



Appeal Decision

Site visit made on 5 March 2025

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Appeal Ref: APP/V5570/W/24/3349859

33 Thornhill Road, Islington, London N1 1JR

- 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 Joseph Kaz against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2024/1388/FUL.
 - The development proposed is change of use of a residential driveway (Use Class C3) to include short-term holiday letting by way of specially adapted historic vehicle (Sui Generis)¹.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the site would be a suitable location for the proposal with regard to development plan policy;
 - The living conditions of neighbouring residents in respect of noise and disturbance, privacy, and light spill; and
 - The amenity of guests.

Reasons

Location

3. Policy R12 of the SDMP¹ specifies that proposals involving the development of visitor accommodation will only be permitted on sites allocated for visitor accommodation or on sites with existing visitor accommodation in Town Centres and the Central Activities Zone (CAZ). The appeal site is not allocated for visitor accommodation and does not fall within the specified areas.
4. The appellant submits that the proposal would in effect host a caravan, and therefore would not represent a 'place' within the terms of the Council's definition of visitor accommodation. However, the proposal is for a change of use of a residential driveway, which is clearly a specific place.
5. The appellant also emphasises that the proposal relates to a temporary use. However, although the vehicle would be moveable, the proposal has been submitted on the basis of being a permanent change of use rather than only being

¹ Islington Local Plan: Strategic and Development Management Policies 2023

for a temporary period of time. That said, even if the proposed use was only for a temporary period, it would still represent development for visitor accommodation which would fall within the scope of Policy R12.

6. The site is not allocated for visitor accommodation and is outwith a Town Centre and the CAZ. The proposal would therefore be contrary to Policies R1 and R12 of the SDMP and Policy E10 of the London Plan 2021 with regards to the location of visitor accommodation.

Living Conditions of Neighbours

7. The proposal would be located on a driveway to the front of No 33 in a primarily residential area. Based on the submitted evidence, the main building of No 33 consists of 4 flats, with the person who would manage the proposal residing in one of the flats. The appeal site is within part of the streetscape where residential buildings are set away from the highway behind gardens, amenity areas and driveways. Despite the urban location, the area is of a quiet residential character.
8. A detailed specification of the type and design of vehicle has not been provided, although the appellant refers to a bus, minibus, or similarly historically significant vehicle. Given the nature of vehicles of the types referred to, these would include limited noise insulation and significant extents of glazing. On that basis, I consider activity associated with the proposal would be apparent to residents of neighbouring properties. This would include noise from guests within the vehicle, the comings and goings of guests, and light spill in the hours of darkness.
9. With regards to noise, given the likely nature of the construction of the proposed vehicle I am not persuaded that suitable noise insulation could be provided as part of the adaptation to provide accommodation. The appellant refers to a number of conditions, including limiting the number of guests, restrictions on the times of use of outside space, and keeping a log of incidents and resolutions. However, the proposal would introduce accommodation into a location with a close-knit relationship with residential properties where noise and disturbance from even a limited number of guests would be apparent. Restrictions on the use of outside space would not address the noise from within the proposed accommodation, and in any event this would not address disturbance during the day at weekends when nearby residents could expect a reasonable degree of peace and quiet.
10. The use of the vehicle as a short-term holiday let would also be likely to generate a greater frequency of noisier comings and goings of guests, whether in vehicles or on foot, including during unsociable hours compared to a typical dwelling in this area. To my mind, the suggested keeping of a log of incidents and resolutions to them is indicative that the use is not suited to this residential location. However, even with the measures applied, this would be a reactive approach and would not actively prevent disturbance from occurring.
11. The proposal would also enable views of neighbouring residential properties and the comings and goings of residents, including the flats within No 33 as well as properties on either side. Given the proximity with nearby residential properties, the nature of these views would be intrusive with significant harm to the privacy of nearby residents. Due to the close-knit relationship between the appeal site and neighbouring properties, I am not persuaded that sufficient screening could be provided to prevent overlooking or the perception of being overlooked.

12. The proposal would not include any external lighting, but even allowing for the form of lighting within the vehicle there is a significant possibility that internal illumination would be apparent to neighbouring residents. This adds to my concerns about the intrusive nature of the proposal.
13. Although all of the flats within No 33 may be within the same ownership, and the appellant lives in one of the flats, this does not negate the consideration of the living conditions of residents of the flats. In any event, the ownership of the flats could change.
14. Viewed objectively and in context, the proposal would lead to an intrusive and uncharacteristic use located to the front of residential properties, with significant harm to the living conditions of nearby residents with regards to noise and disturbance, privacy and light spill. The proposal would therefore be contrary to the amenity requirements of Policies R12, PLAN1 and DH5 of the SDMP.
15. I find no conflict with Policy T5 of the SDMP in respect of delivery, servicing and construction, but this does not negate the conflict I have identified with other development plan policies.

Amenity of Guests

16. As outlined previously, the appeal proposal would be located in close proximity to residential properties within No 33 as well as adjoining properties. Due to this proximity, direct views of the proposed accommodation would be enabled from neighbouring land and buildings. This would include the external amenity area to the front of No 33 as well as that of an adjoining property. This would not provide a suitable degree of privacy for guests within the vehicle. Given this close-knit relationship, I am not persuaded that this could be addressed through landscaping or obscure glazing, and indeed any mitigation measures could harm the amenity of guests due to restrictions on light and outlook.
17. The Council refers to the provision of 10% wheelchair accessible rooms, but given the scale of the proposal this requirement would be disproportionate. However, the SDMP also refers to 'visitable' accommodation with step free access, and it has not been demonstrated how the appeal proposal would be able to provide this. Given the use of a vehicle to provide accommodation I do not consider that this could be addressed by a planning condition as, without any evidence to the contrary, step free access is unlikely to be possible.
18. Issues of daylight and thermal comfort could be addressed by condition as it is feasible that the vehicle could provide for these issues or be altered to do so, notwithstanding my conclusions on privacy. The appeal site is a private driveway within an enclosed site and the appellant refers to CCTV coverage, and on that basis I consider that matters of safety and security would be addressed. Given the limited scale of the accommodation, the highway to the front would be a suitable drop-off/pick up point for guests.
19. The appellant submits that the proposal would be classed as a caravan and that the consideration of the amenity of guests is therefore irrelevant as a planning consideration. However, the issues and harm I have identified arise from the nature of the proposed use and the context of the site, and I consider that these are therefore material planning considerations. This includes the consideration of access for guests with a disability.

20. Notwithstanding my conclusions on other amenity issues, I conclude that it has not been demonstrated that the proposal would provide suitable amenity for guests in respect of privacy and step-free access. The proposal would therefore be contrary to Policies R1 and R12 of the SDMP in respect of amenity and inclusive access for guests of visitor accommodation.

Other Matters

21. Reference has been made to cases where a caravan stationed on private property did not constitute development. However, those instances related to Certificates of Lawful Use for an ancillary use to a dwellinghouse, and those circumstances are therefore different from the appeal proposal which involves development consisting of a material change of use. In any event, the lawfulness or otherwise of the proposal does not fall within the scope of this appeal.
22. The proposal would not involve the loss of any residential units and there would be benefits in respect of sustainability through the re-use of a vehicle compared to new construction. However, given the scale of the proposal these benefits carry very limited weight in favour of the appeal. The proposal may be an innovative concept, but due to the identified harm I do not consider that it represents the efficient use of land.
23. Although the vehicle could be easily removed and would not require permanent construction works, the proposal has been submitted on the basis of being for a permanent change of use and I have determined the appeal accordingly. A vehicle of a similar scale could be parked at the site as part of the current residential use, but the nature of the use of the vehicle arising from the appeal proposal would be materially different to parking associated with a dwelling.
24. The appeal proposal is within the Barnsbury Conservation Area (CA). The effect on the CA is not referred to in the Council's reasons for refusal, although had I been minded to allow this appeal then I would have considered this matter further.

Conclusion

25. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR