



Appeal Decision

Site visit made on 19 October 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24/11/2022

Appeal Ref: APP/D5120/W/22/3297203

24 Broom Mead, Bexleyheath DA6 7NY

- 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 John Rayfield against the decision of the London Borough of Bexley Council.
 - The application Ref 21/03196/FUL, dated 7 December 2021, was refused by notice dated 14 March 2022.
 - The development proposed is conversion of basement to living accommodation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to the amount of internal space for the proposed upper floors flat, light and outlook of the proposed basement flat, and the privacy and subsequent utility of the proposed patio and garden spaces.

Reasons

3. The appeal property is located within a residential area consisting predominantly of family houses. Broom Mead consists of a mixture of semi-detached houses that are set into the slope of the land. The appeal property is positioned below the road and appears as a two-storey house from the front, although also includes a basement at lower ground level. The rear garden is terraced with an upper patio and lower lawned area, which can be accessed from both the basement and from the ground floor via several steps. It is a 3-bedroom property and I saw on my visit that all three levels are currently utilised, with the kitchen and a utility and shower room within the basement as well as a storage area.
4. The proposal would convert the existing house into two self-contained residential units. A studio type flat within the basement and a three-bedroom flat on the upper floors. Each flat would have its own access and cooking and bathroom facilities. There would be no internal access between the two.
5. Policy H11 of the London Borough of Bexley Unitary Development Plan (2004) (UDP) deals with residential conversions. It sets out a list of criteria that every conversion should meet. While the upper floors flat at 82.6m² would meet criterion 2 of Policy H11, it would not meet the minimum space standard for a 3-bedroom, 5 person flat over two floors, set at 93m² by policy D6 of the

London Plan. The single bedroom at 5.24m² would also not meet the required standards. I appreciate that the layout and size of the rooms on the upper floors would not change. However, the flat would lose the living space currently provided by the basement. Even with the space added to the ground floor from the removal of the staircase to the basement, the resulting amount of internal living space for the upper floors flat would be significantly reduced compared to the existing house, yet the number of and size of the bedrooms would remain the same.

6. The space standards have been put in place to ensure adequate living space is provided and the shortfall in the space provided by the upper floors flat is not insignificant. Therefore, despite meeting criterion 2 of Policy H11 of the UDP, it would conflict with criterion 3 that requires self-contained accommodation to be satisfactory in terms of space and layout and, therefore would also not accord with the policy.
7. The existing garden would be split between the flats. The basement flat would have access to the patio area adjacent to the house and the upper floors flat to the lower lawned area. However, the patio area would have very little privacy as the rear windows of the upper floor flat's lounge/diner and kitchen would look directly onto it. While the lawned area would have more privacy from the internal areas of the basement flat, there would also be little privacy from the patio area. Furthermore, the occupiers of the upper floors flat would have to walk through the patio area to access the lower lawned area. Therefore, both areas would be significantly overlooked which would affect their utility and the occupiers' enjoyment of these spaces. While some of the privacy issues may be resolved by erecting a fence between the patio and lawned area, this would not address the overlooking of the patio space from the upper floors flat or the need for the occupiers of the upper floors flat to walk through it to access their part of the garden.
8. The living room/bedroom area of the basement flat would be served by a single obscured glazed window, which would limit the amount of light to this part of the flat and provide no outlook. However, the rear of the property faces south, and I saw that the existing basement kitchen, which would become the kitchen/diner of the basement flat, receives a lot of light from the rear door and large kitchen window. It also provides a very pleasant outlook over the rear garden. Furthermore, I also saw that, despite having a smaller obscure glazed window than that proposed for the living room/bedroom area, the existing shower room, receives a lot of morning light. I appreciate that the window serving the living room/bedroom area would be positioned more towards the middle of the flank elevation. However, the light it would receive, together with the large amount of light received into the proposed kitchen/diner would be sufficient for future occupiers. In terms of outlook, the appellant has suggested that sliding glass doors could be installed between the living/bedroom and kitchen area to provide borrowed light and this would also allow some outlook from the living room/bedroom area. This could have been secured by condition if the appeal were to be allowed.
9. Although I have found that there would be sufficient light and outlook in the proposed basement flat, the proposal would not provide sufficient internal space in the upper floors flat nor adequate privacy in the proposed patio and garden spaces. Accordingly, the living conditions of future occupants would be unacceptable. It would thus conflict with policies H6, H7 and H11 of the UDP

and policy D6 of the London Plan. These, amongst other things, seek to ensure that adequate living space as well as usable on-site amenity space with a reasonable degree of privacy is provided for future occupants.

Conclusion and Planning Balance

10. The appellant refers to a great shortage of residential accommodation in London and the South East and it has been put to me that the proposal could either provide additional accommodation for a single person or a couple or possibly be used as a granny flat for a family with an aging parent. However, while I appreciate that the proposal would provide additional accommodation with a garden, its contribution to the supply and mix of housing in the borough would be limited and would not outweigh the harm I have identified above.
11. The proposal would conflict with the development plan, read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal should therefore be dismissed.

Hannah Guest

INSPECTOR