



Appeal Decision

Site visit made on 19 August 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2025

Appeal Ref: APP/D5120/W/25/3366761

Rear of 72 Upper Wickham Lane, Welling, Bexley DA16 3HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Ms T Duhig (CAT Developments) against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 25/00319/PRIOR.
 - The development proposed is the conversion and change of use of former commercial two-storey building to create 2 one-bed flats (C3).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the change of use of a building from Class E (commercial, business and service) to Class C3 (dwellinghouses) subject to limitations and conditions.

Main Issue

3. I consider that the main issue in this appeal is whether the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 3, Class MA of the GPDO.

Reasons

4. The proposed scheme includes extensive alterations to the external fabric of the building. On side elevation A, this would comprise the insertion of six new windows and one new door, plus alterations to three existing windows. On side elevation B, five existing windows would be removed and infilled, and two rooflights would be inserted. Furthermore, the existing rear door would be replaced with a window.
5. The appellant characterises these changes as a “net increase of two windows and a door”. However, the scale and distribution of alterations across both principal elevations represents a material change to the building’s external appearance. Under section 55(1) of the Town and Country Planning Act 1990, such alterations constitute operational development.

6. Class MA permits the change of use of a building but does not explicitly authorise works such as the alteration and insertion of windows and doors. While certain other Permitted Development rights explicitly permit building operations reasonably necessary to convert a building, Class MA contains no such provision.
7. Given this, the proposal fails to meet the limitations of Class MA and therefore falls outside the scope of Article 3(1) and Schedule 2, Part 3, Class MA of the GPDO.

Other Matters

8. The Council's decision notice also cited inadequate natural light to habitable rooms and thus a failure to comply with MA.2(1)(f) as a reason for refusal. However, as I have found that the proposed works would fall outside the scope of Class MA and would fail to comply with the limitations of Class MA, it is not necessary for me to assess this matter further.
9. I have had regard to the appellant's arguments that relocating windows would improve living conditions and that the refusal reasons are contradictory. These points do not alter my findings that the alterations amount to operational development requiring separate permission.

Conclusion

10. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR