with the previous appeal decision.

10. As such, I find no conflict with Policies H9, H10 or H11 of the UDP, in so far as they seek to protect neighbours' living conditions.

Other matters

11. I have had regard to the limited contribution that would be made to local housing supply and attach this moderate weight in the context of the Framework's objective to boost significantly the supply of housing. However, this is not sufficient to outweigh the harm that I have identified with regards to the first main issue.

Conclusion

12. Whilst the development would not materially harm the living conditions of neighbouring occupants, it would result in the loss of a small to medium sized house to the detriment of local housing stock.

13. In light of the above, and having considered all other matters, the appeal is dismissed.

Michael Boniface

INSPECTOR