
Appeal Decision

Site visit made on 5 November 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2019

Appeal Ref: APP/V5570/W/19/3234407

The Library, 235 Upper Street, Islington, London N1 1RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Numb Music Productions Ltd against the Council of the London Borough of Islington.
 - The application Ref P2018/2802/FUL, is dated 16 August 2018.
 - The development proposed is a change of use of the first, second and third floors of the property to backpackers hostel accommodation (sui generis).
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Decision

1. The appeal is dismissed and planning permission for change of use of the first, second and third floors of the property to backpackers hostel accommodation (sui generis) is refused.

Application for costs

2. An application for costs was made by Numb Music Productions Ltd against the Council of the London Borough of Islington. This application is the subject of a separate Decision.

Procedural Matters

3. As part of the appeal the appellant has indicated they would consider reducing the number of bed spaces by restricting the change of use to the second and third floors only. I have not considered this as part of this appeal as I consider that this change would materially alter the nature of the application and would prejudice the interests of interested parties¹.
4. The appellant has also indicated that they wish to remove reference to roof terraces and the Council have within their statement accepted the removal of this element. I have considered the appeal on the basis of the roof terraces no longer forming part of the proposal.
5. There is dispute within the evidence on the number of bed spaces to be provided as part of the proposed change of use and both parties have referenced different figures within their evidence. However, it is clear from the

¹ 1 Annex M of the Procedural Guide Appeals – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

submitted plans that the proposal would accommodate around 70 persons and I have considered the appeal on this basis.

Main Issues

6. The main issues are:

- whether the proposed use would be appropriate outside of a designated Town Centre and Central Activities Zone;
- whether the proposal provides an acceptable standard of accommodation for future occupiers.

Reasons

7. The appeal site comprises a three storey, end of terrace property, with a basement level below and mansard roof accommodation above. The property is currently in use as a public house, with the upper floors used for ancillary accommodation and office space. The site is accessed via either the front entrance on Upper Street or the side entrance on Laycock Street.
8. The building is located within the Upper Street (North) Conservation Area and is identified within the register of locally listed buildings and locally significant shopfronts. The site is located within the Employment Growth Area but outside of any designated Town Centre and Central Activities Zone.

Appropriate use

9. The proposal seeks to change the use of the upper floors; first, second and third, to backpackers accommodation for around 70 persons. The accommodation would be provided within 8 rooms and includes communal bathrooms. There are no kitchen facilities provided, nor any communal shared spaces. The remainder of the site would remain in use as a public house with the commercial kitchen being relocated from the first floor to the ground floor.
10. Policy 4.10 of Islington's Local Plan, Development Management Policies 2013 (DMP) deals with proposals affecting public houses and sets out a number of criteria that applications must be considered under. DM4.10C sets out that the provision of ancillary, very small-scale visitor accommodation within a public house may be suitable subject to further criteria. It is clear from the policy that proposals must ensure the continued use of the Public House.
11. The proposal does not result in the loss of the Public House, which will remain in use on the ground and basement levels of the building and the upper floors would remain part of the same business. Therefore, I do not consider part B(i) of the policy, requiring marketing of the building to be relevant. In any event, the Council have acknowledged in their evidence, that whilst they consider it to be relevant, the lack of compliance was considered acceptable in land use terms.
12. Policy 4.11 of the DMP deals with hotels and visitor accommodation and again is subdivided into a number of parts. Part A sets out that visitor accommodation will normally be appropriate in designated Town Centre and Central Activities Zones, or in close proximity to national railway hubs. Outside of these areas Part C of the policy states that proposals will be resisted apart from very small scale visitor accommodation which is clearly ancillary to a Public House.

13. The key part of both of these policies, which are linked, is that any accommodation outside of the defined areas should be very small-scale. Having regard to the number of bed spaces provided by the proposal, accommodating up to around 70 persons over three floors of the existing public house, the size of the accommodation would be contrary to this policy. The amount of floor space given over to the proposal is greater than that remaining for the use as a public house and therefore can not reasonably be considered ancillary.
14. I note the proximity of the site to Highbury and Islington station and agree that its closeness means that it is accessible via public transport. However, Highbury and Islington is not identified as a major rail hub, which the Local Plan lists as Farringdon, Kings Cross, Moorgate and Old Street and it is clear that such development should be directed to Town Centres. This is reiterated within policy 4.5 of the London Plan 2016 which looks to ensure that new visitor accommodation is directed to appropriate locations, such as the Central Activities Zone or Town Centres.
15. Part B of policy 4.11 provides criteria where proposals for visitor accommodation can be supported. I agree with the points put to me by the appellant with regard to how the proposal would contribute to a mix of uses in the immediate locality, which is characterised by a range of commercial uses along a vibrant street. Furthermore, the proposal would not compromise economic growth and has excellent access to public transport as outlined above. Also retaining the ground floor as a public house would ensure it remained a facility which would be open for public use. However, these positives do not outweigh the conflict, which I consider to be moderate, with the land use elements of the policy which require proposals to be very small scale when located outside of defined areas.
16. I therefore find that the proposed use would be inappropriate outside of a designated Town Centre and Central Activities Zone, having regard to the scale of development proposed and would conflict with policies DM4.10 and DM4.11 of the DMP, and policy 4.5 of the London Plan.

Acceptable standard of accommodation – future occupiers

17. The Council acknowledges that there are no policies within their DMP which specify the space standards required for visitor accommodation. However they have applied their judgement and consider the number of beds relative to the size of the rooms to be excessive.
18. The proposal is for hostel accommodation which is characterised by shared bedrooms and typically accommodates multiple persons in each room. The appellant has confirmed that the floor space provided per bed space complies with the "Visit Britain publication 'Quality in Tourism – Hostel Accommodation: Quality Standards'" which requires 4 m² per bed space.
19. Given the type of accommodation being proposed the size of the accommodation, which meets industry guidance, would be appropriate and would provide an acceptable standard of accommodation for future occupiers. Especially as this type of accommodation is generally occupied for short periods and the length of stay could be controlled by condition, if I were to find the scheme acceptable in all other regards.

20. I have had regard to the other concerns raised in relation to the security of the accommodation provided and the need for a separate entrance to be maintained for hostel guests. However, I agree with the Council that these matters could be addressed by a condition requiring further details to be submitted within an amended management plan.
21. In conclusion, the proposal provides an acceptable standard of accommodation for future occupiers and complies with Policy 4.5 of the London Plan which seeks to promote and facilitate a range of visitor accommodation including youth hostels and policy CS8 of the CS which seeks to maintain a mix of uses.

Other matters

Conservation Area

22. The site is located within the Upper Street (North) Conservation Area and therefore it is necessary to have consideration to the statutory duty under S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I have given consideration to whether the proposal would preserve or enhance the character or appearance of the conservation area. The proposal will not result in any physical alterations to the external appearance of the building and therefore the character value of the building is retained and consequently the character and appearance of the Conservation Area would be preserved. I note the Council came to a similar conclusion.

Conclusion

23. In conclusion, whilst I have found that the development would provide an acceptable standard of accommodation for future occupiers, the proposed use would be inappropriate outside of a designated Town Centre and Central Activities Zone, having regard to the scale of development proposed such that the appeal should be dismissed.

G. Pannell

INSPECTOR