



Appeal Decision

Site visit made on 25 January 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2022

Appeal Ref: APP/V5570/W/21/3281913

323-325 Caledonian Road, Islington, LONDON, N1 1DR

- 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 M Koumi against the decision of London Borough of Islington.
 - The application Ref P2021/0667/FUL, dated 1 March 2021, was refused by notice dated 24 May 2021.
 - The development proposed is conversion of property from 4 to 8 unit flats and associated extensions.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposal would preserve or enhance the character or appearance of the host buildings and the Barnsbury Conservation Area;
 - ii) the effect of the proposal on the retail and service function of the Caledonian Road Local Shopping Area;
 - iii) whether the proposal would provide a satisfactory mix of dwellings; and
 - iv) whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to outlook; light; outdoor amenity space; noise and disturbance.

Reasons

Character and appearance

3. The Barnsbury Conservation Area (CA) is described in the CA Design Guidelines (2002) as being a primarily residential area, which contains many of the best examples of formal late Georgian/early Victorian developments in London. The area surrounding the appeal site, which is located just inside the CA, differs in that it is predominately commercial in character, and displays a wide variety of architectural styles. Nonetheless, the CA Design Guidelines identifies that local shopping areas, including those along Caledonian Road, make an important contribution to the character of the area, with shop fronts being critical to its historic charm.
4. The appeal site forms a small block with frontages onto Caledonian Road, Lyon Street and Carnoustie Drive. Numbers 323 and 325 Caledonian Road (Nos.

323 and 325) both have flat roofed, single storey shop units which form part of, but project well forward of, a traditional terrace of three storey townhouses. The shop fronts and terrace are typical of those found along the Caledonian Road shopping frontage, and contribute positively to the character of the CA.

5. No changes are proposed to the shopfronts as part of the appeal scheme, but a mansard roof extension would be added to No. 325, which is the end property of the terrace. This building is not listed within Schedule 10.2 of the CA Design Guidelines as one on which roof extensions may be acceptable. However, the proposed mansard would appear as a continuation of the existing roof extension at No. 323, which is currently viewed as an isolated feature within the terrace. The proposed mansard would be traditional in appearance and would be set well back from the street frontage, so would not appear particularly obvious or noticeable within the street. Mansard roof extensions are fairly common features along this section of Caledonian Road, and given the particular circumstances of the site, the proposed addition would have a neutral effect on the character and appearance of the CA.
6. The appeal site spans the full length of Lyon Street, a short cul-de-sac off Caledonian Road. The Lyon Street frontage comprises of three distinct elements, the first of which is the flank elevation of the shop unit and terrace at No. 325. The arched doorway to 40 Lyon Street (No. 40) is set within the lowest element of the frontage, the stepped roofline of which forms a gap at high level. The final building is No. 39, a three-storey town house of a traditional appearance with dormer windows, which is set back from its neighbours and sited at a slightly higher level.
7. The Council has described No. 39 as a non-designated heritage asset which is the sole surviving element of the nineteenth century street, whereas the appellant says it is a pastiche which was built much later. No compelling evidence has been provided to support either view, but it is apparent that the building, which is not locally listed, has been altered over time. I note that planning permission was granted for changes of use of the building in 1988, but I have been provided with no plans relating to that scheme, and have no evidence of any substantial rebuilding work that took place either at that time, or previously.
8. In the absence of evidence that the original building has been substantially rebuilt, a precautionary approach to the protection of historic fabric is appropriate, and I note the reference in the CA Design Guidelines to the importance of retaining all eighteenth and nineteenth century buildings, in order to protect the historic character of the area. Even if the building has been substantially altered, No. 39 clearly reads as a separate building, which contributes to our understanding of the earlier street layout and development form. In this way, it contributes positively to the character of Lyon Street and the wider CA.
9. The proposed scheme would involve the demolition and replacement of No. 39 with a new flat roofed, three-storey property, which would follow the existing building line of No. 40 and the side of No. 325. Alterations are also proposed to the frontage of No. 40. The replacement building and façade to Nos. 39 and 40 would be contemporary in appearance, with a different roof form and pattern of fenestration than that of the existing situation.

10. As a result of the proposal, the difference in the height of the roofline would be retained along the Lyon Street frontage. This, together with the variation in materials across the resultant façade, would help retain the impression of three separate properties. The proposed alterations would largely reflect the existing mass, scale and height of built form. However, by demolishing No. 39, and replacing it with a new building with a different building line, the proposal would fail to respect the existing character of the street and would cause harm to the wider CA.
11. The plans show the wall of No. 40 being altered rather than demolished, but the arched doorway appears to be a historic feature, the loss of which has not been justified. The four windows proposed to be inserted in the blank side elevation of No. 325 at first and second floor levels would be of traditional appearance and materials, but there is no evidence of previous openings in these positions, so the proposal would not reflect the historic pattern of fenestration.
12. The proposed materials and detailing on the Lyon Street frontage, including herringbone brickwork and an aluminium framed glass wall, would be at odds with the traditional appearance of buildings in the CA. The proposed rows of timber doors serving bin stores along the frontages of Nos. 39 and 40 would give the impression of a rear entrance, rather than the active frontage that currently exists along Lyon Street.
13. Overall, the proposed changes to the Lyon Street elevations would fail to respect the character of the existing buildings and the historic street frontage. Given the contribution of these elements to the wider CA, the proposal would fail to preserve its character or appearance.
14. Carnoustie Drive forms the boundary of the CA and is very different in character from Caledonian Road, with a large modern flatted development facing the appeal site on the other side of the street. The Carnoustie Drive frontage of the appeal site is formed of the rear of the buildings, which contribute less positively to the character and appearance of the CA than the main Caledonian Road and Lyon Street frontages.
15. The proposed scheme would replace the existing blank side elevation of No. 39 with a slightly wider façade. The new building would have a large number of windows, with recessed elements on the lower floors to incorporate lightwells. This would present an active frontage to Carnoustie Drive instead of the current, largely blank walls. However, the proposed addition of openings on this frontage would fail to reflect the original form of the block, in which No. 39 formed part of a larger terrace which has since been demolished.
16. Furthermore, the additional bulk and massing along the Carnoustie Drive frontage, and the creation of a new main elevation at what is currently the rear, would alter the relationship between the buildings in the block. This would undermine our ability to understand the former development form and layout, causing further harm to the character of the CA.
17. The proposal would give the impression of a butterfly style roof at the rear of No. 323, and this would be visible from Carnoustie Drive above the new, slightly lower, rear elements. This would be a benefit of the scheme, but it would not be sufficient to overcome the harms I have identified.

18. My attention has been drawn to the redevelopment of 315 Caledonian Road, and the creation of a new building which extends for the length of Kember Street. That site forms the other end of the appeal terrace, but I note comments made by the Inspector of that case (ref APP/V5570/W/16/3161415) that the building was more recent, and architecturally at odds with other parts of the terrace. It is clear from reading the appeal decision that, despite its proximity, the situation at 315 Caledonian Road was different to the case before me, and that the contribution of that site to the wider CA was less pronounced. The redevelopment of 315 Caledonian Road does not, therefore, justify the harm that would be caused by the current appeal.
19. For the reasons set out above, I conclude that the proposal would fail to preserve the character or appearance of the Barnsbury CA. Policy D4 of the London Plan 2021 is primarily about the process of delivering good design, but the proposal is contrary to Policies HC1 of the London Plan, Policy CS9 of the Islington Core Strategy 2011, and Policy DM2.3 of the Development Management Policies 2013 (DMP), all of which are concerned with the conservation of heritage assets. There is further conflict with the design requirements set out in DMP Policy DM2.1 and the Islington Urban Design Guide 2017.

Local shopping area

20. The appeal site is located within the Caledonian Road Local Shopping Area (LSA). Policy DM4.6 of the DMP recognises the important role that this and other Local Shopping Areas play in meeting the day-to-day needs of residents. Parts B and C of the Policy resist change of use of ground floor retail units, including to residential use.
21. The appeal site contains two shop units, one of which is currently in use as a betting shop, the other as a glassware business which makes and sells mirrors. At street level, the shop units protrude well forward of the main terrace, and I saw on my site visit, that behind the publicly accessible parts of the units, there are considerable amounts of space at both ground floor and basement levels. Very little of the space, which extends for the full length of the building, was being used by the betting shop, but the glass business was using both the ground and basement levels as a workshop.
22. Other than the basement of No. 325 which contains toilet facilities, the storage areas associated with the two shop units comprise of long spaces which have not been subdivided. Towards the rear of the site, however, adjacent to the Carnoustie Drive frontage, are a multitude of smaller spaces at differing levels. The area has a warren-like quality, with numerous flights of steps providing access to the various areas, and at the time of my visit, did not appear to be in active use by either business.
23. The proposed scheme would involve the conversion of these rear areas into residential use. Other than a small section of the lower ground floor of No. 323, the existing space at both levels would be retained, leaving the shop units with a considerable amount of usable ancillary space. The area proposed to be converted has not been marketed, but owing to its complicated layout, the space does not provide useful business floorspace, and its loss would not undermine the ability of the existing businesses to operate as they currently do.

24. The existing betting shop (within No. 325) is a sui generis use, whereas the shop unit at No. 323 is in retail use, and so falls within Class E of the Use Classes Order. As such, No. 323 could be used for other purposes within the wide-ranging Class E, without the need for planning permission. As the unit at No. 323 would retain a large amount of space on two levels, the proposal would not unduly restrict future changes to alternative uses within Class E.
25. Taking account of the above considerations, I am satisfied that the proposed conversion of these modest and constrained areas would not harm the retail and service function of the LSA. I have identified no conflict with Policy CS6 of the Core Strategy 2011, which seeks to maintain function of Caledonian Road as a local centre, or with Part A of Policy DM4.6, which has a similar aim. As the existing ground floor retail units would be retained, together with large areas of ancillary space, Part B of Policy DM4.6 would also be satisfied. The proposal would be consistent with the objectives of Core Strategy Policies CS8 and CS14 to provide a healthy retail and service economy, with shops and businesses contributing to the mixed-use character of Islington, and would not undermine the requirement to conserve the historic environment contained in DMP Policy DM2.3.

Mix of dwellings

26. To ensure that new housing meets the identified needs of the borough, DMP Policy DM3.1 requires that all sites provide a good mix of housing sizes, with further detail on tenure and bedroom numbers contained in Table 3.1. The proposed scheme would provide a total of 8 flats, of which 4 would be one-bedroomed and 4 two-bedroomed. A revised scheme was submitted as part of the appeal scheme which shows how a larger, 3 bed unit could be provided. In either scheme, however, the inclusion of 4 one-bed flats would not reflect the market housing mix of 10% one-bed and 75% two-bed units required by Table 3.1.
27. Notwithstanding that, paragraph 4.14 of the DMP notes that the mix of dwelling sizes appropriate to specific developments will also be considered in relation to the character of the development, the site and area. Furthermore, the London Housing SPG recognises in paragraph 1.3.16, that higher density housing, with a lower number of habitable rooms per dwelling, can be particularly suitable in areas with good public transport and accessibility. In this case, the appeal site is located within a local centre which provides access to a range of services and facilities. However, in such a densely built-up area, access to outdoor amenity space is more limited, and I note the appellant's comments that larger family units, including existing flats at the site, are less sought after in this location, which is one of the reasons for the proposed conversion.
28. Given the location and context of the appeal site, I am satisfied that the proposed mix of unit sizes is acceptable and would comply with the requirement to provide a good mix of housing sizes contained in part A of DMP Policy DM3.1.

Living conditions

29. In order to provide a satisfactory standard of accommodation, with good natural ventilation and sufficient daylight and sunlight, Policies D6 of the London Plan and DMP Policy DM3.4 encourage dual aspect dwellings, which have windows on at least two sides.

30. The submitted floorplan shows that units 1, 2 and 4 would all have a single aspect, facing west onto Carnoustie Drive. The Daylight, Sunlight and Overshadowing report submitted as part of the appeal (BVP August 2021) concludes that daylight levels to the living area of unit 1 and to the bedroom of unit 2 would not meet the full British Research Establishment recommendation (*Site Layout for Daylight and Sunlight – a Guide to Good Practice 2011*). However, the levels achieved would be acceptable in an urban context, and the revised plan submitted as part of the appeal shows how the full BRE criteria for daylight could be met in all of the rooms.
31. The living spaces to units 1, 2 and 4 would all have more than one good sized window, which would help provide adequate light and natural ventilation. However, the bedroom windows for units 1 and 2 would be partially below the pavement level and would have a poor outlook. Even if adequate daylight could be provided, these would not be particularly attractive spaces. Furthermore, the building fronts directly onto the pavement, raising concerns over privacy and security for future residents of units 1 and 2.
32. The living/kitchen/dining area for flat 6 would be a long and narrow room with a single aspect to Caledonian Road, facing east. The outlook would be satisfactory, but the level of daylight and sunlight received would be just below the full BRE recommendation. The revised plan shows that a roof light could be incorporated to provide additional natural light to the rear of the space. However, the lack of a dual aspect in such a long room served by a single window gives rise to concerns about the adequacy of natural ventilation. This is of particular concern given the position of the kitchen at the rear.
33. Ceiling heights would be acceptable and the proposals meet the minimum internal space standards contained in Table 3.1 of the London Plan. Concerns that rooms labelled as studies could provide additional bedrooms, or that single bedrooms of over 10.5m² could be used as undersized doubles, do not justify refusing the scheme. If the scheme was otherwise acceptable, measures to address accessibility and fire safety concerns could be secured through a condition.
34. DMP Policy DM3.5 requires that all new residential development, including conversions, provides good quality private outdoor space. The appeal proposal would retain the existing roof terrace in the centre of the site to provide outdoor amenity space for the 8 flats. At 18m², this not a large area to share between up to 20 people, and would not meet the minimum standard of 5m² for 1-2 person dwellings contained in Policy D6 of the London Plan.
35. The daylight/sunlight report concludes the outdoor amenity space would receive a satisfactory level of sunlight, albeit slightly below that recommended by BRE. However, the space would be enclosed on three sides by the surrounding buildings and on the fourth by a 1.8m privacy fence, so would feel highly enclosed. The space is unlikely to be particularly bright or attractive, and it is unclear how its use and maintenance would be shared between potential users.
36. The submitted drawings appear to show that access to the terrace is currently limited to 2 flats, including the adjacent unit. The scope for disturbance to neighbouring occupiers is therefore less than under the proposed scheme, in which the space would be shared between all 8 flats, with the potential for more intensive use. A privacy fence is proposed to prevent overlooking into

bedroom 2 of unit 8, but this would not overcome concerns about potential noise and disturbance which might arise through use of the roof terrace.

37. The submitted sunlight/daylight report concludes that the proposal would not cause additional overshadowing to existing neighbouring properties. I note the Council's concerns about the potential for the proposal to affect future occupiers of the approved development at 321 Caledonian Road (ref P2020/1528/FUL). However, as I have not been provided with any drawings or other details relating to that scheme, I am unable to comment further.
38. In conclusion, I find that the lack of defensible space and poor outlook from the bedrooms would result in unsatisfactory living conditions for future occupiers of units 1 and 2. In relation to unit 6, means of ensuring satisfactory natural ventilation have not been demonstrated. Further deficiencies exist in relation to the amount of proposed amenity space, and the potential for noise and disturbance arising from its use. As a result of these matters, the proposal is contrary to the requirements for new housing contained in Policy D6 of the London Plan and Policy CS12 of the Core Strategy (2011). There is further conflict with the measures to ensure a satisfactory standard of new housing contained in DMP Policies DM2.1, DM3.3, DM3.4 and DM3.5.

Other Matters

39. The Council has indicated that if the proposal was otherwise acceptable, it would have sought a contribution of £200,000 for affordable housing in lieu of on-site provision. In their statement, the appellant has explained why they consider such a contribution to be unnecessary. Reference has been made to the divergence between Core Strategy Policy CS12, which requires affordable housing provision on small sites, and the more recent approach set out in the Written Ministerial Statement (November 2014), which has subsequently been incorporated into national planning policy (National Planning Policy Framework paragraph 64).
40. In their final comments, the appellant has gone on to explain that, in preparing their statement, they had incorrectly assessed this matter as being a reason for refusal, and addressed it on that basis. In light of this clarification, and as I have dismissed the appeal for other reasons, it is not necessary for me to consider this issue any further.

Planning balance

41. I have found that the conversion of space at the rear of the existing shop units would not cause harm to the retail and service function of Caledonian Road, and the proposed mix of 1 and 2 bed units would be acceptable in this location. However, these factors are not sufficient to overcome deficiencies in the scheme which would result in unsatisfactory living conditions for future residents. In addition, the proposal would cause harm to the Barnsbury CA.
42. Paragraph 199 of the National Planning Policy Framework (the Framework) requires that great weight should be given to the conservation of a designated heritage asset, irrespective of the level of harm. In this case, the harm would be less than substantial, and Framework paragraph 202 requires that harm to the conservation area should be weighed against the public benefits of the proposal.

43. The appeal scheme would provide an additional four dwellings which would contribute towards local housing targets. The use of a small site such as this for residential development is supported by Framework paragraph 69 and Policy H2 of the London Plan. The proposal would make efficient use of space, in a location which is accessible to a wide range of services and facilities. However, given the small scale of the scheme, these benefits are modest, and are not sufficient to outweigh the harm to the CA.

Conclusion

44. The proposal would not comply with the development plan and no other material considerations outweigh this finding. The appeal is therefore dismissed.

R Morgan

INSPECTOR