



Appeal Decision

Site visit made on 10 July 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2024

Appeal Ref: APP/V5570/W/23/3331944

1-2 Faulkner's Alley, Islington, London EC1M 6DD

- 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 Messrs Greenhouse and Stirton against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2023/0165/FUL.
 - The development proposed is the erection of a roof extension including a roof terrace, removal of defunct fire escape stair, replacement of windows and associated works in connection with the change of use of the first, second and third floors from office (Class E) to residential (Class C3) with the provision of 1 x 3 bed flat.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Messrs Greenhouse and Stirton against the Council of the London Borough of Islington. This application will be the subject of a separate decision.

Preliminary Matters

3. I have determined this appeal on the basis of the Council's failure to determine the planning application within the statutory timescale. However, I have had regard to the Council's appeal statement, in so far that it provides clarity on the reasons why the Council would have refused planning permission had it been able to do so.
4. During the course of the application the description of development was amended. I have therefore used the revised wording as provided on the appellant's appeal form.

Main Issue

5. The main issue is whether the loss of the existing employment floorspace would be acceptable in policy terms.

Reasons

6. Policy B3 part B of the Strategic and Development Management Policies, September 2023 (LP) states that proposals that would result in the net loss of business floorspace will be refused unless there are exceptional circumstances which demonstrate that there is no demand for the floorspace and that the loss would not compromise the operation of the wider area, or that the existing

building is no longer suitable for its existing business use. Paragraph 4.37 goes on to say that marketing should be undertaken for a period of 24 months in order to assess demand.

7. I recognise that the planning application was originally submitted under the auspices of the previous local plan. However, I am required to make my decision based on the current policy framework. The appellant's own evidence sets out that sufficient marketing has taken place individually for the first and third floors but not for the second floor. In addition, no marketing has taken place on the basis of all three floors being used as one business space. Instead, a Market Demand Assessment (MDA) was produced by Kinney Green in January 2023 which was further supplemented by an email from the consultant dated 31st May 2023. Additional correspondence was also sent to the Council in October 2023.
8. In combination, the MDA and supplementary evidence argues that there are a large number of comparable properties on the market in the area, that supply is greater than demand, and that there are various constraints or disadvantages with the office accommodation at the appeal site.
9. The MDA appears to be based on reasonable assumptions and it may well be the case that attracting other users would be extremely difficult. Indeed, I do not dispute the assessment that the existing office space has disadvantages compared to more modern buildings. However, it is a point of fact that the marketing required by the LP has not been undertaken. As such, I simply cannot be certain that there would be no interest in leasing the second floor in isolation, or more pertinently, the three floors together as one business space. With regards to the latter option, it appears to me that offering a larger space, with the opportunity for a break out area and such like, could be more desirable to businesses than the three floors considered separately.
10. As such, it does not seem to me that adequate justification or certainty has been provided to justify departing from the requirements of the LP in this instance. I therefore conclude that the proposed development would conflict with LP Policy B3 as well as Policies AAP1 and AAP8 of the Bunhill and Clerkenwell Area Action Plan (2023). Taken together, the relevant aspects of the policies seek to protect existing business floorspace subject to certain exceptions.

Other Matters

11. The appeal site is located within the Charterhouse Square Conservation Area and within the setting of the Castle Public House, a Grade II listed building. In this instance, the Council is satisfied that the proposed development would preserve or enhance the character or appearance of the Conservation Area, and would also preserve the setting of the listed building. Given the relatively minor external changes that are proposed, the location of the building and the character of the surrounding area, I have no reason to disagree with this assessment. The proposal would therefore preserve the significance of these designated heritage assets and would therefore satisfy the requirements of Sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
12. While not a reason for refusal, the Council has noted that a planning obligation would be required to secure a financial contribution towards the provision of

affordable housing off-site, and to ensure that the development would be car-free. The appellant has produced a unilateral undertaking to address this matter. However, as I am dismissing the appeal I am not required to consider the issue further.

Conclusion

13. The proposed development conflicts with the development plan when considered as a whole. Whilst the provision of one new dwelling would add to local housing stock and provide some economic benefits, given the small-scale nature of the scheme, any such benefits are likely to be very limited. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR