



Appeal Decision

Site visit made on 31 May 2021
by C Rafferty LLB (Hons), Solicitor

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2021

Appeal Ref: APP/V5570/W/21/3267157

1 Kember Street, Islington, London N1 1DT

- 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 Andrew Panayi against the decision of the Council of the London Borough of Islington.
 - The application Ref P2020/2941/FUL, dated 21 October 2020, was refused by notice dated 17 December 2020.
 - The development proposed is described as 'removal of existing roof structures and erection of a single storey roof extension to provide 11 additional student letting rooms'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. Since the Council made its decision the 2021 London Plan has been adopted and supersedes the 2016 London Plan. The Council has referred to the 2021 London Plan in their submissions, which the appellant had the opportunity to comment on, and I have had regard to this in my recommendation.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments which have been received have been considered.

Main Issues

5. The main issues are (i) whether the appeal site would represent a suitable location for student accommodation; and (ii) the effect of the proposal on the character and appearance of the host building, the area and the Barnsbury Conservation Area.

Reasons for the Recommendation

Student accommodation

6. The appeal site contains a three-storey building on a mixed use part of Caledonian Road within the Barnsbury Conservation Area (CA). It comprises primarily commercial units at ground floor level with residential accommodation above. While there is some debate between the main parties about the nature of this accommodation the Council's evidence is that in 2014 they were self-contained residential units, which was confirmed by the issue of Certificates of Lawful Existing Use. There is no compelling evidence before me to demonstrate that they have lawfully changed to any other use since that time, therefore I have considered the appeal on this basis.
7. Policy DM3.9 of Islington's Local Plan Development Management Policies (June 2013) (DMP) states that student accommodation will only be approved where a range of tests are met, the first of which is that the site has been allocated or designated for such use. Criterion I of Policy CS12 of the Core Strategy (CS) states that additional student accommodation will be supported only within the identified London Metropolitan University campus area and specific City University London sites and elsewhere will be restricted to reflect the priority need for conventional homes and employment uses. The supporting text to Policy CS12 sets out that the scale of student accommodation in the borough is of concern as it can threaten the attempt to achieve a more mixed and balanced, stable population.
8. Irrespective of the current use of the building, on the evidence before me the appeal site has not been allocated or designated for this use, nor is it within a campus area or specified site. As such, the proposal to create student accommodation would conflict with Policy DM3.9 and would not be supported by Policy CS12.
9. Policy CS12 criterion J and Policy DM39 criterion H ii) also require student accommodation to fund bursaries to increase access to education and tackle worklessness. The details and required contribution are set out in the Student Accommodation Contributions for Bursaries Supplementary Planning Document (2013) (SPD) which states that student bursary contributions will be secured through a planning obligation. While the appellant suggests they are willing to provide such a contribution, there is no legal agreement before me to secure the funding and as such the proposal would conflict with these elements of the above policies.
10. The site is in a highly accessible location with good public transport links, and there is no substantive evidence before me that further student accommodation on this scale would adversely affect local infrastructure. Furthermore, given that the existing building is not restricted to student accommodation, there is no evidence before me that the proposal would result in a harmful over-concentration of such accommodation in one location.
11. However, while the Framework supports proposals that meet the needs of different groups in the community, including students, no specific evidence has been submitted to demonstrate that there is an identified need for student accommodation in the local area. Consequently, the benefits of student accommodation in this location carry limited weight, and would not outweigh

the conflict with the above policies, which seek to resist such development outside of designated areas.

12. I note that student accommodation has been approved on the site previously, however that was under different policies and different circumstances to the proposal before me. In particular, the 1994 appeal proposed changing from storage to student accommodation and extending the building, which the Inspector considered would contribute to the vitality of the area. As there is already accommodation within the building the proposal would not demonstrably improve vitality. Indeed, as students would be likely to be present only in term-time, they would not make the same contribution to the local area as conventional dwellings. As such, the proposal before me is materially different to the previous schemes, and those approvals do not justify granting permission contrary to current policies.
13. Accordingly, the appeal site does not represent a suitable location for student development and the proposal would be contrary to DMP Policy DM3.9 and CS Policy CS12.

Character and appearance

14. The surrounding area is mixed in nature. However, along Caledonian Road the predominant pattern is of three storey buildings with projecting ground floor commercial units and traditionally styled upper floors. The special interest of the CA derives from the sequence of traditional Georgian and Victorian terraces and the consistency of development. The shopping frontages on Caledonian Road are also noted as an important contribution to its character.
15. The existing building is a notable anomaly along Caledonian Road, as while it respects the roof level of the rest of the terrace, it projects at first floor above the unit below. It has a large, boxy appearance that fails to respect the development pattern, dominates the street, and detracts from the character and appearance of the CA.
16. The proposal would be built from matching materials with fenestration aligned with existing windows. However, it would result in a significant increase in massing of the building, which would be visible from the surrounding roads and from a distance in both directions along Caledonian Road despite the upper floors being set back. Due to the lack of articulation or detailing, the additional storey proposed would give the building an uncharacteristically top-heavy appearance. It would appear overwhelming in the immediate context. Consequently, it would increase the dominant and boxy nature of the property in the street scene and serve to further differentiate the appeal site from the surrounding traditional buildings.
17. Although the proposal would replace the current roof structures, these are a much more discreet element of the roofscape when compared with the additional storey now proposed. Furthermore, while of comparable height to the neighbouring building to the north, that is in a separate terrace and therefore the proposal would be read primarily alongside the attached unit to the south. While the appellant suggests the additional storey would appear as part of the original building, terraces in this area are generally of consistent height, and as such the step down in height from the proposal to the adjoining neighbour would further highlight the incongruous nature of the additional storey.

18. There are taller buildings to the rear of the site, however these are modern structures outside of the CA, which are visually and physically separate to the traditional buildings along Caledonian Road which form the primary context for the appeal site. Therefore, the similarity of the scale and plain design of the proposed rear elevation to those blocks does not justify the harm to the CA.
19. Due to its scale, design and form, the proposal would harm features which contribute to the CA and its significance as a designated heritage asset, and further distinguish the building from the traditional styled upper floors in the immediate surrounds. Consequently, the proposal would not respect the development pattern of the immediate surrounds and the additional bulk would neither preserve or enhance the current character or appearance of the CA. Accordingly, the proposal would harm the character and appearance of the host building, the area and the CA.
20. The proposal would only be visible from a limited part of the CA however Caledonian Road is an important feature in the CA, as one of the main shopping streets. Therefore, this would equate to 'less than substantial' harm to the CA as a whole, having regard to the Framework. The Framework makes it clear that great weight should be given to the conservation of heritage assets, irrespective of the degree of harm.
21. Framework paragraph 202 specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against public benefits of the proposal.
22. The proposal would provide additional student accommodation, making more effective use of already developed land in an accessible location. However, given the limited number of bedrooms to be provided, and with no robust evidence of an identified need for this type of accommodation, the benefits of this provision carry limited weight. There is potential for students to occupy the proposed accommodation in place of family dwellings, freeing up housing stock, however it has not been demonstrated that this is a particular problem in this area. Therefore, I can afford this benefit limited weight. The harm to the CA is a matter of considerable weight and importance and is not outweighed by the public benefits of the proposal in this location.
23. Accordingly, the proposal would fail to comply with DMP Policies DM2.1 and DM2.3, CS Policies CS8 and CS9, the Urban Design Guide SPD 2017 and the Barnsbury Conservation Area Design Guidelines 2002 which together seek to promote good design and preserve the character and appearance of the CA. Furthermore, it would conflict with Framework policies on heritage assets.

Other matters

24. The appellant has referred to the fact that upwards extensions can be achieved by way of permitted development rights. However, the proposal is for student accommodation and therefore is not a type of accommodation permitted for this type of property. Furthermore, there is no compelling evidence before me that the proposal would comply with the limitations of that legislation or, given the harm I have identified to the character and appearance of the building, that it would be likely to be granted prior approval in terms of its external appearance. I therefore give this matter very limited weight as a potential fallback position, and it does not outweigh the conflict with the development plan identified above.

25. Reference has been made to other examples of upward extensions within the surrounding area. These were however for hostel accommodation, which is subject to different requirements in development plan policies. Moreover, from the information provided the style and context of the development in those cases, particularly the height of neighbouring buildings, was distinguishably different from the proposal before me, which I have considered on its own merits. Therefore, those permissions do not justify the appeal proposal.

Conclusion and Recommendation

26. Having had regard to all matters raised, I find that there are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree with the recommendation and shall dismiss the appeal.

L McKay

INSPECTOR