



Appeal Decision

Site visit made on 20 December 2022

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2023

Appeal Ref: APP/D5120/W/22/3302019

28 Upper Wickham Lane, Welling DA16 3HF

- 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 I Hasan of Sherman Investments Ltd against the decision of the Council of the London Borough of Bexley.
 - The application Ref 21/02565/FUL, dated 9 August 2021, was refused by notice dated 19 January 2022.
 - The development proposed is conversion of existing self-contained duplex flat to 1 x 1 bed and 1 x 2 bed self-contained flats.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing self-contained duplex flat to 1 x 1 bed and 1 x 2 bed self-contained flats at 28 Upper Wickham Lane, Welling DA16 3HF in accordance with the terms of the application, Ref 21/02565/FUL, dated 9 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Land Registry Plan; 210804/01; 210804/02.

Applications for costs

2. An application for costs was made by Mr I Hasan of Sherman Investments Ltd against the decision of the Council of the London Borough of Bexley.

Main Issue

3. The main issue in this appeal is the effects of the proposal on the area's housing stock, with particular regard to small and medium sized dwellings.

Reasons

4. The appeal site is a terraced building situated within an urban shopping parade. The appeal property is a duplex flat which occupies the building's first floor and roof space, located above a restaurant.
5. Policy H11 of the Bexley Council Unitary Development Plan (2004) seeks to protect the stock of small to medium sized dwellings and ensure dwellings provide adequate space standards. To achieve this, part 1 of the policy resists the conversion of existing dwellings with gross internal floor area (GIFA) of less than 110sqm, as originally built. The National Planning Policy Framework

provides a definition of 'original building', defining it as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

6. The submitted plans indicate the existing duplex flat has a GIFA of 131.5 sqm. The extent of this floorspace has been achieved through alterations to the building since its original construction (and after 1948). Notably, this includes the addition of a large box dormer at the rear and skylights within the front roof plane to provide living accommodation within the roof space.
7. The Council has excluded the roof space from its estimation of the appeal property's GIFA as originally built, as per Policy H11. In the context of the policy, the appeal property is not suitable for conversion due to its GIFA as originally built being less than the 110sqm standard.
8. However, the proposal would make a positive contribution to the stock of small to medium sized dwellings through the addition of two small/medium sized dwellings, resulting in a net gain of one additional small dwelling to the area's housing stock compared to the original provision. Indeed, as the existing property is a 4-bed dwelling of over 130sqm it would represent an increase of two small units over and above the current provision.
9. The floor area of each proposed flat would exceed the minimum space standards set by Policy D6 of the London Plan (2021) and part 2 of Policy H11 and would therefore achieve an adequate standard of internal floor space.
10. On this basis, even though the development would fail to accord with part 1 of Policy H11, I attach significant weight to the proposal's contribution of two small/medium sized dwellings of adequate internal floorspace to the area's housing stock, which would meet the aims of Policy H11. I also give weight to its compliance with London Plan policy D6 as set out above. I therefore conclude that the proposal accords with the development plan, taken as a whole.

Conditions

11. I have attached a condition to secure the commencement of the development, and in the interests of certainty have attached a condition specifying the approved plans.
12. The Council's Delegated Report suggests the proximity of bedrooms to main living spaces could give rise to noise disturbance. I am satisfied that adequate noise insulation can be provided through compliance with Building Regulations.

Conclusion

13. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should succeed.

E Dade

INSPECTOR