



Appeal Decision

Site visit made on 20 May 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2025

Appeal Ref: APP/V5570/W/24/3357046

282-284 St. Paul's Road, Islington, London N1 2LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Asher against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2024/2970/PRA.
 - The development proposed is the change of use from a ground-floor commercial shop class E to 2 studio flats class C3.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use from a ground-floor commercial shop Class E to 2 studio flats Class C3 at 282-284 St. Pauls Road, Islington, London N1 2LH in accordance with the application P2024/2970/PRA and the details submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos:
 - P01REV A
 - 2) The development hereby approved shall not be occupied unless and until suitable waste management including dedicated residential refuse/recycling enclosure(s)/facilities shall be provided and shall be maintained as such thereafter.
 - 3) The development hereby approved shall not be occupied unless and until the facilities for the secure, covered parking of two bicycles within the development site has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Applications for costs

2. An application for costs was made by Mr Asher against the London Borough of Islington and is the subject of a separate decision.

Background and Main Issue

3. Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses).
4. Development under Class MA is permitted subject to, amongst other aspects, an application to the local planning authority for a determination as to whether prior approval is required in relation to the conditions set out in Paragraph MA.2.
5. Prior approval was refused by the Council on the grounds that insufficient information has been submitted to show that the proposed ground floor units would receive acceptable levels of natural light, specifically that the daylight/sunlight assessment does not include the necessary measures to the front shopfront windows to protect privacy and reduce noise.
6. It is not disputed that the proposed development would meet all other conditions of Class MA.2. Therefore, the main issue is whether the proposed development would be permitted by Article 3, Schedule 2, Part 3, Class MA of the GPDO with particular regard to the provision of adequate natural light in all habitable rooms of the proposed dwellinghouses.

Reasons

7. The appeal site comprises a three-storey, mid-terrace property situated on St Paul's Road. The surrounding area is mixed in character with both commercial and residential uses present. St Paul's Road is a busy road, there is a bus stop immediately to the front of the appeal site.
8. Prior approval is being sought for the change of use of the ground floor to provide two self-contained, studio flats. They would each measure 37.1m² and be dual aspect.
9. Paragraph MA.2(f) of the GPDO requires the provision of adequate natural light to habitable rooms. The GPDO sets out a specific definition of habitable rooms which states that "‘habitable rooms’ means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms”.
10. The original application was supported by a report titled ‘Analysis of Site Layout for Sunlight and Daylight’¹ which states that the daylight and sunlight in all rooms within the proposed flats would be better than the BRE Guidelines² and on this basis the requirement for adequate natural light is met. The report is based on the ‘Proposed Plans’ which show two large existing windows serving each of the proposed studio flats located within the front elevation of the building, as well as further windows to the rear elevation.
11. The Council did not dispute the findings of this report. However, they raised concerns in relation to the need for privacy measures as the proposal relates to a

¹ Prepared by Morgan Light Assessors (dated October 2024)

² BRE Site Layout and Planning for Daylight and Sunlight, a Guide to Good Practice (published in 2022)

ground floor commercial premises and would have large windows facing directly onto the street. Whilst the evidence before me indicates that these would provide adequate daylight if unobscured, due to the position, size and proximity of the windows to the street and in particular the bus stop which is immediately to the front, the future occupiers are likely to need to install blinds or other such measures to achieve adequate levels of privacy. There appears to have been no allowances made for any such measures in the above report.

12. Nonetheless, I am only required to consider whether or not there would be sufficient natural light provided to the habitable rooms. The habitable rooms, as per the definition within the GPDO, would be served by generous windows allowing adequate natural light to enter. It would be for any future occupier to determine the level of privacy measures needed and I have not been any presented with any compelling evidence to demonstrate that any such measures would result in a harmful reduction in natural light entering the proposed dwellings. I am therefore satisfied that adequate natural light would be provided to all habitable rooms in the proposed dwelling.

Conditions

13. Paragraph W(13) of the GPDO allows for the grant of prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. The Council has suggested five conditions should prior approval be granted.
14. As paragraph MA.2(5) of the GPDO stipulates that the development shall be complete within a period of 3 years, a condition is not required in this regard. The provisions at Paragraph W(12) require that development must be carried out in accordance with the approved details. I have attached a condition setting out the approved plans/drawings in the interest of clarity and certainty.
15. Conditions relating to cycle storage and refuse, and recycling facilities are necessary to ensure responsible waste practices are adhered to, to ensure the highway is not unduly compromised and to ensure adequate cycle parking is provided. I have amended the suggested wording for clarity.
16. The Council has also highlighted Policy T3 of the Islington Local Plan Strategic and Development Management Policies, adopted September 2023 which sets out that all new development should be car free. A condition is therefore suggested that would prevent occupiers of the proposed development from securing residential parking permits. However, the GPDO does not require regard to be had to the development plan. There is also limited evidence before me to suggest that such a condition is necessary. Therefore, based on the information before me, I do not consider the condition to be reasonable or necessary.

Conclusion

17. For the reasons given above the appeal should be allowed and prior approval is granted.

K Lancaster
INSPECTOR