
Appeal Decision

Site visit made on 31 October 2023

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2023

Appeal Ref: APP/D5120/W/22/3301194

31 Izane Road, Bexleyheath DA6 8NU

- 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 Mrs Monika Kajnozi against the decision of the Council of the London Borough of Bexley.
 - The application Ref 22/00247/FUL, dated 4 February 2022, was refused by notice dated 7 June 2022.
 - The development proposed is described as: "Proposed Change of Use from Dwelling House into 6 Bed HMO - re Submission of refused application No 21/02527/FUL".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site visit procedure was altered from an accompanied site visit to an access required site visit, as the Council Officer was not present when I arrived at the appeal site during the pre-arranged time and date. Both parties were subsequently written to explaining the change in procedure. As such the appeal will be determined on this basis.
3. During the course of this appeal, London Borough of Bexley UDP, 2004 (UDP), and policies contained within it, has been replaced with the Bexley Local Plan 2023 (LP). This must now be given full weight in the decision-making process. Both parties have been given the opportunity to comment on the new LP, and so have not been prejudiced. I have therefore not assessed the development against the policies of the superseded UDP.
4. An amended plan has been submitted with the appeal, which shows further changes to the fenestration in the flank wall, which include the installation of a new window facing towards No 27 Izane Road. However, these revisions change the nature of the proposed development before me and could potentially prejudice the interests of interested parties that have not had the opportunity of consultation. I have therefore disregarded these revisions in my consideration of this appeal and have considered the appeal on the basis of the plans submitted to and determined by the Council.
5. I have also dealt with another appeal (Ref: APP/D5120/C/22/3301478) on this site. That appeal is the subject of a separate decision.

Main Issues

6. The main issues are:

- The effect of the development on the living conditions of future occupiers of the HMO, with particular regard to light and outlook; and
- Whether the development would be prejudicial to any future development at 27 Izane Road.

Reason

Living conditions of future occupiers of the HMO - light and outlook

7. The proposed kitchen/living room at ground floor level would be served by only one window located in the flank wall of the appeal property and positioned in the far corner of the room. This window would be in close proximity and facing directly opposite the flank wall of the single storey side extension and two storey property at No 27 Izane Road. The proposed living room/kitchen is likely to be used by all occupiers of the HMO to prepare, cook, have meals, converse and socialise. To my mind good levels of outlook and natural light would be important for future occupiers and to carry out these day-to-day activities.
8. Owing to the position of this window, future occupiers of the living room/kitchen would only have views of the flank wall of the neighbour's extension, resulting in very poor outlook for all occupiers of HMO. Furthermore, no further daylight and sunlight assessments have been submitted to illustrate that this room would provide acceptable levels of daylight and sunlight for future occupiers. In these respects, the communal living room/kitchen would fail to provide acceptable living conditions and result in a sense of enclosure that would feel oppressive and claustrophobic for future occupiers of the HMO.
9. Similarly, bedroom 5 at first floor level would also only be served by a single window positioned in the flank wall of the appeal property. This window would be within close proximity of the flank wall of the neighbouring property at No 27. Occupiers of the bedroom of an HMO are likely to spend a reasonable amount of time in their bedrooms for relaxation and socialising. Therefore, the proposal would result in poor outlook for future occupiers, and a sense of enclosure that would feel oppressive for future occupiers of bedroom 5.
10. Consequently, the development fails to provide acceptable living conditions for future occupiers of the HMO, with regards to light and outlook. Accordingly, the development is contrary to Policies DP5 and DP11 of LP, and Policy H9 of the London Plan, 2021. Amongst other things these require HMOs provide an appropriate quality of the accommodation, and that appropriate levels of outlook, natural daylight and other forms of amenity are provided.

Whether the development would be prejudicial to any future development at 27 Izane Road.

11. The Council state that the proposed positioning of the new window in the flank wall of the property at first floor level for proposed bedroom 5 would prejudice any future first floor side extension or roof alteration to the neighbouring property at No 27, and that given the close proximity of this window to the neighbouring boundary, any future such development at No 27 would have an unacceptable impact on this habitable bedroom window in terms of loss of light

and outlook. I share the Council's concerns that the position of this new window, is an unneighbourly addition and note that Policy DP11 of the LP states that all proposals should ensure existing properties' amenity is appropriately protected. This would not be achieved by the current proposal.

12. In recognition that position of this window could prejudice any future development at No 27, the appellant proposes that the proposed window in the flank wall is obscure glazed and fixed shut below a height of 1.7m from the finished floor level of the room. The appellant also suggests the installation and use of mechanical ventilation for this bedroom. However, I have already found that that poor levels of outlook would be afforded to future occupiers of bedroom 5, and the installation of obscure glazing would exacerbate this harm. Therefore, this would not overcome the concerns raised, and would worsen the living conditions for future occupiers of this bedroom.
13. I therefore conclude that the development would be prejudicial to any future development at No 27, and conflicts with Policy DP11 of the LP, which seeks the aforementioned aims.

Other Matters

14. The compliance with the space standards for all rooms are noted. However, these do not outweigh the harmful effects of the change of use outlined above, and therefore do not alter my decision.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

R. Satheesan

INSPECTOR