

Planning and Permitted Development Statement

Address: The Coach House, 237 Bexley Road, Kent, DA8 3EX

Relevant History: 23/02876/PRIOR refused on 21/12/2023 for the following reasons:

1. The proposed change of use from commercial (Use Class E) to residential (Use Class C3) fails to comply to the criteria set out in Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) with particular reference to paragraph MA.2 (2) (f) which relates to the **provision of adequate natural light within habitable rooms.**
2. The proposed development, due to proximity to **nearby windows** and **rear gardens i.e.no.37a** Bexley Road, would have an unacceptable impact on the **privacy of that occupier**, thereby failing to comply with DP11 of Bexley Local Plan (2023) and the Bexley Design for Living Guidance (2006).

Assessment:

From reviewing the delegated report, it appears refusal reason 1 relates to insufficient natural light for the ground floor rear bedroom of Flat A only (ground floor flat). No concerns appear to be raised regarding lighting to Flat B (first floor).

Reason 1:

- Bedroom 1 would have an approx. 8m separation to the 'direct' inner rear wall of the ground floor retail unit fronting Bexley Road. This is a sufficient separation to allow natural light within the habitable rooms of both flats of which currently enters in this direction (to the coach house).
- The submitted daylight/sunlight report confirms adequate lighting for the habitable rooms to which the officers report does not even consider this daylight/sunlight assessment, despite being submitted. If there is sufficient grounds to refuse on lighting, surely the submitted statement (if disagreed) would be used to support officers outcome/reasoning's.
- We have now included a confirmation letter from the director of the lighting company of which confirms sufficient internal lighting will be provided for bedroom 1 and all habitable rooms.
- Matters relating to 'outlook' are not part of the criteria so we consider this as being incorrect and should not have formed part of the refusal. We would put this to appeal, if a further application was to be rejected. We would like to resolve this matter at a local level rather taking this to appeal – this would off course benefit the Council.
- No concerns of lighting have been raised by officers regarding the occupiers of flat B.

Reason 2:

- Section 10 of the delegated report discusses the reasons behind this reason
- I believe this is a typo which can occur – it should be no.237a and not 37a.
- No.237 has a ground floor commercial unit and a first floor flat.
- Officers consider the siting of bedroom 1 – flat B to cause overlooking and privacy to the first floor flat. Neighbouring amenity impact is not an assessment as part of the prior approval criteria under Class MA. The legislation is very clear that the section of 'natural lighting' refers

to proposals ensuring there is sufficient lighting of which we have confirmed above and already done so as part of the refused scheme.

- No.237a does not have a garden – the front and rear (subject) buildings do not connect and nor does this existing flat of no.237a have a garden.
- The subject building is in situ and there is already a rear facing window. So there is already a level of lawful impact.
- Matters relating to privacy and overlooking are not considerations as part of the GPDO criteria. In any case, we have provided justification regarding potential impact – above.

Conclusion:

As such, it is considered that officers have incorrectly assessed the application which has resulted in refusal reason 2 which cannot be included given that the criteria does not refer to privacy/overlooking impact. There is no assessment as part of Class A on neighbouring amenity impact grounds. Furthermore, matters relating to impacting of no.237a 'private' amenity space is incorrect as this neighbour does not have a garden. In terms of refusal reason 1, we have provided a lighting assessment – daylight and sunlight which confirms bedroom 1 of the ground floor flat would have sufficient lighting. The Council officers have not gone against this supporting statement so it would appear (on the basis of the report) that a robust and justified reason by officers has not been put forward.

We confirm, noting an approx. 8m building separation and existing openings to the Coach house that sufficient lighting will be provided – please see daylight/sunlight report and associated letter.

If the application is to be refused again, we would like an officer assessment made against the daylight/sunlight assessment. We would like to know what part of the assessment is incorrect.