
Appeal Decision

Site visit made on 9 October 2020

by Baljit K Muston BA(Hons) PGDip MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2020

Appeal Ref: APP/D5120/W/20/3248408

26 Blenheim Drive, Welling, Kent DA16 3LY

- 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 P Saunders against the decision of the Council of the London Borough of Bexley.
 - The application Ref 18/02570/FUL, dated 20 September 2018, was refused by notice dated 27 August 2019.
 - The development proposed is the conversion of the house into two 2 bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:-
 - whether the proposal would result in the unacceptable loss of a small to medium sized dwelling; and
 - whether the first floor flat would provide acceptable living conditions for future occupiers, with particular regard to the size of the unit.

Reasons

Loss of existing dwelling

3. Policy H11 of the London Borough of Bexley Unitary Development Plan 2004 (UDP) says that, amongst other things, conversions of an existing dwelling should only take place in a dwelling of at least 110 square metres internal floor area as originally built. The Council states that it considers the original floor area of the property to be 66.7 square metres, which is well below the figure set out in Policy H11. The appellant does not dispute this figure.
4. The appellant argues that the number of planning applications seeking conversions of existing dwellings into alternative residential uses, and the number of planning applications seeking provision for non-residential uses, both within a one mile radius of the appeal site, is insignificant. However, nowhere in Policy H11 or its supporting text is it suggested that a lack of pressure locally can be construed as supporting an exception to the policy. I have no evidence before me to suggest that the aim set out in the UDP to retain small to medium sized dwellings is diluted in areas where such stock is more plentiful.

5. I therefore conclude that the proposal would result in the unacceptable loss of a small to medium sized dwelling, contrary to Policy H11 of the UDP.

Living conditions of future occupiers

6. Minimum dwelling and room sizes are contained in the "*Technical housing standards – nationally described space standard*" published by the Department for Communities and Local Government in March 2015. The Mayor of London subsequently adopted this national standard by making minor alterations to the London Plan (Housing Standards Minor Alterations to the London Plan 2016). Standard 24 of the Mayor of London's Supplementary Planning Guidance on Housing (2016) (SPG) confirms that all new dwellings should meet the nationally described space standard. These include a minimum size of 61 square metres gross internal floor area (GIFA) for a two bedroom, three person, one storey dwelling.
7. The Council says that the proposed first floor flat would have a GIFA of 57.9 square metres, a little over 3 square metres below the minimum standard. The appellant does not dispute this figure, but considers the shortfall to be modest, and to be outweighed by the regular configuration of the units and the benefits resulting from additional housing.
8. The proposed units would both provide a logically designed layout and in this respect comply with Policy ENV39 of the UDP. However, the first floor flat has been designed to include two bedrooms, and the appellant confirms that it is intended to be a two bedroom, three person unit. As such, the flat should have a minimum GIFA of 61 square metres. The proposed first floor flat may indeed be less than 4 square metres below that standard. However, the bar below which a dwelling would be unacceptably small has to be set somewhere and, if the space standards are to be effective, an argument that the shortfall is only small is not compelling.
9. The proposal would comply with criterion 2 of Policy H11 of the UDP, in that both units would have a gross floor area of over 50 square metres. However, this part of Policy H11 has been overtaken by the publication of the national space standards, with which the proposal does not comply. The proposal does not conflict with any of the criteria in Policy ENV39 of the UDP, but is contrary to that policy to the extent that the undersized first floor flat conflicts with the requirement for development to be of a high standard of design and layout.
10. The appellant argues that the proposal complies with Policy CS01 of the London Borough of Bexley Core Strategy 2012 (CS), as providing additional smaller units of housing would "*provide people equal access to a better quality of life*", as sought by the policy. However, the proposal is contrary to criterion c of this policy, as the undersized flat would not adequately meet the needs of Bexley's current and future population.
11. I therefore conclude that the proposal would not provide acceptable living conditions for future occupiers, with particular regard to the size of the unit, contrary to Policies H11 and ENV39 of the UDP, Policy CS01 of the CS and Standard 24 of the SPG.

Conclusions

12. The appellant argues that the benefits of additional housing created by the proposal, together with it adding to the variety of housing types, outweighs any

infringement of policy that might result. However, I have concluded that the proposal would result in the unacceptable loss of a small to medium sized dwelling and not provide acceptable living conditions for future occupiers. I consider that these conclusions outweigh the benefits of the proposal.

13. For the reasons set out above, I conclude that the appeal should be dismissed.

Baljit K Muston

INSPECTOR