



Appeal Decision

Site visit made on 15 March 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2022

Appeal Ref: APP/D5120/W/21/3274110

35B Bellegrove Road, Welling DA16 3PB

- 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 Bluerose Ltd against the decision of the Council of the London Borough of Bexley.
 - The application Ref 20/03025/FUL, dated 23 November 2020, was refused by notice dated 7 April 2021.
 - The development proposed is for the conversion of the first floor retail (Class A1/Ea) to residential (C3) to create 2x studio flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Reason for refusal 3 of the Council's Decision Notice and sections of its Officer Report refer to Table 3.1 of the London Plan in respect to waste and recycling provision. However, Table 3.1 deals with minimum internal space standards for new dwellings. I note that Table 3.2 deals with qualitative design aspects to be addressed in housing developments and section vi of Table 3.2 specifically deals with waste and recycling provision. I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the living conditions of its future occupiers, with particular reference to external space.
 - the adequacy of cycle parking and waste and recycling provision.

Reasons

Living conditions

4. 35B Bellegrove Road is a two storey mid-terrace unit fronting onto Bellegrove Road and the building is currently in commercial use across both floors. The proposed development would result in the conversion of the first floor into 2 studio flats. The submitted plans are annotated to show the floor area of each flat would be 39 square metres (sqm). This would be compliant with Table 3.1 of the London Plan 2021 which sets 39sqm as the minimum gross internal floor area (GIA) for 1 bed 1 person dwellings.

5. Both Policy D6 of the London Plan and Standard 26 of the Mayor of London's Housing Supplementary Planning Guidance 2016 (the SPD) set out that a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings. The appeal proposal would not provide any outdoor private outdoor space, and as such, the proposal would fail to accord with the policy and SPD in this regard.
6. Paragraph 2.3.32 of the SPD states that in exceptional circumstances, where site constraints make it impossible to provide private open space, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. The SPD indicates that this area must be added to the minimum GIA.
7. The Council accept that an absence of external amenity space is not uncommon in flats above high streets. To compensate, both units would therefore need to add 5 sqm to the 39sqm requirement set in Table 3.1 of the London Plan, in this case 44sqm. Both flats as proposed measure 39sqm and therefore remain in conflict with the development plan. This conflict weighs against the proposal.
8. The Appellant considers that Policies H6 and H7 of the of the Bexley Council Unitary Development Plan 2004 (UDP) do not relate to a studio flats and do not require studio flats to have outdoor amenity space. While studio flats are not expressly mentioned in these policies, this does not mean they are automatically discounted. I note that these policies do not mention any unit sizes and accordingly such an argument could be extended to all types of residential units. Notwithstanding this, the London Plan and the SPD both provide figured dimensions which I have referred to above.
9. The Appellant's statement continues this theme by stating that Table 3.1 of Policy D6 refers to 1 person 1 bedroom flats and has no reference to studio flats and should therefore be disregarded. The term studio flat is often used to refer to a type of unit and in this case it is quite clear that the unit is a 1 bed 1 person unit. The use of the term studio flat, does not change its status as a 1 person 1 bed unit.
10. The Appellant also considers that the units have a shower room and not a bathroom and therefore should be considered against the reduced minimum GIA requirements set in Table 3.1 of the London Plan. However, I note the proposed plans are labelled as bathrooms and are shown with physical baths. I therefore conclude that the appeal should not be considered against this reduced minimum GIA requirement set in Table 3.1 of the London Plan. The appellant also suggests that 0.5sqm should be discounted for storage and services. Notwithstanding that the minimum standards in Table 3.1 include storage, even if I apply a 0.5sqm discount, this would not meet the standards set out above.
11. My attention is drawn to a nearby public park which is an approximate 11-minute walk from the appeal site. While this park may be used by future occupiers of the residential units, the SPD requirement is for private outdoor space. The park is a public outdoor space and this would not provide the required private outdoor space and would therefore not compensate for its absence.
12. For the foregoing reasons, the proposed residential units would have a harmful effect upon the living conditions of their future occupiers, with particular

reference to external space. The proposal would therefore be contrary to the relevant provisions of Policies H6 and H7 of the UDP, Policy D6 and Table 3.1 of the London Plan and the SPD. These, amongst other things, address the need for high quality housing design and provide minimum standards of living conditions for residential occupiers.

13. The proposal would also fail to accord with paragraph 130(f) of the National Planning Policy Framework which seeks to ensure developments create places that have a high standard of amenity for existing and future users.

Cycle parking and waste and recycling provision

14. Lockable cycle parking and waste and recycling stores would be located to the rear of the appeal building on the opposite side of the rear service road. This rear service road is a no through road and serves the buildings along this terrace block.
15. The Council raised concerns that the cycle parking would not be fit for purpose given its proposed siting away from the dwellings, across the publicly accessible rear service road within the wider service area. The Council state that such a location would be at risk of theft and damage and therefore not secure or well-located. For the same locational reasons, the Council is also concerned the waste and recycling would not be within a convenient or integrated location.
16. Access to the proposed flats would be from the rear, along the service road passing the proposed location for the cycle parking and waste and recycling stores. The cycle parking and waste and recycling stores are also sited near to the entrance to the proposed flats and overlooked by the first-floor accommodation.
17. In respect to the cycle parking and waste and recycling stores, there is no evidence before me to suggest that the buildings, doors and locking mechanisms would not be robust. I consider these buildings to be closely located to the flats, overlooked and the rear access road would not be heavily trafficked or inconvenient to cross given it is not a through road. I find no compelling evidence that the cycle parking and waste and recycling stores are not fit for purpose, unintegrated or sited in an inconvenient location.
18. In light of the above, I consider the proposed development would provide adequate cycle parking and waste and recycling provision. This would be in accordance with the relevant provisions of Policy CS15 of the Bexley Core Strategy 2012, Policy T5 and Table 3.2 of the London Plan all of which, amongst other things, seek to ensure proposals provide cycle parking and waste and recycling provision which would be fit for purpose and sited in a convenient location.

Other Matters

19. The appellant has drawn my attention to a 2013 permission at this site, although this appears to be for one flat not two. It also pre-dates the current London Plan and the SPD. On this basis the planning history carries limited weight and does not change my findings on the main issues.
20. Decision notices of other granted applications have been included in the Appellant's statement. However, these are not supported with any comparative

analysis regarding the Council's rationale in approving these applications, which legislation or policies were applied to them, or how they compare to the proposed development. Furthermore, the decisions cited also pre-date the adoption of the current London Plan and may have different policy contexts. As such, these decisions carry limited weight and do not change my findings on the main issues.

Conclusion and planning balance

21. The proposed development would provide 2 flats which would make a positive contribution to meeting housing need in the area. Whilst I have found no harm in respect of cycle parking and waste and recycling provision, clear harm arises in respect of the impact upon the living conditions of future occupiers. As such, the benefit of any contribution to meeting housing need would be offset by the inadequate standard of accommodation that would be provided.
22. The appeal scheme would conflict with the development plan when read as a whole for the reasons I have given, and I consider there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it.
23. In light of the above, the appeal should therefore be dismissed.

N Praine

INSPECTOR