



Appeal Decision

Site visit made on 10 September 2025

by **H Miles BA (hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd of September 2025

Appeal Ref: APP/A2280/W/25/3366722

62 Maidstone Road, Rochester, Medway ME1 3BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr R Kundu against the decision of Medway Council.
 - The application Ref is MC/24/2060.
 - The development proposed is conversion of 3 flats into 4 one-bedroom flats on first and second floor.
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Decision

1. This appeal is dismissed

Main Issue

2. The main issue is the quality of living conditions for future occupiers with particular regard to the size of flats 3 and 4.

Reasons

3. The accommodation for the proposed flats 3 and 4 comprise a kitchen/living/dining area and shower room at first floor, with an internal staircase leading to a bedroom at second floor. There would be a void between the floors with a double height space, and the bedrooms are described as being on a mezzanine floor. The overall floorspace to flat 3 would be around 43sqm which includes 34sqm at first floor and the 8sqm mezzanine floor bedroom, and 42sqm to flat 4 with 31sqm at first floor and a 10sqm bedroom.
4. Policy BNE2 of the Medway Local Plan (2003) (LP) requires that the amenity of future occupiers is secured. Guidance is also provided in the Nationally Described Space standards (NDSS) which set out different standards for dwellings across 1 storey and 2, or 3 storeys to take account of the extra circulation space needed for stairs to upper floors. A 1b1p single storey dwelling should have 39sqm minimum gross internal floor area, and the minimum requirement for a 2 storey dwelling is a 1b2p unit which would require 58sqm. There is no standard for a 1b1p 2 storey dwelling. The Medway Housing Standards (2011) seek a minimum floor to ceiling height of 2.4m. This differs from the NDSS which states that over 75% of the property should have a minimum floor to ceiling height of 2.3m, with areas under 1.5m in height not counted towards floorspace calculations.
5. The proposed bedrooms would be set in the roof of the property with sloping walls. The maximum floor to ceiling height would be 2.2m. Although the floorspace measurements for the bedrooms do not appear to include any areas where headroom is below 1.5m, nevertheless areas with a low floor to ceiling height would limit the usability of the space. Although the floor area would be above the

7.5sqm NDSS standard for a single bedroom, and the rooms would open onto a double height void, taken together their limited size and height would result in the only bedroom to these properties being small and cramped.

6. The evidence before me suggests that the stairs would be of an incline that is safe and would comply with building regulations, and at first floor the floor to ceiling height is reasonable at 2.7m. However, the layout of the units would mean that part of the usable first floor floorspace would be lost to the staircase. This would result in the overall floorspace for furniture and living space for these units being unacceptably restricted.
7. The proposed flats would fall below the minimum floorspace requirements for a 2 storey dwelling in the NDSS. They would exceed the requirements for a 1p1b dwelling over one storey, however even considering the smaller bedroom sizes required, the overall floorspace would not be sufficient to take into account the extra circulation space needed for stairs to upper floors in this case.
8. Taken together, the limited overall size of these 2 storey units, along with the small and cramped bedrooms would result in unacceptable living conditions for future occupiers.
9. The existing flat 5 is a 2 bedroom flat, with a floor to ceiling height of 2.2m. It is accessed via flights of stairs across 2 floors, which makes it inconvenient for pushchairs and large deliveries. Whilst the appeal scheme would increase the number of dwellings at this site, the proposed units would result in unacceptable amenity standards for future occupiers. Therefore, even considering these features of the existing unit, the proposed development would not be an improved use of the space. Moreover, there appears to be no reason that the units could not be modernised with out the need for the proposed works.
10. The Council have not identified harm with regard to the other units proposed, nor to light or ventilation. Nevertheless, the lack of harm in these regards is a neutral matter that does not weigh in favour of the proposed development.
11. Therefore, the proposed development would provide an unacceptable quality of living conditions for future occupiers with particular regard to the size of flats 3 and 4. As such, in this regard, it would be contrary to Policy BNE2 of the LP, the aims of which are set out above.
12. Policy H6 sets criteria for flat conversions which do not relate to the living conditions of future occupiers. Therefore the policy above is more relevant to this main issue.

Planning Balance

13. The Council cannot demonstrate a 5 year supply of deliverable housing sites. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework 2024 (Framework) would be engaged. This requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies within the Framework taken as a whole having particular regard to key policies.
14. The appeal scheme would provide an increase of one new dwelling in an urban area where there is a shortfall in the delivery of housing, along with the associated

social and economic benefits of this provision. It would therefore direct development to a sustainable location. Taking into account the scale of the development, this results in important, but no more than modest benefits.

15. On the other hand, it would provide an inadequate quality of living conditions which would not result in a high standard of amenity for future users. Consequently, the proposal would not safeguard and improve the environment and ensure safe and healthy living conditions and would not be an effective use of land nor would it secure well-designed places. Together, this harm would be serious.
16. Evidence as to the extent of the housing land supply has not been provided, however even if there were a significant undersupply, these serious adverse effects would significantly and demonstrably outweigh the modest benefits set out above when assessed against the Framework taken as a whole and having particular regard to key policies. Therefore, the presumption in favour of sustainable development would not apply in this case.

Other Matters

17. The Thames Estuary and Marshes and the Medway Estuary and Marshes Special Protection Areas (SPAs) are habitats sites that have a high level of protection. They are designated for their over-wintering birds. The appeal site is within 6km of the SPA and the Council state that, without any mitigation in place, in combination with other plans and projects, there would be a likely significant effect on the interest features of the site from the proposed development. Notwithstanding this, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR