



Appeal Decision

Site visit made on 10 October 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2023

Appeal Ref: APP/V5570/W/23/3320826

6 Ferntower Road, London N5 2JG

- 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(1) and Schedule 2, Part 3, Class MA, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr James Baverstock against the decision of the Council of the London Borough of Islington.
 - The application Ref P2022/4048/PRA, dated 18 November 2022, was refused by notice dated 12 January 2023.
 - The development proposed is change of use from shop use comprising ground and lower ground levels (Class E – commercial, business and service uses) to self-contained 1no. 1 bed residential flat (Class C3 – dwellinghouses).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's assessment of the proposal refers to the 2011 adopted Islington's Core Strategy and the 2013 adopted Islington's Local Plan: Development Management Policies. These have been superseded by the Islington Local Plan Strategic and Development Management Policies, adopted in September 2023 (the LP). The main parties have been given the opportunity to comment on the adoption of the LP. I have had regard to the policies of the LP only in so far as they are material to the matters for which prior approval is sought, as the provisions of the GPDO¹ do not require regard to be had to the development plan.

Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class MA of the GPDO having regard to its impact on the character or sustainability of the Newington Green Conservation Area.

Reasons

4. Although the predominant land use within the Newington Green Conservation Area (the Conservation Area) is residential, it has historically attracted a mix of commercial and residential uses. This mix of uses is still apparent in certain locations within the Conservation Area, including where the appeal property is located. While Ferntower Road is residential in character for much of its length, this noticeably changes after its junction with Poets Road beyond which the appeal property is located.

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

5. The appeal property and the terrace in which it sits form part of the shopping frontage at the eastern end of Ferntower Road, which adjoins Newington Green, a designated Local Shopping Area. The properties within the terrace, including where it fronts onto Ferntower Road and Newington Green and where it turns the corner onto Green Lanes, predominantly comprise commercial uses at ground floor with residential above. Properties on the nearby Newington Green Road also have this composition. This is a noticeable feature of this part of the Conservation Area.
6. The mix of uses and how they relate to each other contribute, in part, to the significance of the Conservation Area. Given its ground floor commercial use with residential flats on the upper floors, the appeal property contributes positively to the character and appearance of the Conservation Area.
7. The guidance in the Conservation Area Statement² states that land uses also contribute significantly to the character and appearance of a conservation area. The character of the Conservation Area does not therefore solely rely on the appearance of the built environment. It is also defined by how the buildings and spaces are used. In this case, the commercial use at street level allows for an active frontage which attracts human activity, bringing a sense of vibrancy to the area. On my site visit, which I acknowledge is only a snapshot in time, I observed a certain liveliness within the area which stemmed at least in part from the mix of uses.
8. This human interaction contributes to the character of the Conservation Area. Accordingly, despite no external alterations being proposed, the loss of a commercial unit is still capable of harming the character or sustainability of the Conservation Area.
9. In my judgement, introducing a residential use at ground floor at the appeal property would harm the character of the Conservation Area. It would remove the potential for the appeal property to provide an active street frontage which would in turn diminish the scope for human activity and interaction, thus altering how the buildings and spaces are used. This would not be mitigated by the improvements to the property identified by the appellant.
10. The appellant argues that the appeal property has been vacant for around four years. However, there is no compelling evidence to indicate that the property is not suitable for a commercial use within class E of the GPDO, which is quite wide ranging in the types of use that are permitted. For example, it has a street frontage with direct access, storage space at basement level and a rear service yard.
11. There is a lack of evidence to demonstrate what, if any, attempts had been made to market the unit or if any expressions of interest have been forthcoming. Nevertheless, such information is not a requirement under the terms of the GPDO. However, this would not alter my conclusion on the harm that would be caused to the character or sustainability of the Conservation Area. This harm would be less than substantial.
12. The proposal would contribute to the supply of housing in an area close to services and facilities. There would also be social and economic benefits such as additional residents supporting local services and facilities. However, I do

² Newington Green (CA12) Conservation Area Statement, March 2014

not afford such public benefits very significant weight given that one dwelling is proposed. They do not represent clear and convincing justification for the harm that would be caused to the Conservation Area and would not outweigh the great weight that should be given to the heritage asset's conservation.

Conclusion

13. For the above reasons, I conclude that the proposal would not be permitted development under Schedule 2, Part 3, Class MA of the GPDO having regard to its impact on the character or sustainability of the Conservation Area. The appeal should therefore be dismissed.

F Wilkinson

INSPECTOR