



Appeal Decision

Site visit made on 22 September 2020

by P W Clark MA(Oxon) MA(TRP) MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2020

Appeal Ref: APP/V5570/W/19/3237231
8+9 Sekforde Street, London EC1R 0HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Kilikita against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2018/3115/FUL, dated 14 September 2018, was refused by notice dated 12 May 2019.
 - The development proposed is conversion of the basement to a serviced apartment (Use Class C1) and internal works including the creation of new openings and infilling of existing openings, installation of new partitions, and replacement fireplace and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of the basement to a serviced apartment (Use Class C1) at 8+9 Sekforde Street, London EC1R 0HD in accordance with the terms of the application, Ref: P2018/3115/FUL, dated 14 September 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby approved shall be carried out in accordance with the submitted draft Booking Terms and Conditions (undated); Premises Management Plan dated 15 November 2018; letter from Paramount to Mr R Kilikita dated 9/11/2018; paragraph 1.16 (Banham security lock or similar) of the appellant's Grounds of Appeal dated 16 September 2019 and drawing PP.305 Proposed Compartment Ceiling Detail.
 - 3) The C1 unit hereby permitted shall only be used for the purposes falling within Class C1 of the Town and Country Planning (Use Classes) Order 1987 and shall comprise a maximum of 1 self-service short-term let unit. The accommodation shall not be used as the sole or main residence of any of the occupiers and no person shall occupy the short-term let unit for a continuous period of more than 90 days. A detailed register of all occupants shall be kept which will include names and contact details of individuals and the length of occupation. A copy of the register shall be made available at the request of the Local Planning Authority.

Procedural matter

2. The proposal was submitted as a joint application for planning permission and listed building consent. Planning permission was refused approximately eight months after the application was submitted. No decision was made on the application for listed building consent. By the time planning permission was refused, the period had lapsed within which an appeal against non-determination of the listed building consent application could have been made. There is, therefore, no appeal to be considered in respect of the works requiring listed building consent.
3. This decision therefore deals only with the appeal against refusal of planning permission. The description of development in the decision has therefore been adjusted to omit reference to the works requiring listed building consent. The permission granted cannot be implemented without listed building consent, an application for which remains outstanding with the local planning authority. Nevertheless, the statutory duties which apply to the consideration of planning permissions affecting listed buildings require me to give consideration to heritage issues. I address these in "other matters" below.

Main Issues

4. Two main issues arise from the refusal of planning permission. They are the effects of the proposal on;
 - The living conditions of neighbours through noise and disturbance
 - Opportunities for crime and anti-social behaviour

Reasons

Living conditions

5. The basement of this property has most recently been used for storage. Returning it to a more occupied use will inevitably increase the degree of activity within the building. I am referred to appeal decision APP/V5570/W/18/3205887 where resulting noise and disturbance was found to be harmful to the living conditions of neighbouring occupants. But that case concerned residential short term letting of a four bedroomed house set over four storeys. It was adjudged to have some risk of an increase in noise and disturbance generated by short term occupiers. That might also have been coupled with an increase in the hours of active use of the premises by recreational visitors. There was some possibility of levels of noise and disturbance occurring, harmful to the living conditions of neighbouring occupiers.
6. In contrast, the current proposal concerns a one-bedroom basement unit. Consequently, the different scale of development proposed is likely to result in a different outcome.
7. Visitor accommodation may sometimes involve arrival and departure at unsocial hours, as may conventional residential accommodation, but the other two flats sharing the same staircase are on the first and second floors separated from the basement by the ground floor flat, which is accessed separately through a different entrance. Access to the basement does not involve passing the entrance door of any other flat. That, and the intervening

flight of stairs, would mean that any comings and goings to the basement use would be less noticeable on the first and second floors and so may be expected not to cause undue disturbance.

8. During my site visit, the transmission of sound from the ground floor flat was clearly audible and so it can be expected that the reverse would also occur. However, the introduction of sound insulation is proposed in the replacement of the modern ceiling and is required by condition (2). With this condition in place together with those suggested by the appellant to control the management of the premises, I conclude that the proposal would have an acceptable effect on the living conditions of existing residents of the building. It would therefore comply with Islington's Local Plan Development Management Policies DM2.1(x) and DM4.11B(iii) which, amongst other matters, require a good level of amenity, including the consideration of noise and the impact of disturbance and require visitor accommodation not to result in adverse impacts on residential amenity.

Crime and anti-social behaviour

9. The Council has adopted as its own the concerns of the Metropolitan Police which are summarised in paragraphs 47 and 48 of the Council's committee report and repeated in paragraphs 6.20 and 6.21 of its appeal statement but the references to multiple unknown persons residing in the building at any given time and to large parties at other sites suggests that such advice is derived from the experience of units rather larger than the one-bedroom unit proposed in this case. Whilst I do not doubt that abuses of short-term lets occur, abuses of mainstream residential accommodation can also occur but that is not a sufficient reason to prevent the provision of accommodation of either type.
10. There would be a risk of uncontrolled copying of keys to the communal entrance but, as the appellant points out, that can be controlled by the use of a specific brand of lock, a matter which can be required by condition. With that condition in place, I conclude that the requirements of London Plan policy 7.3 and Islington's Development Management Policy DM2.1 would be satisfied. Amongst other matters, these require development to reduce the opportunities for crime and to contribute to a sense of security without being overbearing or intimidating, incorporating appropriately designed security features and to be safe and inclusive.

Other matters

11. The premises are a listed building and are situated within the Clerkenwell Green Conservation Area and so, although not an issue in the refusal of planning permission, ss66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me, in considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
12. Although the listed building consent for the works proposed is not before me in this appeal, I note that the layout proposed for the intended use involves the blocking of two existing openings into the front room of number 8 (one probably original, the other a modern intervention connecting with the

- basement of number 9) and the formation of three new openings, two in the spine wall between the front and back rooms in each part of the basement and one in the party wall between the rear rooms. From my site inspection, it would appear that the latter would result in either a doorway of substandard width, or the reduction in size of the existing chimney breast in the rear room of number 8, which is a feature of its special architectural or historic interest.
13. The changes are said to be proposed in the interests of efficient circulation but they would cause unnecessary alterations to the historic fabric and its plan form (the historic interest of which is noted in paragraph 3.8 of the appellant's Heritage Statement) and would result in the accommodation being accessed through the kitchen, which is undesirable from the point of view of fire risk. The latter point falls under the jurisdiction of the Building Regulations and is not for me to determine but I anticipate that a change in the layout may be called for in any event.
 14. For those two reasons, I have adjusted the terms of the decision to make it clear that although I support the principle of the use proposed, I do not support its detail. I am not in a position to grant or withhold consent for the works proposed but, in any event, I do not require compliance through condition with the submitted layout drawings in the implementation of planning permission (although installation of the acoustic ceiling is required to comply with condition (2) of the planning permission. This work will also need listed building consent). Reconsideration of the internal layout can occur through a new or the outstanding listed building consent application and I am confident that an acceptable solution could be found, so I do not conclude that the absence of a listed building consent requires the planning appeal to be turned away.
 15. Paragraph 1.3 of the Council's Conservation Area Guidelines (January 2002) for the Clerkenwell Green Conservation Area observes that the juxtaposition of different activities cheek by jowl sets Clerkenwell and Smithfield apart from more homogenous business and residential areas. During my site visit, I observed that, adjacent to the appeal premises, at 1 Sekforde Street, stand offices used as an Urban Innovation Centre, between numbers 12 and 13 is Yeoman House, a business centre, on the opposite side of the street is a public house at number 34, an architectural tile shop at number 44, offices at number 46 and a restaurant at number 50, so I concur with the characterisation of the Council's Guidelines. For this reason, I take the view that the use proposed for the basement of the appeal site would be consistent with, and so would preserve, that character.
 16. The power of the tourists' pound can easily displace regular residential accommodation in central London. In this case planning permission has previously been refused for the use of the basement as regular residential accommodation on grounds of inadequate outlook and sense of enclosure, a decision which has not been challenged. Consequently, in a small way, the use of this basement as visitor accommodation would not threaten but would relieve pressure on London's mainstream housing stock.
 17. Some other basements along the street appear to be inhabited but the original rear light wells which provided daylight to the rear rooms of the appeal site have been blocked at some time in the past. The large sash windows to the front rooms provide somewhat dim light even on the sunny day of my site visit but would be adequate for visitor accommodation not used as a permanent

residency to which the premises can be limited by condition. I therefore accept that the proposal would make good use of an otherwise underused historic asset and so help to provide it with an assured future.

18. Paragraph 2.3.1 of the London Plan SPG – Central Activities Zone March 2016 notes that the provision of an adequate supply of visitor accommodation is of critical importance to London's future success as a global visitor destination. Policy 4.5 of the London Plan itself seeks to achieve 40,000 net additional hotel bedrooms by 2036. Policy DM4.11 of the Council's earlier Development Management Policies is that visitor accommodation is generally appropriate within the Central Activities Zone in close proximity to national railway hubs. In relation to Farringdon station, the Council's Core Strategy policy CS7H tells us that because of constraints in its immediate area, intensification will be sought over a wider area.
19. There is little information to show progress towards the provision of visitor accommodation in Islington. The information that 7% of all Air Bnb listings for London are based in Islington (compared with Islington's population representing about 2.7% of London) and that in 2016 a high provision of such accommodation already existed does not tell us whether the goal has been reached. In a small way, the use proposed would contribute to that goal and so be a benefit, according with these policies. I therefore allow the appeal.

P. W. Clark

Inspector