



Appeal Decision

Site visit made on 1 July 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2025

Appeal Ref: APP/V5570/W/25/3360844

120 Holloway Road, Islington, London N7 8JE

- 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 Mr Tej Sahota against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2024/0796.
 - The development proposed is extending up 2 levels to accommodate 7 Flats/apartments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and surrounding area, with particular regard to whether it would preserve or enhance the character or appearance of the St Mary Magdalene Conservation Area;
 - the effect of the proposed development on the supply of commercial (Use Class E) floorspace;
 - whether the proposed development would provide an appropriate housing mix;
 - whether the proposed development would provide adequate living conditions for future occupiers, with particular regard to internal space standards, ceiling height, light, outlook, ventilation, noise, privacy, safety and security, provision of accessible homes and the provision of private outdoor space;
 - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to outlook, daylight and sunlight; and
 - whether the proposed development makes an appropriate contribution towards affordable housing provision and carbon offsetting, and whether the proposed development would be car-free.

Reasons

Character and Appearance

3. The appeal site comprises two adjoining mid-terrace Victorian properties. The first, 120 Holloway Road (No.120) is a two-storey building, The second, 122 Holloway Road (No.122) is a three-storey building, due to the presence of a roof extension. The ground floors are in commercial use with flats on the upper floors, which are recessed giving the appearance of a low-rise building. Both properties have relatively long two-storey rear outriggers. There is a single storey commercial building to the rear of No.122 which is referenced as a “Printing Workshop” on the submitted plans.
4. The appeal buildings form part of a wider terrace of similar properties comprising 118 to 126 Holloway Road, which have been altered but nevertheless retain a strong degree of uniformity in the scale, design, and overriding low rise form of the group. The surrounding area is of a mixed character, but with mainly ground floor commercial uses and upper floor residential uses on Holloway Road. There is a petrol station with a large forecourt located to the south of the site, and the properties to the rear of the site on Horsell Road are mostly residential.
5. The site is located within the St Mary Magdalene Conservation Area (the CA). The significance of the CA is derived primarily from the historic pattern of development and buildings including its historic housing dating from the late 18th Century and Victorian era, together with the commercial development found along the principal route of Holloway Road. The significance of the CA in so far as it relates to the appeal site is as an example of Victorian buildings located on Holloway Road.
6. The proposed development would comprise the erection of front, rear and roof extensions to create a four-storey building. Together with a change of use of part of the ground floor from commercial (Class E) to residential (Class C3) and the creation of 7 self-contained flats (1 x 1 bed and 6 x 3 bed flats) with associated alterations including new shopfronts.
7. Policy DH2(b) of the Islington Local Plan Strategic and Development Management Policies, adopted September 2023 (the SDMP) states that development within conservation areas and their settings, including alterations to existing buildings and new development must conserve or enhance the significance of the area and must be of a high-quality contextual design. It further states that buildings, spaces, street patterns, views and vistas, uses and trees which contribute to the significance of a conservation area must be retained.
8. The St Mary Magdalene Conservation Area Design Guidelines adopted October 2003 (the CA Guidelines) state that proposals should seek to retain all statutory and locally listed buildings together with all other 18th and 19th century buildings in the area, and their removal will only be allowed in special circumstances or where the proposal would enhance the character and appearance of the CA. Paragraph 6.8 (iii) of the CA Guidelines states that roof extensions or dormer windows visible from any street or public area will not be permitted on 70-164 Holloway Road, which includes the appeal site. Paragraph 6.8 (iv) of the CA guidelines further states that roof extensions to existing shopfronts will not be permitted.
9. The proposed development would involve a substantial upwards extension and increase in height of the appeal buildings, together with moving the upper floors of

the buildings closer to the road. This would result in the erosion of the existing set back of the upper floors and would significantly alter the visual composition of the terrace resulting in the complete loss of the traditional elevations and roof forms. The proposed elevational treatments would also fail to distinguish between the primary frontage facing onto Holloway Road, and the ancillary rear elevation, as the proposed scheme would utilise almost identical designs.

10. The CA Guidelines further state that the original windows particularly those serving principal rooms make a significant contribution to the character and appearance of historic properties and should be preserved. The front façade of 120 Holloway Road appears to retain traditional window units, which would be lost as a result of the proposed development. Although I accept that the appeal buildings are not statutorily or locally listed, they are noted as being examples of Victorian buildings within the CA. Therefore, the proposed development would result in the loss of historic fabric which contributes positively to the character and appearance of the CA.
11. Whilst I accept that the buildings within the wider terrace have undergone various alterations, the set back of the upper floors is a consistent feature of the buildings which would be lost as a result of the proposed development. Furthermore, the extent of the proposed alterations would entirely eradicate any visual connection to the original Victorian architectural form and features of the appeal buildings.
12. For these reasons, I therefore find that the scale, bulk, massing and overall design of the proposed extensions would result in an overly dominant and discordant addition to the host buildings. It would fail to integrate successfully with the host terrace and fails to respond positively to the character of the area, or the CA. consequently, the proposal would cause unacceptable harm to the character and appearance of the host building and surrounding area and would result in less than substantial harm to the character and appearance of the Conservation Area.
13. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This is a matter of considerable importance and weight.
14. In accordance with the Framework, the harm to the Conservation Area should be weighed against the public benefits of the proposal. The Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification, and that great weight should be given to the asset's conservation, irrespective of the level of potential harm. I will return to this matter later in my decision.

Supply of Commercial (Use Class E) Floorspace

15. The appeal site lies within the Lower Holloway Shopping Area, one of the key Local Shopping Areas (LSAs) identified in Policy SP8 of the SDMP. This policy requires that the retail and service function of these areas be maintained and enhanced.
16. Policy R4 of the SDMP states that applications for the change of use of Class E and/or Sui Generis main town centre use floorspace to residential use, must comply with certain criteria. This includes preventing/mitigating impacts on the vitality, viability, character and function of the area.

17. While the appellant states that No.120 will retain all of its existing floorspace, No.122 would see a reduction of approximately 7m², retaining approximately 25m² of commercial floorspace. The appellant confirms no change would be made to the commercial floorspace of the 'Printing Workshop' to the rear of the site, with access maintained via the side passage at No.118.
18. Whilst I accept that No.122 and the Printing Workshop are to remain in commercial use, No.120 would see its floorspace reduced from approximately 32m² to 25m². The appellant asserts this remains sufficient for business use. However, no substantive justification has been put forward to support this claim, nor the reduction in floorspace.
19. Consequently, the proposed development would lead to a reduction in the supply of commercial (Use Class E) floorspace within a LSA. Thus, it would be contrary to Policies SP8 and R4 of the SDMP which requires that the existing retail and service function of the area must be maintained and enhanced and to ensure proposals for residential uses prevent/mitigate impacts on the vitality, viability, character and function of the area.

Housing Mix

20. Policy H1 of the SDMP states that all new housing must contribute to the delivery of the Local Plan vision and objectives, making the borough a fairer place through the delivery of the right type of housing that meets identified needs. Policy H2 of the SDMP states that all development proposals for conventional residential dwellings (including conversions and extensions) must provide a good mix of unit sizes which contribute to meeting the housing size mix priorities set out in Table 3.2. For market housing, two-bedroom units are identified as being the highest priority, with medium priority for three-bedroom units and low priority for one-bedroom and four-bedroom units.
21. The proposed accommodation would comprise a one-bedroom unit and six three-bedroom flats. This mix of accommodation is at odds with the priorities of the council as set out above, with the highest priority being for two-bedroom units. The proposal makes no provision for accommodation of this size.
22. The appellant states that the proposed unit mix reflects the character and demand within the local housing market, ensuring diversified accommodation options in line with wider housing demand. However, no evidence has been provided as to why a mix of sizes could not be brought forward which would better meet the demonstrable housing need of the area. Therefore, based on the evidence before me, there is no substantive justification for the proposed mix of units.
23. For these reasons, whilst I note that the appeal site is located in a sustainable location, with a PTAL rating of 6a, and that the proposed development seeks to ensure the use of the site is optimised by providing an additional five homes, the proposed mix of accommodation would fail to accord with the Council's priorities for housing delivery. Thus, the proposed development would fail to provide an appropriate housing mix and would therefore be contrary to Policies H1 and H2 of the SDMP.

Living Conditions – Future Occupiers

24. Policy H4 of the SDMP requires all residential development to be functional, useable and comfortable space that has good amenity for occupiers of all ages.
25. In respect of internal floorspace, Policy H4(d) of the SDMP states that residential development must meet or exceed the minimum space standards, and address other requirements for private internal space, as set out in the London Plan 2021 and relevant Supplementary Planning Guidance. It also states that appropriate consideration must be given to the provision of rooms which are designed to function comfortably and efficiently for their intended purpose.
26. Policy D6 of the London Plan 2021 states that housing development should be of high-quality design and provide adequately sized rooms (see Table 3.1) with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. Table 3.1 of the London Plan 2021 sets out the minimum space standards which are expected to be met or exceeded.
27. In respect of Flat 1, Table 3.1 states that for a one-bedroom, two-person unit the minimum floorspace should be 50m² and for a one-bedroom, one-person unit the minimum required floorspace is 39m². However, it also states that where a studio/one single bedroom, one person dwelling has a shower room instead of a bathroom, the floor area may be reduced from 39m² to 37m², which the unit would meet. Although I accept that the submitted plans show a double bed this is not necessarily indicative of occupancy. Therefore, I find that the Flat A would provide sufficient internal floorspace for a one-bedroom, one-person unit.
28. In respect of Flats 2, 3, 4 and 5, Table 3.1 states that a three-bedroom, six-person flat should provide a minimum of 95m² of floorspace. However, a three-bedroom, five-person unit requires the provision of 86m² of floorspace. The proposed flats would provide approximately 89m² to 90m² of internal floorspace. On this basis, I am satisfied that Flats 2, 3, 4 and 5 would provide the minimum amount of floorspace required for a three-bedroom, five-person unit.
29. In respect of Flats 6 and 7, Table 3.1 states that a three-bedroom, four-person flat should provide a minimum of 74m². The proposed flats would measure approximately 81m² and 82m². On this basis, I am satisfied that Flats 6 and 7 would provide the minimum amount of floorspace required for a three-bedroom, four-person unit. Overall, I therefore find that the proposed flats would provide sufficient internal floorspace and adequately sized rooms.
30. In respect of internal ceiling heights, Policy D6 of the London Plan 2021 requires a minimum ceiling height of 2.5 metres. However, Policy H4(f) of the SDMP requires floor to ceiling heights to be at least 2.6 metres for all habitable rooms, kitchens and bathrooms. The supporting text to the policy states that the low level of public open space and the high-density of built form in Islington means that private outdoor space and internal space in the home are even more important to quality of life (including mental health) than in less densely populated areas. Higher ceiling heights provide a greater sense of space and help keep rooms cool in summer months. They can also improve the amount and quality of natural light and ventilation

31. Policy H4(f) allows for some flexibility where newly created residential accommodation would be as a result of the conversion of an existing building and where the exiting ceiling height would be maintained and overall good standard of daylight, natural ventilation and usable floorspace would be provided. However, in this particular case, the proposal involves significant alterations and extensions. Therefore, the flexibility afforded to conversions would not apply to the appeal proposal.
32. The submitted plans do not include measurements of the floor to ceiling heights of the proposed flats. The Council state that the ceiling heights would be a maximum of 2.45m, with reduced ceiling heights for Flats 6 and 7 by virtue of being located within the eaves. The appellant states that the ceiling heights would be 2.5 metres but makes no reference to any reduced ceiling heights within the third-floor flats. Nonetheless, even if a ceiling height of 2.5 metres could be achieved across the proposed flats, this would fail to meet the requirements of Policy H4 of the SDMP.
33. In respect of outlook and light, Policy H4(i) requires all new dwellings to be dual aspect, except where this would be impossible or unfavourable. It further states that single aspect units should not face onto main roads or other significant sources of air pollution, noise and vibration, which would preclude opening windows.
34. The proposed flats would all be single aspect, with the primary living accommodation in each flat having no access to a window to provide natural light or ventilation. Flat 1 would have windows within a kitchen and bedroom, which look directly towards the Printing Workshop and external courtyard, which is likely to adversely affect both outlook and ventilation due to the potential for noise and disturbance to occur. Additionally, Flats 3, 5 and 7 would face directly onto Holloway Road, which is a significant source of noise and air pollution.
35. Policy H4(j) also states that the design of all residential development is required to maximise natural light into the room (subject to passive heating and cooling considerations). This policy states that the glazing to all habitable rooms must be generous and should aim to be not less than 20% of the internal floor area of the room. All dwellings should provide for direct sunlight to enter the main habitable rooms for a reasonable period of the day. As outlined above, the primary living spaces would have no access to natural light and the appeal is not supported by any daylight/sunlight evidence to demonstrate that the proposed dwellings would receive adequate light.
36. Whilst I acknowledge that alternative lighting solutions, such as daylight-enhancing systems, could ensure appropriate levels of internal illumination to the living spaces, even if this was found to be acceptable, this would not address the lack of provision for outlook or ventilation. For these reasons, I therefore find that the proposed development would not provide a good standard of living conditions for its future occupiers with regard to outlook, ventilation and light.
37. In respect of noise and vibration, Policy H4(k) of the SDMP states that all development proposals which include residential units must fully assess noise and vibration impacts on and between dwellings, in line with Policy DH5 of the SDMP. It states that proposals should ensure residential units are sited away from sources of noise and vibration, to prevent impacts occurring; or where this is not possible, provide a detailed assessment of noise and vibration impacts. Where noise and/or

vibration effects are identified suitable mitigation measures must be put in place to reduce these effects, through the proposed layout (including the interaction of non-residential and residential uses in mixed use developments), design and materials. It further states that any effects will need to be suitably mitigated for planning permission to be granted.

38. The appeal site is located on Holloway Road, which is both a busy road and commercial centre. However, the appeal is not supported by any evidence to adequately demonstrate that any adverse impacts arising from noise and vibration could be adequately mitigated, or that the layout of the proposed dwellings has been designed to reduce these effects. As noted above Flats 3, 5 and 7 all have their only windows facing onto Holloway Road, which is a significant noise source and Flat 1 has windows in close proximity to an existing commercial premises.
39. Therefore, whilst I accept that the proposed units will be required to meet current building regulations standards in respect of internal noise transference, this does not take into account the external acoustic environment. For these reasons, it has not been demonstrated that the proposed development would provide adequate living conditions for future occupiers in respect of noise and vibration impacts.
40. In respect of privacy, safety and security, Flat 1 would be located on the ground floor of the appeal premises. It would have three windows which face directly towards the 'Printing Workshop' and external courtyard, where there would be the possibility of views directly into the accommodation. The appeal is not supported by any detailed proposals to demonstrate that this unit would be provided with adequate mitigation to ensure privacy, safety and security for future occupiers, particularly given the proximity of a commercial use.
41. Furthermore, the shared access to the residential accommodation, is shown on the submitted plans to be accessible to users of the ground floor commercial spaces. On this basis, it has not been demonstrated that the proposed accommodation would provide adequate levels of privacy safety and security for any future occupiers.
42. In respect of accessible and inclusive design, Policy H4(c) of the SDMP states that housing must be built to be accessible and adaptable to meet changing occupier circumstances over the lifetime of the development, and must provide 90% of dwellings to Category M4(2) 'Accessible and Adaptable' standard; and the remaining 10% of dwellings to 'Wheelchair Adaptable Category M4(3)(2)(a)' standard.
43. It is not disputed that the proposed accommodation would not meet these standards. However, the appellant states that the scheme maximises accessibility within the site's limitations. They further state that there is reasonable provision made for access and that the accommodation in each unit is set over a single floor which would meet the needs of some older or disabled persons. Nonetheless, Policy H4 requires compliance with Category M4(2) for 90% of the dwellings and it has not been demonstrated that the proposed development would comply with this requirement.
44. In respect of private outdoor space, Policy H5 of the SMDP states that all new residential development and conversions will be required to provide private outdoor space, in the form of gardens (for houses and ground floor maisonettes) or balconies (for upper floor dwellings).

45. In this particular case, no outdoor amenity space is proposed. This is despite the majority of the proposed units being family sized units. The appellant states that the proposed development would be a short walk from several public open spaces including, Highbury Fields, St Mary Magdalene Gardens and Paradise Park. However, the proximity to these open spaces would not adequately compensate for the absence of outdoor space provision for the proposed dwellings, particularly the family-sized units. For these reasons, the proposed development would fail to provide adequate private outdoor space.
46. Consequently, whilst I have concluded that the proposed development would meet the minimum internal space standards, it would not provide adequate living conditions for future occupiers, with particular regard to internal ceiling height, light, outlook, ventilation, noise, privacy, safety and security, provision of accessible homes and the provision of private outdoor space. It would therefore be contrary to Policy D6 of the London Plan 2021 and Policies H1, H2, H4 and H5 of the SDMP which seek amongst other things, requires all residential development to be functional, useable and comfortable space that has good amenity for occupiers of all ages.

Living Conditions - Neighbours

47. Policy PLAN1 of the SDMP states that developments must provide a good level of amenity must be provided, including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution (such as air, light and noise), fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
48. Although the immediate surrounding area is predominantly commercial in character, there are a number of residential properties close by. In particular, 118 Holloway Road, which is an end terrace property and is understood to have residential accommodation within its upper floors. There are also further residential properties with windows overlooking the site located on Drayton Park and Horsell Road.
49. The proposed development would substantially increase the scale, bulk and massing of the appeal buildings to such a degree that it would be likely to have a harmful effect on outlook from the upper floor windows of these nearby residential properties. Furthermore, the appeal is not supported by any substantive evidence with regards to the effect the proposed extensions would have on daylight/sunlight entering neighbouring properties windows and garden areas.
50. Consequently, I therefore find that it has not been demonstrated that the proposed development would not have an unacceptable impact on the living conditions of neighbouring occupiers with particular regard to outlook, daylight and sunlight. Thus, it would be contrary to Policy PLAN1 which requires, amongst other things, a good standard of amenity to be provided.

Planning Obligation

51. Although not included as a reason for refusal, in their appeal statement, the Council state that a legal agreement is required to secure the provision of a financial contribution towards off-site affordable housing provision and carbon offsetting. They also require the additional five dwellings to be secured as car free.

52. Policy H3 of the SDMP states that proposals comprising less than 10 residential units are required to provide a financial contribution to offsite affordable housing, in recognition of the continuing high demand for this type of housing in the borough. The policy is supported by Islington's Affordable Housing Small Sites Contributions Supplementary Planning Document Adopted October 2012 which sets out that a commuted sum of £50000 per residential unit is likely to be viable.
53. Policy S4 of the SDMP states that all new residential developments to be net zero carbon. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall must be provided through a cash in lieu contribution to Islington's carbon offset fund. All major developments and minor new build developments of one unit or more will be required to pay the full cost of offsetting the remaining regulated emissions, unless it can be demonstrated that this is not viable, in which case the maximum viable payment for offsetting will be required based on a viability assessment. Such payments will be secured through a legal agreement. The Council has confirmed that a financial contribution of £5,000 would be required.
54. Policy T3 of the SDMP requires all new developments to be car free. The proposed development does not include any on-site car parking provision. The Council has confirmed that had the development had been otherwise acceptable, this would have been secured the additional units as car-free by way of condition or legal agreement.
55. The appellant has had the opportunity to comment but has not indicated whether or not they are agreeable to these obligations. Furthermore, the appeal is not supported by a legal agreement. The Procedural Guide: Planning Appeals – England requires the appellant, to submit an executed and certified copy of any planning obligation at the time of making their appeal. It explains that the Inspector will not delay the issue of a decision to wait for an obligation to be executed unless there are very exceptional circumstances. I am not aware of any such circumstances in this case.
56. Therefore, I conclude that the proposal fails to make an adequate contribution to affordable housing, carbon offsetting or to ensuring the development would be car-free. Thus, it conflicts with the aims of Policy H4 of the London Plan, and Policies H3, S4 and T3 of the SDMP. Nonetheless, as I intend to dismiss the appeal for other reasons, I have not considered this matter further.

Heritage Balance

57. It is not disputed that the proposed development would cause less than substantial harm to the CA. Given the scale and nature of the proposal, the degree of harm to the significance of the CA would at a moderate level of less than substantial harm.
58. Paragraph 215 of the National Planning Policy Framework states that where harm is identified to the significance of designated heritage assets and their setting, it should be weighed against the public benefits of the proposal.
59. The public benefits of the proposed development include the provision of five additional dwellings on a small site that could be delivered relatively quickly, and which is located in a sustainable location. I attribute these benefits moderate weight.

60. The Council has indicated that the proposed development would be required to make a contribution towards affordable housing provision. However, there is currently no legal mechanism by which to secure this contribution and therefore I can only attribute this very limited weight.
61. Accordingly, whilst the development may provide some public benefits, I am not persuaded that these, taken together, would be sufficient to outweigh the identified harm to the significance of the CA, given the great weight that must be given to its conservation. Furthermore, I am not persuaded that these benefits could not be achieved through an alternative proposal.
62. For these reasons, I conclude that the development causes unacceptable harm to the character and appearance of the host property and the area, and fails to preserve or enhance the character or appearance of the CA. Thus, it would be contrary to Policies D3, D4 and HC1 of the London Plan 2021 and Policies PLAN1, DH1 and DH2 of the SDMP which seek amongst other things to ensure new developments are of high-quality design, which makes a positive contribution to local character, conserves and enhances heritage assets.

Conclusion

63. For the above reasons, the proposed development conflicts with the development plan taken as a whole. There are no material considerations of sufficient weight which indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

K Lancaster

INSPECTOR