



Appeal Decision

Site visit made on 25 August 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20/09/2022

Appeal Ref: APP/D5120/W/22/3294218

22 Sidcup High Street, Sidcup, Kent DA14 6EH

- 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 Manpreet Singh of Hansali Corporate Ltd against the decision of the Council of the London Borough of Bexley.
 - The application Ref 21/01656/FUL, dated 19 May 2021, was refused by notice dated 26 January 2022.
 - The development proposed is formation of a mansard roof and alterations to existing building to provide an additional 1 bed flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision. I have also had regard to the appellant's reference to change bedroom 2 of the existing flat at first floor level to a study.
3. The appeal form refers to the address of the appeal site as being 22C Sidcup High Street. However, I have taken the address in the heading above from the planning application form and decision notice as this reflects the details of the proposal as originally applied for.

Main Issues

4. The main issues are the effect of the proposal on the:
 - Living conditions of future residents with regards to amenity space; and
 - Living conditions of residents of Flat 2 in respect of natural light.

Reasons

Amenity Space

5. Policy D6 of the London Plan 2021 states that a minimum of 5sqm of private outdoor space should be provided for dwellings of the type proposed. The

proposal does not include any private outdoor space and would therefore not comply with that element of policy D6.

6. The provisions of policy D6 on this issue reflect the private open space requirements of the London Housing Supplementary Planning Guidance 2016 (SPG). However, the SPG goes on to state that in exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement.
7. The appellant submits that the constraints of the site represent the exceptional circumstances referred to in the SPG. The proposed dwelling would exceed the minimum internal space standards set out in the Nationally Described Space Standards and the London Plan by 1sqm, which the appellant accepts would still represent a shortfall of 4sqm in respect of amenity space. On that basis, the proposal would conflict with the requirements of the SPG and policy D6.
8. In mitigation, the appellant refers to the town centre location of the flat with good access to services and public transport, as well as public open space in the wider area. However, this can be said of many dwellings in this and other town centres, and I do not consider that the benefits of this location are sufficient to outweigh the valid requirements of planning guidance and policy. Similarly, the appellants reference to the quality of accommodation to be provided is not sufficient to negate the requirement for private amenity space.
9. I conclude that the proposal would not provide sufficient amenity space for future residents, with significant harm to their living conditions. The proposal would therefore be contrary to policy D6 of the London Plan and policy H6 of the Bexley Unitary Development Plan 2004 (the UDP) in respect of the provision of adequate on-site amenity space. The proposal would also be contrary to the advice of the SPG in respect of the provision of private open space. Although policy H6 does not stipulate space standards, this does not negate the aims of the policy or the weight I give to it when assessed in conjunction with other policy and guidance.

Living Conditions

10. The proposal would result in the loss of a rooflight which serves a bedroom of Flat 2 on the first floor of the building. This would leave occupants of the bedroom reliant on artificial light, and would result in a gloomy and oppressive environment for occupants.
11. To address this, the appellant proposes to change the bedroom to a study which they consider is not required to provide natural light or an outlook as it would be a non-habitable room. The submitted plans also indicate it would be used as a store. The appellant also proposes to reduce the size of the room to 7.1sqm which is below the minimum standard for a single bedroom and which the appellant contends means it could only be used as a study. However, that would not mean that the room could only be used as a study or store, rather it could result in a bedroom which is deficient in both floorspace and natural light.
12. The appellant refers to a condition ensuring that the room is not used as a bedroom. However, such a limitation would be very difficult to monitor due to the self-contained nature of the flat. Even given the limited floorspace of the

room as proposed by the appellant this would not mean that it would be impossible to use as a bedroom, and there would remain a significant possibility that it would be used for that purpose.

13. I conclude that the proposal would lead to significant harm to the living conditions of residents of Flat 2 due to the loss of natural light to a bedroom. The proposal would therefore be contrary to policy D6 of the London Plan in respect of providing sufficient daylight and sunlight to surrounding housing.

Other Matters

14. The proposal would add to the supply and mix of housing in a location with good access to services. However, the benefits arising from a single extra dwelling would be very limited and would not outweigh the significant harm I have identified. A lack of harm regarding character and appearance as well as privacy are neutral factors in the overall planning balance.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR