
Appeal Decision

Site visit made on 25 July 2019

by R J Maile BSc FRICS

an Inspector appointed by the Secretary of State

Decision date: 16th August 2019

Appeal Ref: APP/D5120/W/19/3225199
2 Maida Road, Belvedere, Kent, DA17 6JP.

- 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 Gilson Homes against the decision of the Council of the London Borough of Bexley.
 - The application ref: 19/00080/FUL, dated 15 January 2019, was refused by notice dated 14 March 2019.
 - The development proposed is single storey extension and conversion of dwelling into 1No. one bedroom ground floor flat and 1No. 2 bedroom maisonette.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - a) Whether the development would result in the unacceptable loss of a family dwelling.
 - b) Whether the internal layout and amenity space provision for the maisonette are acceptable.

Reasons

- a) *Loss of a family dwelling.*
3. 2 Maida Road is a centre terrace house erected during the inter-war period. It is in a very sustainable location, being close to Belvedere railway station, local shops and bus services.
 4. The property has been occupied informally as two non-self-contained units, including use of the attic, which has been converted to provide residential accommodation. The existing three bedrooms within the roof space benefit from a large, rear-facing dormer window and two front roof lights.
 5. National policy at Chapter 2 of the Framework¹ sets out the presumption in favour of sustainable development (paragraph 11), while Chapter 5 refers to the Government's objective of significantly boosting the supply of homes (paragraph 59).

¹ The National Planning Policy Framework (February 2019).

6. "Saved" Policy H11 of the UDP² states that "conversions of an existing dwelling should only take place in a dwelling of at least 110m² gross internal floor area as originally built." The subject property, having a much smaller internal floor area, does not meet this requirement. However, Policy H11 was promulgated some 15 years ago and pre-dates national policy at Chapter 5 of the Framework and Policy 3.3 of The London Plan³, both of which seek to substantially increase housing provision to meet local housing need.
7. In the subject case, two factors have convinced me that the formal conversion of this property into two flats is warranted. First of all, I understand that the property is in use as two separate units at the present time. Secondly, the recent provision of two dwellinghouses upon the adjacent side garden of no. 2 has increased the stock of family homes within the locality.
8. My decision upon this issue has also been influenced by the fact that there is no detailed evidence before me as to any current lack of family housing within the Borough. Furthermore, I have no information as to whether the housing provision within the Borough that will be required to meet national policy and Policy 3.3 of The London Plan would address any potential shortfall in the availability of such family accommodation.
9. For all of these reasons, I find upon the first main issue that conversion of this property into two self-contained flats would not result in the unacceptable loss of a family dwelling and that development as proposed would accord with the objectives of national policy at Chapters 2 and 5 of the Framework and Policy 3.3 of The London Plan, as referred to above.

b) Internal layout and amenity space provision for maisonette.

10. The Council has cited "saved" Policy H11 of the UDP in its grounds of refusal in relation to this issue. Amongst other matters, this requires each new dwelling to have a minimum floor area of 50m², self-contained accommodation that is satisfactory in space and layout and the provision of adequate amenity space.
11. The Council has also assessed the proposal by reference to the more recently adopted Technical Housing Standards⁴. It is stated in the Officer's Report that both flats would comply quantitatively with those standards. Nevertheless, the application was refused upon the basis of the inadequacy of the usable space within the attic bedroom accommodation and a reliance upon the small front garden area to provide amenity space for the maisonette.
12. The Officer's Report sets out in detail the inadequacy of the two bedrooms that are proposed within the maisonette and states: "The bedrooms are not ideal as one is served by two rooflights only and has restricted head height and the other has a difficult layout for accommodating furniture." I agree with that assessment.
13. I also agree with the Council that the amenity space provision for the proposed maisonette is wholly inadequate. This small area of front garden is required, in part, for the storage of waste bins. It also lacks privacy, being sited adjacent to the public highway and overlooked by nearby properties.

² London Borough of Bexley Unitary Development Plan (adopted 28 April 2004).

³ The London Plan: The Spatial Development Strategy for London – Consolidated with Alterations Since 2011 (March 2016).

⁴ Department for Communities and Local Government: Technical housing standards – nationally described space standard (March 2015).

14. I have therefore found upon the second main issue that the internal layout of the maisonette and its amenity space provision would fail to provide an acceptable standard of living accommodation for future occupants, contrary to the objectives of Policy 3.5 of The London Plan, "saved" Policy H11 of the Local Plan and national policy at Chapter 12 of the Framework.

Other Matters

15. I noted from my site visit that the rear garden could be accessed by means of the side passageway, which I understand to be within the ownership of the appellant company. However, the possibility of sub-dividing the rear garden is not a matter before me, nor are any proposals to address the shortcomings in the bedroom accommodation within the maisonette, as referred to above.

Conclusion

16. For the reasons given above, I conclude that the appeal should fail.

R. J. Maile

INSPECTOR