



Appeal Decision

Site visit made on 1 July 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2024

Appeal Ref: APP/V5570/W/24/3338653

52 York Way, Islington, London N1 9AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Jadebricks London Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2023/1572/FUL.
 - The development is internal alterations supporting a change of use from small scale HMO for up to 6 residents (Class C4) to a large-scale HMO for up to 10 residents (Sui Generis).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that work has not started, however from my site visit it is clear that the works have already been completed. I have therefore considered the appeal on the basis that the development has already taken place and I have adjusted the description accordingly.
3. A Sustainable Design Statement was not submitted as part of the original application and therefore a second reason for refusal related to the failure to demonstrate that the proposal would comply with all relevant sustainable design standards during the design, construction and operation of the development. A Sustainable Design Statement has been submitted as part of the appeal and the Council are satisfied that it meets the applicable components of Islington's Strategic Development Management Plan (2023) (SDMP). However, this reason for refusal has not been formally withdrawn.
4. The appeal site is located within the King's Cross Conservation Area (CA). However, there is no reference to any external changes to the appeal property and the Council has not raised any concerns with regard to the effect of the development on the designated heritage asset. I agree, and find the character, appearance and significance of the CA is preserved.
5. I noted during my site visit that each of the units has a kitchen area with storage and integrated appliances, which is not shown on the plans. I have considered the appeal on the basis of the plans before me.

Main Issues

6. The main issues are:

- whether the development provides adequate living conditions for future occupiers with regard to space standards for communal areas
- whether it meets relevant sustainable design standards.

Reasons

Living Conditions

7. No 52 York Way is a small-scale House of Multiple Occupation (HMO), located within a 4 storey terrace, above the Lincoln Lounge Public House opposite Kings Cross Station. Access is via a front door at ground floor level with stairs rising to the first floor and accommodation arranged over 3 further floors. The property is currently a small-scale HMO.
8. The development is for internal alterations to support the change of use from a small-scale HMO for up to 6 residents to a large-scale HMO for up to 10 residents. The proposal provides 7 individual units all of which have an en-suite replacing the communal bathroom. A communal kitchen and dining area is also provided along with a small area of external terrace space, however there is no longer a separate communal living area.
9. Part B of Policy H10 of the SDMP says that proposals involving the loss of good quality HMOs will be resisted unless the replacement use meets an acute housing need. Although the Council acknowledge that the bedrooms on the fourth floor were small, overall, the small-scale HMO was considered to provide a good quality HMO that could be improved without conversion.
10. Part C of Policy H10 says that large-scale HMOs are not considered the best approach to meeting housing needs, however where they are acceptable in principle, HMOs should be comfortable and functional for the needs of tenants and must include adequate storage and provide appropriate and accessible communal facilities and services. Given the size of some of the bedrooms, the principle of the change to a large-scale HMO is accepted by the Council, subject to the quality of accommodation and amenity.
11. The supporting text of policy H10 says that the Council's Environmental Health team have agreed minimum standards for room sizes and the provision of kitchens and bathrooms are used to determine the maximum number of occupiers and households for a HMO licence. These standards are set out in a document titled "Standards for Houses in Multiple Occupation (HMO) Housing Act 2004" (SHMO) and a link to it is provided through the supporting text of Policy H10. It is agreed by both parties that all the schemes' bedrooms meet these minimum space standards.
12. The original plan submitted as part of the application, referenced "No P2-PR-PO1" shows that the communal kitchen measures 13.5sqm, however the Council discounted the area of the kitchen from the doorway areas and therefore calculated the area as measuring 10.88sqm (11sqm rounded up).
13. A revised drawing "No P2-PR-P-K1" was submitted post decision. This plan shows in greater detail an area of space within the communal kitchen which lies between the kitchen door and the main body of the kitchen, adjacent to the area marked as refuse storage. This does not alter the size of the area indicated to be the communal kitchen.

14. The SHMO require that a minimum of 11.5sqm should be provided for communal kitchen areas where there are between 8-10 sharers. The SHMO document also specifies that when measuring the size of room floor areas that lobbies are excluded.
15. On my site visit I noted that although there is some space next to the kitchen door, I would consider this to be a lobby as it is only wide enough for two people to walk past one another. This area does not form part of the main kitchen and is unlikely to be used by future occupiers to gather or eat. I therefore conclude that the proposal falls below the required standard of 11.5sqm. The external terrace is very small and when I visited there was a large storage box which meant that it had limited functionality as an external communal space.
16. Therefore, given the reasons outlined I conclude that the development does not provide adequate living conditions for future occupiers with regard to space standards for communal areas and is thereby in conflict with Policy H10 and the SHMO, which requires proposals for large-scale HMOs to provide living space and communal space which is comfortable and functional for the needs of tenants and resists the loss of good quality small-scale HMOs.

Sustainable design standards

17. The Sustainable Design Statement says that a number of low energy features have been included within the development to reduce carbon dioxide emissions, including low energy light fittings, hot water tanks, energy efficient condensing boiler with heating controls and new opaque elements to either meet or exceed the minimum U-value targets. The scheme also incorporates water efficient equipment and appliances including dual flush wcs and no baths.
18. The development as demonstrated by the content of the Sustainable Design Statement meets relevant sustainable design standards. In this regard it therefore accords with Policies S1, S2, S4, S6, S7, S9 and S10 of the SDMP which seek to deliver sustainable design, minimise greenhouse emissions, manage heat risk and adopt an integrated approach to water management and sustainable drainage.

Conclusion

19. Whilst I have found no harm associated with sustainable design standards, on balance the development conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
20. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR