



Appeal Decision

Site visit made on 3 October 2023

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2023

Appeal Ref: APP/D5120/W/23/3315688

45 Marina Drive, Welling, Bexley DA16 3QY

- 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 A Llukovi against the decision of London Borough of Bexley Council.
 - The application Ref 22/02550/FUL, dated 12 October 2022, was refused by notice dated 9 December 2022.
 - The development proposed is to convert a single family dwelling into 3x self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original application form omitted the name of the applicant. It has been confirmed in appeal correspondence that the applicant was Mr Llukovi and this has been reflected in the banner heading above.
3. The Council adopted the Bexley Local Plan 2023 (BLP) after the planning application was determined. The BLP replaced the Bexley Unitary Development Plan 2004 (UDP) and the London Borough of Bexley Core Strategy (BCS), and therefore the policies in these documents referenced in the reasons for refusal no longer exist. The Council has confirmed that policy CS01 of the BCS was replaced with policy SP1 of the BLP; and that policy H11 of the UDP was replaced with policy DP11 of the BLP. My determination of the appeal references the adopted development plan at the time of my decision.
4. The Council's decision notice included three reasons for refusal, the first of which referred to the loss of a small/medium dwellinghouse which the Council considered to be contrary to policy H11 of the UDP. The Council has confirmed in its appeal statement that this reason for refusal no longer has justification in policy and would not have been included if the development were assessed against the BLP. I have therefore considered the appeal on the basis that the first reason for refusal no longer applies.
5. The application form states that the development commenced in March 2022. On my site visit, the conversion works had commenced but had not been completed and therefore the layout did not fully reflect the proposal shown on the submitted drawings. I have determined the appeal on the basis of the submitted drawings rather than the layout I observed whilst on site.

Main Issue

6. The main issue is whether the proposal would provide an adequate standard of accommodation for future occupiers, with particular regard to the quality of internal accommodation and the provision of private amenity space.

Reasons

7. The appeal site was originally a single dwelling that has been part-converted to form three self-contained flats. Flat 1, on the ground floor, has three bedrooms with direct, level access to a garden. Flat 2 is proposed as a two-bedroom dwelling and would be located on the first floor. Flat 3 would be a studio in the loft space with an additional storage room on the first floor. Outdoor amenity space has been provided to the rear of Flat 1's garden, which would be shared between the occupants of Flats 2 and 3. Access to the communal space is via a side gate from the front driveway to the property. There is also an outbuilding in the existing garden, which would not be altered as part of the proposal.
8. Policy D6 of the London Plan 2021 (LP) sets out minimum space standards for new dwellings, which includes conversions. On the basis that the habitable living space for the studio flat is all on one floor, each of the proposed dwellings would exceed the overall minimum residential space standards. The Council has not raised any objections to the overall floor space or the sizes of rooms in Flats 1 and 3, and I see no reason to disagree.
9. As a two-bedroomed dwelling, Flat 2 triggers the requirement in policy D6 of the LP for at least one bedroom to be a double or twin, with a minimum floor space of 11.5sqm. Both bedrooms for Flat 2 would be 10.6sqm and would therefore fall short of the minimum policy requirement. Each of the rooms are rectangular in shape and therefore, whilst there could be room for two bed spaces and other furniture, the remaining circulation area would be very limited. The rooms would be too small for two people to use the bedrooms for a wide range of domestic activities, which may typically include carrying out hobbies and pastimes as well as sleeping. Each of the bedrooms would, therefore, be cramped and uncomfortable for double occupancy.
10. Policy D6 of the LP also requires that a minimum of 5sqm of private outdoor space is provided for 1-2 person dwellings, with an extra 1sqm for each additional occupant. The occupants of Flat 1 would have level access to a generously sized garden. However, no private outdoor space is proposed for the occupants of Flats 2 and 3. Instead, a shared garden would be provided which, whilst reasonable in size, could only be accessed via a side gate from the front driveway with no direct access from either flat. The appellant considers the space would be quiet and private. However, its position at the rear of Flat 1's garden with no proposed boundary treatments, would result in mutual overlooking and a lack of privacy. Taking these factors together, future occupants could be deterred from using the garden. My attention has been drawn to in-principle support for the provision of communal outdoor spaces for apartment buildings. However, the availability of shared spaces does not detract from the policy requirement to provide sufficient private outdoor space.
11. The dwellings would be dual aspect, ventilated and insulated and therefore would receive adequate levels of daylight and aeration. However, there is limited evidence before me of any mitigating factors that would justify an exception being made to the minimum policy requirements, or of conditions or

obligations that could make the development acceptable. Therefore, there is clear conflict with policy D6 of the LP.

12. I conclude that the proposal would fail to provide an adequate standard of accommodation for future occupiers. This would be contrary to policy DP11 of the BLP, policy D6 of the LP and the National Planning Policy Framework (the Framework) which, amongst other things, require development to provide sufficient amenity space and internal accommodation standards.
13. The Council relied on policy CS01 of the BCS in its reasons for refusal. Its replacement, policy SP1 of the BLP, sets out the overall spatial strategy for achieving sustainable development. I do not, however, find it determinative in my consideration of the adequacy of living conditions for the proposal.

Other Matters

14. The Council has drawn my attention to the headroom requirements within policy D6 of the LP, although this matter did not form part of the initial reasons for refusal. Nevertheless, I have found the proposal to be contrary to policy D6 of the LP as set out above.
15. The development would make more effective use of the site by providing additional housing units on a previously developed site in an accessible location with good public transport links. These matters carry support in the Framework. However, I have not been directed to any substantive evidence that indicates there is a particular need for the dwellings proposed on the site. Therefore, I attach limited weight to these benefits.
16. No alterations or extensions are proposed to the exterior of the appeal building. It would therefore preserve the character and appearance of the local area. Additionally, no harm has been identified in respect of the living conditions of neighbouring residents, including through noise. The absence of harm carries neutral weight in my decision.
17. Overall, these factors do not outweigh the harm that would be caused through the inadequate living conditions for future occupiers.

Conclusion

18. The proposed development would be contrary to the development plan when read as a whole, and there are no material considerations before me, including the provisions of the Framework, that outweigh that harm. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

E Catchside

INSPECTOR