



Appeal Decision

Site visit made on 1 December 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 January 2026

Appeal Ref: APP/D5120/W/25/3372632

Kilworth House, 17 Westergate Road, London SE2 0DR

- 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 Christopher Towill against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 25/01077/FUL.
 - The development proposed is described as: 'construction of a new build two-storey side extension with loft conversion to the existing residential building to create three self-contained 2-bed flats'.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a new build two-storey side extension with loft conversion to the existing residential building to create three self-contained 2-bed flats at Kilworth House, 17 Westergate Road, London SE2 0DR in accordance with the terms of the application, Ref 25/01077/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Christopher Towill against the decision of the Council of the London Borough of Bexley. This is the subject of a separate decision.

Preliminary Matters

3. Although the description of development refers to three 1- and 2-bed flats, the plans show three 2-bed flats. I have amended the description of development to reflect this. I have further simplified the description by removing references to previous planning permissions for, respectively, the conversion and extension of the existing dwelling to create 5 self-contained apartments¹ (which has been implemented) and a two storey side extension² (which has not been implemented but which remains extant).
4. I have therefore determined the appeal on the basis of the following description of development: construction of a new build two-storey side extension with loft conversion to the existing residential building to create three self-contained 2-bed flats.

Main Issues

5. The main issues in this appeal are:

¹ LPA reference 21/00823/FUL

² LPA reference 23/02227/FUL

- whether the proposed development would provide acceptable living conditions for future occupiers, with regard to internal space; and
- whether the proposal satisfies the requirement for biodiversity net gain.

Reasons

Living conditions

6. The proposal is to extend the building to create three additional flats, one of which would be partly within the roof space of the existing building. The area is residential in character.
7. Policy D6 of the London Plan March 2021 (LP) requires a minimum floor to ceiling height of 2.5m for at least 75% of the gross internal area of a dwelling. Parts of the living/kitchen/dining area, double bedroom (bedroom 1) and bathroom of the proposed flat within the roof space would have a floor to ceiling height of less than 2.5m. There is disagreement between the parties about how much of the ceiling would be below 2.5m in height: the appellant calculates the figure at 73%, whilst the local planning authority estimates it at 55%. As the appellant has provided scaled plans showing the parts of the flat which would have a floor to ceiling height of less than 2.5m, I am satisfied that their calculations are accurate.
8. The proposed flat would have a floor area of 89.5sqm, considerably in excess of the minimum gross internal floor area of 61sqm for a 2 bed 3 person flat set by Policy D6. In light of this, a 2% shortfall in the amount of floor area with a 2.5m ceiling height would not materially affect the living conditions of future occupiers. The appellant has indicated that the plans could have been adjusted to fully satisfy the policy requirement, but such an adjustment is not required for the reasons I have set out, and in any case amended plans are not before me for consideration.
9. A previous application for a similar scheme was refused and subsequently dismissed at appeal³, with one of the matters in dispute being ceiling heights. The refused plans showed the kitchen/living area and second bedroom of the proposed flat largely within the pitched roof, resulting in substantial areas of the flat having inadequate head room. The plans before me propose a flat roofed rear projection which substantially increases the available headroom, thereby overcoming the previous Inspector's concerns.
10. There is no standard in Policy D6 for ceiling heights specifically in bedrooms, but the Council has raised a concern that parts of the double bedroom would have a ceiling height below 2.5m. The plans show the section of the bedroom between the door and the window having a ceiling height above 2.5m, with the central portion having a ceiling height above 2m. From a practical perspective, the bedroom would function appropriately and provide suitable living conditions, and I therefore find no conflict in this regard with Policy D6.
11. I conclude that the proposal would provide suitable living conditions for future occupiers, and that material considerations justify the minor conflict with the internal space standards set by Policy D6 of the LP. The proposal would satisfy policies SP5 and DP11 of the Bexley Local Plan date of adoption 26 April 2023 (BLP), which together seek high quality design that meets appropriate internal

³ PINS reference APP/D5120/W/24/3346127

accommodation standards. It would achieve a high standard of amenity for future users in accordance with the National Planning Policy Framework (the Framework).

Biodiversity net gain

12. BNG is required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (the Act), inserted by the Environment Act 2012. To satisfy the requirement for BNG, a completed small sites metric (SSM) must accompany planning applications, showing the pre-development biodiversity value of the onsite habitat.
13. A completed SSM accompanied the appeal, showing baseline and post-development units. It indicated a net gain of 14.70% in respect of habitat units and 1,465.09% in respect of hedgerow units, with an overall net gain of more than 10%. I am satisfied, therefore, that the appellant has met the requirement to complete a SSM.
14. I conclude that the proposal satisfies the requirement for BNG in Schedule 7A of the Town and Country Planning Act 1990. The proposal would accord with Policy DP20 of the BLP, which requires development proposals to demonstrate a measurable long-term gain for biodiversity.

Other Matters

15. The proposal reflects the character and appearance of nearby properties. The proposed Whilst the number of residential units would increase, there is no evidence that the flats or the shared amenity space would cause a disturbance to existing residents. Should disturbance occur during the construction phase, the Council has powers to control nuisance.
16. The main aspect of the proposed flats would be to the front and rear, with sufficient separation distances to protect the privacy of occupiers, and also to prevent overshadowing. The proposed side windows would serve landings, which are not habitable rooms and would not pose a threat to privacy. Potential overlooking of adjacent occupiers from the proposed rear terraces can be minimised by installing privacy screens, which can be required by condition.
17. The Council has confirmed that the proposed amount of onsite car parking reflects census data on car ownership levels locally, and consequently there is no evidence that highway safety would be impacted by increased on road parking. The proposed onsite cycle store would encourage bicycle use, and moreover is acceptable in design and security terms.
18. Interested parties have drawn attention to bins currently being left out at the front of the site. The proposal shows enclosed bin stores at the front of the property which would ensure that bins do not need to be left in the open, and no evidence has been provided which demonstrates that the level of bin storage provision would not meet that expected by the Council.
19. The Council has assessed the potential impact of the proposal on the mature tree at the front of the site, and confirmed that engineered solutions would be undertaken to minimise the impact on the tree. Such solutions could be secured by condition.

Conditions

20. The Framework sets out that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested list of conditions on this basis.
21. It is necessary to confirm the standard time limit for the development, and to specify the approved plans and drawings, for the avoidance of doubt and in the interest of certainty.
22. To protect the character and appearance of the area, external materials should match the existing, and the tree protection measures set out in the arboricultural method statement should be implemented.
23. To protect the privacy of existing and proposed residents, privacy screens are required on both sides of the proposed roof terraces.
24. In the interests of sustainability and to accord with Policy DP30 of the BLP, sustainable construction measures should be submitted for approval. Water efficiency is covered by the building regulations, meaning a condition is not necessary.
25. The submitted plans do not show the same configuration of bins as described in the appellant's Response to Questionnaire, and I have therefore attached a condition requiring details of bin storage to be submitted for approval and thereafter implemented.
26. In the interest of sustainable travel, the approved cycle store should be constructed and retained.
27. To ensure that the car parking spaces serve the occupiers of the existing and proposed flats, the appellant's car park management plan must be adhered to.
28. As no car parking provision is proposed over and above that which has already been consented, it is not necessary to control the provision of parking spaces or visibility splays. Nor is it necessary to condition electric vehicle charging points, since this is covered under the building regulations.
29. Under the statutory framework for biodiversity net gain, permission is deemed to have been granted subject to the condition that the biodiversity net gain objective is met. It is not therefore necessary for me to attach a condition in this regard.

Conclusion

30. The proposal would accord with the development plan, when read as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

J Heppell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Proposed Block Plan	23-1017/D01/13	08-Jul-25
Proposed Ground Floor Plan	23-1017/D03/13	08-Jul-25
Proposed First Floor Plan	23-1017/D05/13	08-Jul-25
Proposed Loft Plan	23-1017/D07/14	25-Jul-25
Proposed Roof Plan	23-1017/D08/13	08-Jul-25
Proposed Front Elevation/Left Side Elevation	23-1017/D10/13	08-Jul-25
Proposed Rear Elevation/Right Side Elevation	23-1017/D12/13	08-Jul-25
- 3) Brickwork (including bonding and mortar), window and doors, external guttering and roofing tiles shall match those used on the existing building.
- 4) During the course of development, the tree at the front of the site shall be protected in accordance with the measures set out in the Arboricultural Method Statement prepared by PJC.
- 5) Notwithstanding the approved plans, details of 1.8m high opaque privacy screens on both sides of the proposed rear terraces shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented before any part of the development is first occupied and maintained as such thereafter.
- 6) Prior to the first occupation of the development hereby approved, details of sustainable design measures to address the requirements of Policy DP30 of the Bexley Local Plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.
- 7) Notwithstanding the approved plans, details of arrangements for the storage of refuse and recycling shall be submitted to, and approved in writing by, the local planning authority. The approved arrangements shall be completed before any part of the development is first occupied, and permanently maintained thereafter.
- 8) The approved arrangements for cycle storage shall be completed before any part of the development is first occupied, and permanently maintained thereafter.
- 9) The approved car park management plan shall be implemented before any part of the development is first occupied and thereafter adhered to in perpetuity.

End of schedule