



Appeal Decision

Site visit made on 4 July 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2022

Appeal Ref: APP/V5570/W/22/3292007

237 Liverpool Road, London N1 1LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 3, Class G of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Andrew Panayi against the decision of the Council of the London Borough of Islington.
 - The application Ref P2021/3119/PRA, dated 18 October 2021, was refused by notice dated 23 December 2021.
 - The development proposed is described as 'The proposal is to maintain the currently vacant shop unit which occupies the ground floor, raised ground floor and all of the basement floor. Above this a one-bedroom self-contained flat is proposed as shown on drawing number 8341/03/B. It is also confirmed that the existing shop, which is to be maintained in the proposed scheme is situated on a floor below the lowest part of the building used as a flat'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development above is taken from the planning application form. I have removed some extraneous text.

Main Issue

3. Whether the proposed development falls within the terms of the permitted development rights under Article 3, Schedule 2, Part 3, Class G of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

4. The appeal building is a three storey, with basement, mid-terraced property. The front section of the ground floor projects beyond the upper façade of the building and contains the display window onto Liverpool Road. Beyond this, the floor in the rear section is raised five steps above.
5. Article 3, Schedule 2, Part 3, Class G of the GPDO states that development consisting of a change of use of a building from a use within Class E of Schedule 2 to the Use Classes Order¹, to a mixed use for any purpose within that Class and as up to 2 flats constitutes permitted development, subject to a

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended).

number of conditions listed at paragraph G.1. The condition at G.1.(b) states that where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat.

6. The upper floors of the appeal building are clearly laid out and can be defined as typical full first and second floors, whereas the ground floor is arranged over two different levels. However, the level differences between the front and rear section of the ground floor are not significant, with the rear section, despite the five step staircase, having a close relationship to the front section of the ground floor rather than the first floor above. It does not represent a full floor in itself.
7. This arrangement leads me to find that this rear section forms part of the ground floor. The proposal would involve this section changing to residential use. Furthermore, although requiring no alterations, the entrance and hallway to the proposed residential unit would be located in the front section of the ground floor before the steps up to the raised rear section of the ground floor.
8. Accordingly, the proposal would consist of a change of use of part of the ground floor to a flat. Despite the proposed development retaining a shopfront, it therefore fails to comply with the requirements of condition G.1.(b) of Article 3, Schedule 2, Part 3, Class G of the GPDO and thus would not constitute permitted development. As such, there is no need for me to go on to consider whether prior approval is required in relation to a number of specified matters.

Conclusion

9. For the reasons set out above, the appeal should be dismissed.

H Ellison

INSPECTOR