



Appeal Decision

Site visit made on 3 July 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Appeal Ref: APP/V5570/W/25/3362909

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 reference is P2024/3709/PRA.
- The development proposed is a change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3).

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 a change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3 at 282-284 St Paul's Road, Islington, London N1 2LH in accordance with the application reference P2024/3709/PRA and the details submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following drawings and documents:
 - Location and block plans 2284 E 00 (10 December 2024)
 - Existing drawings – floor plans 2284 E 01 (10 December 2024)
 - Existing drawings – floor plans 2284 E 02 (10 December 2024)
 - Existing drawings – elevations 2284 E 03 (10 December 2024)
 - Proposed drawings – elevations 2284 P 05 (10 December 2024)
 - Proposed drawings – floor plans 2284 P 01 (10 December 2024)
 - Proposed drawings – floor plans 2284 P02 (10 December 2024)
 - Proposed drawings – floor plans 2284 P03 (10 December 2024)
 - Proposed drawings – plans and elevations 2284 P 04 (10 December 2024)
 - Proposed drawings – plans and elevations 2284 P 05 (10 December 2024)
 - Analysis of site layout for sunlight and daylight (Morgan Light Assessors, February 2025).
 - 2) Suitable waste management facilities, including dedicated storage for residential refuse and recycling, shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.
 - 3) The development hereby approved shall not be first occupied until facilities for the secure, covered parking of two bicycles within the development site have

been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided, retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Application for costs

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

Preliminary Matter

3. While this appeal was being determined, an appeal was allowed in respect of the refusal of another application for prior approval for a change of use from Class E to Class C3 at the same site (PINS Ref: APP/V5570/W/24/3357046). There is no dispute between the main parties that the scheme to which that other appeal relates is identical (or “materially identical”) to the proposal before me, and the reason for refusal given by the Council was the same in both cases.
4. That other appeal decision is a material consideration carrying significant weight, and 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 here.

Background and Main Issue

5. The appeal site is a three-storey mid-terrace building in mixed use; it is not within a conservation area, though it is very close to the boundary of the Canonbury Conservation Area. The appeal proposal relates only to the ground floor of the building - prior approval is sought for the change of use of the unit to two self-contained studio flats.
6. Schedule 2, Part 3, Class M of the GPDO permits development consisting of change of use of a building and any land within its curtilage from a use falling within Class E to a use falling within Class C3 (dwellinghouses). This is subject to the exclusions and conditions set out in Paragraphs MA.1. and MA.2., which require a developer to apply to the local planning authority for a determination as to whether prior approval is required in relation to the matters set out in paragraph MA.2.(2). These include, at paragraph MA.2.(2)(f) “the provision of adequate natural light in all habitable rooms of the dwellinghouses”.
7. There is no dispute between the main parties that the proposal would comply with the other requirements of Class MA.2. The main issue is therefore whether the proposed development would provide adequate natural light in all habitable rooms of the dwellinghouses.

Reasons

8. The Council refused to grant prior approval because it considered that insufficient information had been submitted to demonstrate that the proposed ground floor flats would receive acceptable levels of natural light. The initial application had been accompanied by a sunlight and daylight analysis¹, which showed that the units would receive daylight exceeding the recommended minimum levels set out

¹ Morgan Light Assessors, October 2024

in the Building Research Establishment's guidance in *Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice* ("the BRE guidance").

9. The appeal property is on a busy road in a mixed commercial and residential area. Immediately in front of the building, on what is not an especially wide footway, is a bus stop and shelter. The Council expressed concern that the bus stop would be likely to have a particular harmful effect on privacy in the flats. It noted that the submitted daylight and sunlight analysis did not include an assessment of measures necessary to protect occupants' privacy, which it considered would be likely to reduce daylight and sunlight within the flats.
10. During the appeal, the appellant therefore submitted a further sunlight and daylight analysis², which allowed for the application of a privacy film to the front windows to a height of 1.7m above ground level. This found that with this adaptation the units would continue to receive daylight above the recommended minimum levels set out in the BRE guidance.
11. The Council considers that the use of film alone would not provide adequate privacy, not least because passengers on buses standing at the stop (who would be in a relatively elevated position) would be able to see into the remaining parts of the large front windows above the level of the privacy film. Based on my observations during my site visit, I am not unsympathetic to that view – it seems likely that most occupiers of the proposed would therefore seek to take other measures – such as the use of blinds or curtains at the very least – to provide adequate privacy (and perceived privacy).
12. However, 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 flats would have large windows to their street frontage and, notwithstanding that these introduce what might reasonably be considered shortcomings in respect of privacy, the evidence before me is that the habitable rooms in the proposed development would receive adequate natural light.

Other Matter

13. 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, and to the quality of work already carried out at the site on behalf of the appellant. 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

14. Class MA and paragraph W.2 of Schedule 2, Part 3 of the GPDO set out standard conditions which apply to all approvals. These include, at Paragraph MA.2.(5), the requirement that development must be completed within a period of 3 years starting with the prior approval date, so I have not imposed the "start date" condition suggested by the Council.
15. A condition identifying the approved plans and other supporting information (1) is necessary for the avoidance of doubt. Conditions relating to the storage of refuse

² Morgan Light Assessors, February 2025

and recycling (2) and bicycles (3) are necessary to ensure that adequate provision is made in these respects, and to ensure that the development does not compromise highway safety.

16. I have not imposed the suggested condition relating to car-free development. Although the Council's officer report referred to Policy T3 of the 2019 Islington Local Plan, the GPDO does not require regard to be had to the policies of the development plan in this case. While that provision may well support the use of sustainable methods of transport, no specific evidence was put forward to demonstrate that such a condition would be necessary.

Conclusion

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

M Cryan

Inspector