
Appeal Decision

Site visit made on 4 September 2025

by **N Unwin BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Appeal Ref: APP/V5570/W/25/3366453

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 P2025/0776/PRA.
 - The development proposed is described as: 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 Paul's Road, Islington, London N1 2LH in accordance with the application reference P2025/0776/PRA and the details submitted with it.

Applications for costs

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

Preliminary Matter

3. During the determination of this appeal, an appeal was allowed on the same site (Ref: APP/V5570/W/25/3362909). Both main parties were given the opportunity to comment on its implications for this appeal. I have taken those comments into account in reaching my decision.

Main Issue

4. Class MA of the General Permitted Development Order (2015) (the GPDO) permits the 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 within Class C3 (dwellinghouses). This is subject to compliance with the terms set out at MA.1 and, thereafter, requires the developer to apply to the local planning authority for a determination as to whether its prior approval will be required as to, amongst other things, the provision of adequate natural light in all habitable rooms of the dwellinghouses.

5. The Council accepts that the proposed development complies with the terms set out at MA.1 and, as such, qualifies as permitted development subject to the considerations in MA.2. I find nothing that contradicts this conclusion. The main issue, is whether the proposed development would provide adequate natural light in all habitable rooms of the dwellinghouses.

Reasons

6. The appeal site forms the ground floor of a three storey mid-terraced property adjoining the highway. Although only a snapshot in time, this section of St Paul's Road appears particularly busy in nature with high volume of vehicles and pedestrians travelling along the highway observed during my site visit.
7. The front elevation of the appeal property is adjacent to a bus stop utilised by a number of bus services which wait directly in front of the appeal property. A narrow section of pavement separates the bus stop from the appeal site giving bus passengers unrestricted views of the ground floor front elevation of the appeal property, which contains extensive glazing.
8. The GPDO requires the provision of adequate natural light in all habitable rooms of the proposed dwellinghouses. The GPDO is clear that prior approval must be refused if adequate natural light is not provided in all the habitable rooms and also that refusal may result from a failure to demonstrate adequate provision.
9. The proposal would result in the creation of two studio flats at ground floor level. The glazing within the front elevation would provide these rooms with the majority of daylight and sunlight and be obscure glazed up to 1.7 metres in height leaving a significant section above this unobscured. This privacy film has been accounted for in the appellant's Sunlight and Daylight Assessment (SDA), with its 90% light transmittance accounted for in the results. The SDA confirms that daylight distribution exceeds the target illumination level for more than 50% of the room grid and that the sunlight results show that the proposed living rooms would receive sunlight for at least 8 hours on the 21st of March.
10. The Council contend that the proximity to the bus stop directly outside the appeal property would result in passengers in idling buses sat in elevated positions being afforded direct views into the proposed flats from the non-glazed sections of the front windows. They conclude that additional privacy measures, which are likely to be implemented by residents, would impact the availability of natural light to the proposed units.
11. Nevertheless, in line with the requirements of the relevant part of the GPDO, in determining this appeal I am required only to consider whether the habitable rooms would receive adequate natural light. The appellants evidence demonstrates that the proposed flats would receive daylight above the recommended minimum levels set out in the BRE guidance. Even if additional obscure glazing was implemented above 1.7 metres, given its 90% light transmittance, sufficient natural light would likely continue to be achieved. As such, despite the shortcomings in respect of privacy or outlook, the evidence before me demonstrates that the habitable rooms in the proposed development would receive adequate natural light.

Other Matters

12. I have had regard to comments made by an interested party relating to the potential impact of the loss of the Class E premises on the commercial nature of the area. However, those comments address matters which fall outside the scope of Part 3, Class MA of the GPDO, and they have not therefore had a significant bearing on my decision.

Conditions

13. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 3, Class MA of the GPDO is subject to standard conditions, including those set out in paragraph MA.2. For this reason, there is no reason for me to impose any additional conditions in this particular instance.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed and prior approval granted.

N Unwin

INSPECTOR