
Appeal Decision

Site visit made on 29 October 2024

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2024

Appeal Ref: APP/V5570/W/24/3344784

56 Upper Street, Islington, London, N1 0NY

- 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 Red Engine Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2023/2766/FUL.
 - The development proposed is change of use of from ancillary office accommodation to independent offices at first and second floors.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from ancillary accommodation to independent offices at first and second floors at 56 Upper Street, London, N1 0NY in accordance with the terms of the application, Ref P2023/2766/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with Drawing No.s: 020-A Location and Site Plan; 021-A Existing and proposed GA plans.
 - 3) The development hereby approved shall only be used as an office (Class E9(g) (i) (ii)) or financial and professional services (Class E(c) (i) (ii) (iii)) and for no other use within Use Class E of the Town and Country Planning (Use Classes) Regulations 2020 as amended for the duration that this is in force.

Main Issue

2. The main issue is whether the development would accord with local policies with regard to development within the curtilage of a public house.

Reasons

3. Policy R11 of the Local Plan (LP) states that the Council will resist the change of use of any public house which has demonstrable social value, contributes to the cultural fabric of the borough, or the night-time economy. It is not disputed that The Flight Club, which has a large bar on the ground floor, meets these criteria.

4. The upper two floors of the building are being used as offices for The Flight Club which runs this bar, as well as other bars nationally and worldwide. The appellant wishes to centralise the administrative function for the entire business, on another site.
5. The upper floors include floorspace used as meeting rooms, offices, a kitchen and toilets. The upper floors have an independent entrance and the bar's operations appeared to me to be self-contained with staff amenities, storage and the kitchen in the basement. There is nothing before me to suggest that the floorspace of the upper floors is required for the successful operation and viability of the bar.
6. Part B (ii) of LP Policy R11 sets out that proposed alternative uses to upper floors should not detrimentally affect the character, vitality and viability of the area, or the ongoing operation of the pub where a partial change of use, as is the case here, is proposed. Other criteria within Part B are concerned with marketing where a public house has been vacant for two years, or where changes of use are proposed to remedy the poor viability of a public house and other documented measures have proved unsuccessful. Neither of these criteria applies to the appeal before me.
7. The officer's report notes that the supporting text to this policy requires marketing and vacancy evidence for partial change of use, but this is more restrictive than the policy text. Moreover, as the existing office use on the upper floors is independent of the operation of the bar, it is unclear what would be achieved by this exercise.
8. The Council notes that the upper floors would not be able to be marketed as independent office space as this would result in two separate planning units at the site. However, there is nothing before me to indicate what inherent harm this might cause. The Council's concerns appear to anticipate future conflict between the bar and the office use above. However, the upper floors are currently in use as modern office accommodation. Moreover, this is a densely developed area, and future occupiers are likely to expect a degree of underlying noise and disturbance arising from neighbouring buildings and activities. In addition, the bar is likely to be most active in the evening when the offices are likely to be closed. Furthermore, I see no reason to doubt that the appellant would retain the lease of the entire building and would be able to exercise a degree of control over the occupation of the upper floors.
9. The Council also notes that should the bar on the ground floor relocate or close, the presence of a separate office above could adversely affect its marketability. However, as noted above, the appellant would have control over the occupation of those upper floors.
10. I do not dispute that the upper floors could be used as function rooms, or additional accommodation for staff, but presumably The Flight Club is best placed to decide whether this potential use could form part of their business plan. In any case, the stairs are steep and narrow, and there did not appear to be lift access which would discourage some alternative uses and users.
11. The Council also raises concern that limitations might be placed on the use of outdoor spaces associated with the bar, but as far as I could see it does not have any outdoor spaces for customers except for a strip along the footway

with outdoor tables. The noise of the road would be significantly greater than noise generated by those tables. I acknowledge that creating a separate planning unit could pave the way for future conversion to residential use but there is nothing before me to indicate that this would be the case. In any case, such an application would be determined on its merits.

12. I conclude that there is nothing before me to indicate that the change of use would adversely affect the character, vitality and viability of the area, or the future operation of the bar. As such the development would accord with local policies with regard to development within the curtilage of a public house. There would be no conflict with LP Policy R11, or Part C Policy HC7 of the London Plan. This states that development proposals for the development of associated accommodation, facilities or development within the curtilage of a public house that would compromise its operation or viability, should be resisted.

Other Matters

13. The building is a non-designated heritage asset (NDHA) and sits within the Angel Conservation Area. However, the development would not have any impact on the fabric of the building, or its use, or comings and goings, for the reasons set out above. Consequently, I am satisfied that the development would not have an adverse effect on the NDHA, and would also preserve or enhance the character or appearance of the Angel Conservation Area.

Conditions

14. The Council has suggested conditions, and I have imposed the standard time and drawings condition for the avoidance of doubt. I see no reason to include the planning statements in the list of drawings. I have also imposed a condition restricting future use to office use classes to ensure that office floorspace within the Central Activities Zone is maintained.
15. The Council has also suggested a condition requiring the submission of a sustainable design and construction statement. However, as the development is already in office use, which appeared to me to be of a high standard, it seems unlikely that there would be significant conversion works. I am not satisfied that this proposed condition is necessary to make the development acceptable in planning terms.

Conclusion

16. The development would contribute to local office floorspace availability and there is nothing before me to indicate that the change of use would conflict with the local development plan. The appeal is allowed.

A Edgington

INSPECTOR