



Appeal Decision

Site visit made on 5 October 2023

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2024

Appeal Ref: APP/V5570/W/23/3323429

33 Linton Street, Islington, London, N1 7DU

- 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 True Pub Co against the decision of London Borough of Islington.
 - The application Ref P2023/0717/FUL, dated 11 March 2023, was refused by notice dated 5 May 2023.
 - The development proposed is described as 'Change of use of Upper Floors of Public House consisting of ancillary Public House accommodation (disused function room and manager's flat) into Class C1 Guesthouse Rooms ancillary to the primary function of the Public House'.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of upper floors of public house consisting of ancillary public house accommodation (disused function room and manager's flat) into Class C1 guesthouse rooms ancillary to the primary function of the public house at 33 Linton Street, Islington, London, N1 7DU in accordance with the terms of the application, Ref P2023/0717/FUL, dated 11 March 2023, subject to the 8 conditions set out in the attached schedule.

Preliminary Matters

2. Since the submission of the appellant's appeal, the National Planning Policy Framework (the Framework) has been revised twice. Firstly, on the 5 September 2023 then subsequently on the 20 December 2023. The revisions to the Framework do not directly relate to the main issues of dispute and therefore are not material in the consideration of the appeal before me.
3. The Islington Local Plan (ILP) was adopted by the Council on the 28 September 2023. In light of this the appellant has been given opportunity to update their representations to consider this change. The Council have confirmed that the ILP replaces all previously saved London Borough of Islington Local Plan policies. I have considered the appeal on this basis.

Main Issues

4. The main issues in the appeal are;
 - Whether the proposal would impact the long-term function and viability of the public house; and
 - whether the proposal would preserve or enhance the character or appearance of the Arlington Square Conservation Area.

Reasons

5. The appeal relates to the first and second floors of 33 Linton Street, Islington, which is located on the corner of Linton Street and Mary Street. The ground floor of the building operates as a public house, The Hanbury Arms. The proposal seeks to convert the upper floors (disused function room and manager's flat) to ancillary guest house accommodation (10 no. en-suite bedrooms). The application and supporting evidence are explicit that the public house will be retained on the ground floor unchanged. As such the proposal would not result in the loss of the public house and therefore would not conflict with Policy R1 of the ILP.

Long-term function and viability

6. Policy R11 of the ILP is a criteria-based policy that seeks amongst other things to ensure that development proposals do not detrimentally impact the long-term function and viability of the public houses in Islington. It further sets out that the change of use to visitor accommodation may be appropriate where, inter alia, it does not affect the continued operation of the public house and is clearly subservient to the public house function.
7. In this regard, the appellant's statement and supporting information set out that the primary purpose of the proposal is to safeguard The Hanbury Arms as a viable, trading public house for the future. The submitted 'Financial Feasibility Review' (FFR) demonstrates that without introducing new income streams the business as it currently operates is likely to run at a financial loss which is unsustainable. The FFR also models scenarios relating to diversification and intensification of the upper floors in accordance with Policy R11. However, these demonstrate that the suggested proactive diversification of the pub's offer would be highly unlikely to provide the necessary certainty or financial income to support its long-term viability. In addition, the FFR modelled the provision of ancillary guest house accommodation, with the outcome demonstrating that the proposal would be highly likely to provide a reliable and meaningful income stream which would support the long-term function and viability of The Hanbury Arms. I therefore conclude that the proposal before me would be an ancillary and subservient use that would support continued operation of the public house. To secure this I have imposed conditions to ensure that the visitor accommodation remains ancillary and is operated in support of the public house (No's 5 and 7).
8. I have carefully considered Council's concerns in relation to a lack of marketing. However, given that I have concluded that the operation of the pub would not be undermined by the use of the upper floors and that the proposal would assist in the long-term viability of the ground floor use, I do not consider that marketing the whole premises for a period of 2 years¹ is necessary to demonstrate that the proposal would comply with Policy R11. In reaching this conclusion I have had regard to the previous appeal decision², however the circumstances are different due to the submission of the FFR.
9. Having reached the conclusions above the proposal would not materially harm the long-term function and viability of the public house. Consequently, the proposal would not conflict with Policies R1, R11 and R12 of the ILP.

¹ Policy R11 paragraph 4.165 (explanatory text)

² APP/V5570/W/21/3286487

Arlington Square Conservation Area

10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Arlington Square Conservation Area (the CA). In considering the significance of the CA I have had regard to the Arlington Square Conservation Area Design Guidelines (2002) (the ASCADG).
11. The CA is predominantly residential and quiet in character with spacious wide roads and a number of green spaces. The southern boundary of the CA borders the Regent's Canal. The ASCADG describes the CA as having special architectural and historic interest due to the strong visual unity of the predominant 2-storey terraces with basements. Properties in the CA generally retain most of their external architectural features such as front boundary railings and traditional iron work.
12. The proposal would enlarge an existing window on west (Mary Street) elevation of the building. Despite the increase in size of the window, it would still be consistent with the alignment and size of other windows on that elevation. Therefore, the proposal including the introduction of guest accommodation in the upper floors would not materially alter the appearance of the public house, nor would it impact on the character and appearance of the CA.
13. Therefore, I conclude that the enlargement of one window would respect the architectural integrity of the public house. Consequently, I find that the proposal would not result in material harm to the building and would ensure that the character and appearance of the CA is preserved. Consequently, the proposal would not conflict with Policies PLAN1, DH1, and DH2 of the ILP that seek amongst other things to ensure that development is of a high quality that conserves or enhances the significance of the CA.

Other Matters

14. In reaching my decision I have had regard to the concerns of local residents in relation to noise and disturbance from the operation of the public house. However, based on the evidence before me this would appear to relate predominantly to the management of the establishment and in some cases the historic use of part of the upper floors for functions and events. As such, I have no technical evidence that the proposal would materially increase the likelihood of noise and disturbance when compared to the existing situation. Furthermore, I am reassured that environmental legislation provides adequate protection with regard instances of noise nuisance.

Conditions

15. The conditions suggested by the Council have been considered in light of the advice contained within the national Planning Practice Guidance and the Framework.
16. In addition to the standard implementation condition (No 1), it is necessary for certainty, to define the plans with which the scheme should accord (No 2). To ensure the satisfactory appearance of the scheme it is necessary for the materials used in its construction be in accordance with the schedule of

materials noted on the plans and within the Design and Access Statement (No 3). To ensure that the local environment is protected it is necessary to provide details refuse and refuse recycling provision (No 4). To protect the amenity of future occupiers of the visitor accommodation it is necessary to provide details of sound insulation between the public house and the visitor accommodation (No 6). It is necessary to impose a condition requiring the submission of a Sustainable Design and Construction Statement to ensure a sustainable form of development (No 8).

17. It is not necessary to impose conditions relating to cycling provision, deliveries, and servicing, given that the proposed use is ancillary to the existing public house operation. Moreover, it is not necessary to impose conditions relating to circulation and step free access as these are adequately addressed by the Building Regulation requirements. Furthermore, it is not necessary to secure the provision of a toilet within the bar area given that there are no alterations proposed within the wet trade area of the public house.

Conclusion

18. For the reasons given I conclude that the appeal should succeed.

Jameson Bridgwater

INSPECTOR

Schedule – Conditions

- 1) The development hereby submitted shall be begun not later than the expiration of three years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the approved plans: 2207.ZZ.G: 1010; 1050; 1100; 1200; 1300; 1400; 1500; 2000; 2100; 2200; 2300.
- 3) The development shall be constructed in accordance with the schedule of materials noted on the plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.
- 4) Prior to the first occupation of the hereby approved ancillary visitor accommodation details of the refuse/recycling shall be submitted and approved in writing. The approved details shall be implemented in full prior to the first occupation of the visitor accommodation and retained thereafter into perpetuity.
- 5) Prior to the first occupation of the hereby approved ancillary visitor accommodation details of the Operation Management Plan shall be submitted and approved in writing. The submitted details shall include how the approved ancillary visitor accommodation would function and its relationship with the ground floor public house, including the booking system, the complaints procedure, the maximum duration and levels of occupation, and any other relevant information.

The approved details shall be implemented in full prior to the first occupation of the visitor accommodation and retained thereafter into perpetuity.

6) Full particulars and details of a scheme for sound insulation between the ground floor pub and proposed upper floors guest rooms use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to conversion works commencing on site. The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

7) The hereby approved ancillary visitor accommodation shall not be used as a self-contained residential unit (C3 use) or permanently occupied and retained as such into perpetuity.

8) Prior to demolition and above ground works of the development hereby approved a Sustainable Design and Construction Statement shall be submitted and approved by the Local Planning Authority and shall demonstrate how the proposal meets the Council's Sustainable Design policies. The approved details shall be implemented in full and retained thereafter into perpetuity. The submitted details must demonstrate a circular economy approach to design and construction and that a minimum 10% of the total value of materials used in the construction of the development has been derived from recycled and re-used content in the products and materials selected. The Sustainable Design and Construction Strategy must also demonstrate that cost effective energy efficiency measures have been applied to the existing property, where practical.