



Appeal Decision

Site visit made on 20 June 2025

by **A M Nilsson BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/V5570/W/25/3359357

398 Caledonian Road, Islington, London N1 1DN

- 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 Patricia MacAvock against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2024/2281/PRA.
 - The development proposed is the change of use of the basement and ground floor of existing commercial building (Class E) to residential accommodation to provide 1x self-contained residential unit (Class C3).
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3 and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) for the change of use of the basement and ground floor of existing commercial building (Class E) to residential accommodation to provide 1x self-contained residential unit (Class C3) at 398 Caledonian Road, Islington, London N1 1DN in accordance with the terms of application ref P2024/2281/PRA, and the plans submitted with it, subject to the standard conditions set out in paragraphs MA.2. and W(12) of the Order and the following condition:
 - 1) The residential use shall not commence until arrangements have been made to secure the development as a car-free development in accordance with a detailed scheme or agreement which shall have first been submitted to and approved in writing by the local planning authority. The approved scheme or agreement shall ensure that:
 - i) no occupiers of the approved development shall apply for, obtain or hold an on-street parking permit to park a vehicle on the public highway within the administrative district of the local planning authority (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation); and
 - ii) any occupiers of the approved development shall surrender any such permit wrongly issued or held.

Such scheme or agreement shall be implemented prior to the occupation of the development hereby permitted and shall be retained and operated for so long as the use hereby permitted continues.

Preliminary Matters

2. Class MA of Schedule 2, Part 3, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) grants planning permission for the change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 of that Order subject to a number of limitations and conditions.
3. The Council's first reason for refusal related to the necessity to carry out works, namely a staircase within the front lightwell, which do not constitute permitted development under the Order. These works have subsequently been granted planning permission and as such I will consider the appeal based on the Council's second reason for refusal.
4. Development under Class MA is permitted subject to, amongst other things, the condition that before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required. This is in relation to, amongst other things, where the building is located in a conservation area, and the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area. The Council's second reason for refusal relates to the impact of the change of use on the character and sustainability of the Barnsbury Conservation Area.
5. Development plan policies and the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Main Issue

6. The main issue is therefore whether or not prior approval should be granted having regard to the impact of the change of use on the character or sustainability of the Barnsbury Conservation Area.

Reasons

7. The appeal property comprises the ground floor and basement of 398 Caledonian Road. It is located in the Barnsbury Conservation Area (BCA) which is characterised as forming a large area with many of the best examples of formal late-Georgian/early-Victorian residential developments in London. The predominant character of the BCA is residential although the shopping frontages on Liverpool Road and Caledonian Road which provide local services, make an important contribution to the character of the area.
8. I agree with the Council that the character of a conservation area is not solely defined by aesthetics and that the human interaction in the area can also make a positive contribution. I observed on my site visit that there were a number of shops, restaurants and cafes in the vicinity which brought about a notable amount of human interaction and positively contributed to the character of the BCA. It follows that development which would significantly undermine such human interaction may harm the character and sustainability of the BCA. I also observed, however, that there are a number of vacant units close to the appeal property.

9. The appeal property does not have a traditional shopfront. The appellant has also outlined that its previous office use did not attract a significant footfall. From the submitted evidence and my own observations, the property has the hallmark of a small professional office space. I acknowledge, as the Council highlight, that other uses could occur at the property. However, the lack of a shopfront and the vacancies I observed would make it unlikely that the use would be one which would create the human interaction and vibrancy which are positive features of the BCA. The marketing which has been undertaken would also support this position. Furthermore, the introduction of an albeit small number of residents can help sustain the existing businesses which do positively contribute to the character of the BCA.
10. I therefore conclude that, having regard to paragraph MA.2.(e), the proposed development would not have an adverse impact on the character or sustainability of the BCA.
11. Having regard to S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the BCA. For the reasons given above, the proposal would preserve the character and appearance of the BCA.

Other Matters

12. I have considered the other appeal decisions provided by the Council. Whilst I do not have full details of the examples, they all relate to different properties with different circumstances. The most similar appeal for development within Class MA, also within the BCA, was allowed. Either way, I have considered this appeal on its own planning merits based on the submitted evidence and my own observations.

Conditions

13. I have considered the Council's suggested conditions. Conditions requiring commencement within three years, or the use as a dwellinghouse (Class C3) are not necessary as these are standard conditions of development under Class MA. Similarly, a condition requiring the development to be carried out in accordance with approved plans is not necessary as this is a standard condition of paragraph W(12). A condition pertaining to the external alterations is not necessary.
14. Having regard to policies aimed at securing developments to be car-free, in the interests of sustainable travel, I have imposed a condition requiring the development to be car-free. I have amended the suggested wording of the condition to accord with the guidance of imposing conditions as set out in the National Planning Policy Framework and the Planning Practice Guidance.

Conclusion

15. For the reasons given above, and having had regard to all matters raised, I conclude that the proposal would be permitted development under Schedule 2, Part 3, Class MA of the Order having regard to its impact on the character or sustainability of the BCA. The appeal should therefore be allowed, and prior approval should be granted.

A M Nilsson

INSPECTOR