



Appeal Decision

Hearing held on 29 July 2025

Site visit made on 29 July 2025

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

Appeal Ref: APP/U5360/W/25/3358590

64 Clifton Street, 66 Clifton Street, 68-76 Clifton Street, and 4-8 Holywell Row, Shoreditch, London, EC2A 4HB

- 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 Sola 9 Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/0605.
 - The development proposed is demolition of the existing buildings on Site, (except for elements of numbers 64 and 66 Clifton Street to be repaired, restored, extended and enhanced) and the construction of a replacement building to deliver Office space (Use Class E (g) (i)), a publicly accessible restaurant/bar (Flexible Use Class E) unit at ground floor level; as well as associated facilities, including visitor cycle spaces within a basement along with external landscaping and public realm improvements..
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A unilateral undertaking has been submitted, with agreement, after the Hearing I return to this later in my decision.
3. As the proposal is in a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Prior to the Hearing, the Council agreed that its reasons for refusal 3 and 4 regarding embodied carbon and flooding could be resolved by the imposition of appropriately worded conditions which have been agreed with the appellant. I see no reason to disagree.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the South Shoreditch Conservation Area and 10-21, 24-27 Holywell Row and 75 Worship Street locally listed buildings; and
 - The effect of the proposal on the living conditions of the occupiers of maisonette 14 Holywell Row with particular regard to outlook and light.

Reasons

Character and appearance

Significance

6. The appeal site is located within the South Shoreditch Conservation Area (the CA). The Council's CA Appraisal and Management Plan (CAAMP) adopted in 2021 states that the distinctive character of the CA comes from the mix of grand, four and five storey former retail and warehouse buildings that line the main thoroughfares in combination with smaller, lower-scale buildings set behind the main frontages. These are divided by an irregular grid of smaller streets and lanes, the overall result of which is to produce a dense and intimate streetscape behind the wider, open thoroughfares. There is a limited palette of materials and architectural details which provides a homogeneous character to the area. This was agreed at the Hearing, and I saw it to be the case at my site visit albeit there has been a degree of evolution which has seen the erection of modern buildings, mostly carried out to reflect the existing character and appearance.
7. Nos 10-21 and 24-27 Holywell Row are locally listed buildings, and it was agreed non designated heritage assets (NDHA). Holywell Row is a narrow historic lane. By the late eighteenth century it was built up on both sides with housing. Following war damage, much was rebuilt and the NDHA form a terrace on the southeastern side of the lane mimicking the Georgian heritage. Although of different ages, and displaying differing details, the row is a good example of the small domestic scale of architecture in contrast to the large industrial scale buildings. The significance of the NDHA therefore, for the purposes of this appeal, relates to the survival of the domestic form on a historic lane displaying the evolution of the area and the relationship between the heights of buildings.
8. No 75 Worship Street is also a NDHA forming a substantial six storey block built in 1899. Originally a printing works, it is constructed from stock brick with red brick dressings. Its significance for the purposes of this appeal is its surviving architecture as a good example of the large industrial scale buildings in the area displaying the social, economic and historic origins of the area.
9. The appeal site includes a number of buildings. Nos 64 and 66 Clifton Street are identified as positive contributors to the CA in the CAAMP. I would concur. No 64 was originally constructed as a public house in the early nineteenth century. No 66 was originally constructed as a house. Although both have been altered, particularly internally, their scale and retained external architectural features contribute positively to the significance of the CA through demonstrating historical uses and the smaller, fine urban grain.
10. Nos 4-8 Holywell Row form a double storey single storey building constructed in the 1950s. Windows extend to footway level, but materials are sympathetic to the CA. It makes a small positive contribution to the CA through its scale and materials.
11. Nos 68-76 Clifton Street form a post war office building maintained in an acceptable manner. It makes a neutral contribution to the CA as it does not actively detract, being an inoffensive building in the streetscene of an appropriate scale, height and proportion.

Impact on significance

12. The proposed building would rise to eight storeys with a set in at the sixth and seventh floors to the south elevation as well as to the west and east elevations on the seventh floor and one at the fourth storey to Holywell Row. The height is broadly equivalent to the modern building at Worship Square (the blue building). This building has a set back at its sixth storey of about 1.6 metres at its southern edge increasing to about 4 metres close to the appeal site. While visually this reduces the massing, the upper floor is apparent in many views when walking around and through to Worship Square. The plant deck though, which rises to 52 metres AOD, is well hidden. Nevertheless, as the blue building covers a large floorspace, its height and massing, including the areas set back at upper floors form an imposing building at the entrance to the CA. Public realm improvements have occurred to Worship Square, such that this area, once formerly dominated by traffic, forms a quiet oasis with areas to sit and enjoy the area at the entrance to the CA. The blue building and No75 form large buildings on either side of the square, giving it a sense of enclosure. While on the edge of the CA that does not affect the contribution they make to the CA.
13. The appeal site forms another edge to the square and currently No 64 while acting as a focal point, lacks the height of the other buildings to effectively “complete” the square. To that end there is no dispute between the parties that development at height would be suitable for this site. Indeed the Council’s Draft Future Shoreditch Area Action Plan 2019 (the AAP) suggests that development on Clifton Street would be appropriate at 5-6 storeys and on Holywell Row at 3 storeys with a set back at the 4th storey. However, the AAP has not yet been adopted and the Council’s own viability assessment of the site (the Paribas report) within the AAP shows that it would not be viable to be developed as proposed (including with residential development) without increasing the height and massing, significantly reducing the obligation requirements, or delaying the scheme until later in the plan period. Nevertheless, it provides a useful starting point.
14. The proposal would be much higher than envisaged in the AAP. The set in of the seventh floor of the proposed building is about 1.5 metres, like that on the blue building. While overall it would be higher than the blue building it would not be by a significant amount. Furthermore, the footprint of the proposed building is much smaller than the blue building and No 75 due to the configuration of the appeal site. As a result, its overall mass would in my view be less than the blue building and No 75. While the highest part of the development would be set back from Worship Square, it would nevertheless be viewed as effectively providing an end stop to the square as well as retaining No 64 as a focal point. Seen in context with both the blue building and No 75 therefore I do not consider the height to be harmful in this respect seen as a gateway between Shoreditch and the City. In addition, given the level of setback of the higher part of the proposal, I do not consider it would overwhelm No 64 or No 66, which would retain their integrity as separate buildings in this respect. Furthermore, there would be no harm to the setting of No 75 as the taller part of the building would be set away and would not harmfully compete with No 75, itself a commanding building.
15. The proposal would also have a relationship to the NDHA on Holywell Row. I accept that the northern elevation of the proposed building is necessarily blank to take account of any proposed development on the neighbouring site. Nonetheless, the proposed setback at the fourth storey, would only be 1.3 metres and the kinetic

view shows not sufficient to prevent the height and massing of the development from having a degree of enclosure and dominance to Holywell Row which is uncharacteristic, particularly given the narrowness of the throughfare.

16. The distinction in heights of the buildings in the CA is a particular part of its significance. While there would be a clear distinction in height here, it would be too much. The plant deck would also be visible in the view towards Worship Square making the building appear even taller than from other views. Furthermore, the view down from Worship Square within Holywell Row further into the CA is towards buildings of a much lower scale and the height and massing of the building on this elevation would be significantly at odds with the more domestic scale of buildings including Holywell Row. I appreciate that it is not unusual to have tall buildings close to lower historic ones, indeed that is a characteristic of the CA, and the blue building abuts a lower listed building to the west. However, this is a slightly different context. The narrowness of Holywell Row and the considerable height differentiation means that the proposal would dominate and overwhelm the existing terrace, such that the essential character of the lane would be eroded harming the significance of both the CA and the NDHA.
17. The CAAMP highlights that this part of the CA is under threat from insensitive developments which ignore the scale, massing and architectural character of the area and which disrupts the fine grain elements of the varied townscape quality of the area (for example, the mixed architectural character of the area, which reflects the juxtaposition of narrow, early 19th century brick buildings with surviving warehouse/workshop elements interspersed with post-war office/workshop developments). I also note that the height of the development is raised as a concern by Historic England and the Greater London Authority as well as the South East Design Panel and the Hackney Design Review Panel, and while not determinative, this reinforces my view that the height in relation to its location adjacent to the NDHA would cause harm.
18. Externally both Nos 64 and 66 are good examples of the small scale architecture that contribute positively to the character and appearance of the CA. The mansard extension to No 64 although high is set back and would complement the architecture of No 64, with the windows reflecting the arched design at the first floor. Although the extension above No 66 would be tall, both elements to it would be set back with the upper level in a different lighter material and design which would reduce massing and visibility. As a consequence, both buildings would continue to be legible as examples of the finer scale architecture which contribute positively to the significance of the CA. The position of the windows on the proposal would broadly align with those beneath and although not reflecting the traditional reduction in size on the upper floors, they would complement the size and design of those below yet clearly differentiate between the old and the new.
19. The CAAMP states that the full or substantial demolition of buildings or structures identified as making a positive contribution to the significance of the CA is harmful to the significance of the CA and will be regarded as substantial or less than substantial harm according to the circumstances of the case. The proposal involves the demolition of the remaining internal elements of No 64 and No 66 retaining their external façade incorporated into the scheme. This would mean that internally the two buildings would be subsumed into the proposal so that floor levels would run through the entirety of the building. While this would allow the floor level to be visible through some of the windows, the appellant has

incorporated a void so that this would be effectively mitigated. Given that the end user is offices, it makes sense to create an open floor space across the entirety of the site especially given the existing internal alterations and, as I observed, the constraints of their existing use as offices.

20. Externally the two units would retain their individual integrity on the Clifton Street elevation. The delineation of No 64 on the Holywell Row elevation would be less clear with the proposed mansard roof extending from No 64 to the new build. Nevertheless, the building materials would be different so that the integrity of No 64 would be maintained. Consequently this, in itself, would not be inherently harmful.
21. The appellant has demonstrated in some detail how they have reached the design solution of the large extension to the rear of the scheme with reference to the inherent warehouse characteristic within the CA resulting in a modern interpretation of it. Although the Council raise concerns, I consider the design to be acceptable, even though not an exact replica. As a modern interpretation it reflects the architectural history of the warehouse in the area having a strong vertical emphasis and a regularity and rhythm to the design.
22. The upper floors would be visible from several vantage points as identified by the Council. While the use of precast for the upper floors together with the elongated window design gives them some prominence, they would be a similar colour to the lower floors and read as one building. I am not convinced therefore that they would be overly dominant or obtrusive.
23. I also consider that the ground floor treatment of the Holywell Row frontage although not containing a traditionally active frontage past No 64 to not be harmful. There would still be entrances and glazing, so that activity would continue to be attracted to the area. In consequence, the loss of Nos 2-4 Holywell Row although contributing in a minor way to the significance of the CA would not be harmful.
24. This is a difficult site to develop given its constraints and location on one hand in an evolving public square and on the other hand adjacent to NDHA which typically exemplifies key characteristics of the CA. There are many aspects of the scheme which contribute positively to the significance of the CA. However, the height of the proposal would be harmful to the significance of the NDHA, and overall would undermine the distinctive mix of the scale of buildings within the CA.
25. For the reasons above, I conclude that the proposal would be harmful to the significance of the CA and the NDHA. This would be contrary to Policies HC1 and D3 of the London Plan 2021 (the London Plan) and Policies LP1 and LP3 of the Hackney Local Plan 2033 Strategic Planning 2020 (the Local Plan) which require that development responds to local character and context and should they preserve or enhance the character and appearance of the CA including, the established local character of individual buildings and groups of buildings (in terms of height, massing, scale, form, design, materials, detailing and use) and the rhythms and historical form of the area (in terms of the spaces between buildings, density, settings, building lines, siting, pattern of development, urban grain and plot coverage).

Living conditions

26. No 14 Holywell Row forms a maisonette on the top three floors of a mid-terrace opposite the appeal site. It has two windows on each floor serving a bedroom, reception room and dining room/kitchen on its elevation facing the appeal site. Currently, the windows provide an outlook towards the single storey buildings on the opposite side of Holywell Row behind which is the rear of the 4/5 storey building fronting Clifton Street. Therefore, the property benefits from a fairly open outlook, considering its urban location.
27. Using the agreed Vertical Sky Component (VSC) measurement, the third floor windows would be reduced from around 27% to around 9% and therefore below the acceptable threshold. However, at the Hearing the Council accepted that given the room had the benefit of large windows and a balcony to the south elevation, overall the loss of daylight would not be materially harmful.
28. It reiterated though that using both the VSC and the agreed No Sky Line (NSL) measurement, the rooms on the second and first floor would be subject to a significant reduction of day light.
29. The reduction in light to both rooms would be large, taking the measurements beyond that which would be considered acceptable by the Planning for Daylight and Sunlight: A Guide to Good Practice 3rd Edition 2022 (BRE Guidelines). However, the existing VSC for both rooms is already below the acceptable standard of 27%. In addition, the appellant has carried out an analysis using mirror massing as outlined in appendix F of the BRE guidelines. In my view this is particularly useful, given that the building opposite is at a relatively low level compared to surrounding buildings. Originally buildings would have been at a similar height to No 14. The analysis shows that there would only be a 0.1% Median Daylight Factor daylight alteration between the mirror massing and the proposed scheme.
30. Moreover, the Council in its AAP is promoting development of between three and four storeys in height in this location. While I appreciate this is lower than the proposed scheme, given that there is a slight set in at the fourth floor of the proposal, my view is that there would be a very similar effect. This must be expected in a dense urban area. Finally, one of the rooms involved is a bedroom. While this is still a living room, it has less sensitivity than others especially given that there are two other bedrooms which would remain well lit. While therefore there would be harm caused it would not in my view, given my findings above, cause significant adverse impacts which Policy LP2 of the Hackney Plan seeks to avoid.
31. The proposal would result in a large elevation restricting the outlook from the front elevation of No 14 giving rise to a sense of enclosure. However, in a similar vein to daylight, it is unlikely that this site will remain undeveloped, and given the existing urban grain, and the Council's own guidance, it is likely to be at least 3-4 storeys high, giving a similar form of enclosure. I acknowledge that the proposed scheme would be much higher, however the extent of the enclosure in the room would be similar to that caused by the development considered acceptable by the Council. I am also mindful that the windows in the rear elevation would not be affected. Consequently, I am also of the view that there would not be a significant adverse impact caused to outlook bringing it in accordance with Policy LP2.

32. I have also had regard to other residents on Holywell Row. However, these are located away from the appeal site with no direct opportunity for overlooking or loss of outlook or light. A condition can be imposed to ensure that noise levels would not harm the living conditions of residents.

Other matters

33. The Council refer to conflict with Policy D5 of the Local Plan regarding inclusive design in its reason for refusal. From the discussion at the hearing, it seemed that there had been some misunderstanding on the proposals in this respect. In any case it was agreed I could impose a condition seeking revised ground floor plans which would acceptably address the conflict. The Council also confirmed that its reference to Policy D8 in the reason for refusal had been made in error.

Legal Agreement

34. The appellant has submitted a unilateral undertaking to secure a number of elements including affordable workspace, employment & skills plan, use of local labour, contributions towards apprenticeships, employment and training both during construction and operation, construction logistics and community safety, travel plan, monitoring, highway works, public realm, blue badge parking and carbon off-set.
35. In addition, there are obligations to secure a car free development, a travel plan, ensure the development is enrolled in the considerate constructors scheme and Be-Seen energy monitoring.
36. I have considered the S106 Agreement in light of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) and government policy and guidance on the use of planning obligations within paragraph 58 of the Framework. Having done so, I am satisfied that the obligations therein would be required by and accord with the policies set out in the development plan. The exception is the affordable workspace provision as outlined below however, the obligation allows for an either/or scenario working in conjunction with the Council, so I am still satisfied it meets the requirements of the Regulations and the Framework. The obligations are directly related to the proposed development, are fairly and reasonably related to it and are necessary to make it acceptable in planning terms.

Planning and Heritage Balance

37. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
38. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the nature and extent of the proposed development I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Within that less than substantial spectrum I consider this scheme would cause a level of harm at the mid to upper end of the spectrum. This

is because the views that would be harmed fundamentally underly the significance of the CA in terms of the height differential of buildings.

39. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. There are several heritage benefits in the balance, including the introduction of a vibrant use at ground floor of the property within No 64 creating active frontages enhancing character and activity within Worship Square, completing the square and the development as a whole providing an appropriate design response in this respect. Furthermore, there would be improvements to the public realm including the repaving of the footway on Holywell Row and Clifton Street, 6 trees and street furniture, which would extend and complement the existing scheme.
40. The proposal is in the Shoreditch Priority Office Area (POA) and the Central Activities Zone. The Local Plan makes it clear that new development in POAs must be employment led and must provide the maximum economically feasible amount of employment land and floorspace for the land subject to viability.
41. The appellant's undisputed evidence demonstrates that office based employment is a key driver of employment growth within Hackney but that there has been a decline in the delivery of office space, but year on year office based employment has increased. The Local Plan target for the delivery of office space is 8500m² per year. The proposal would provide an additional 2,433m² of office space over and above that already on the site contributing significantly to the annual requirement. It would also considerably improve the quality of the office space, to that currently on site including the provision of cycling and end of journey facilities. Although occupied, I noted at my site visit that the existing accommodation has very limited accessibility for wheelchairs or indeed those with impaired movement, with difficult internal layouts, no lifts to upper floors and small or non-existent facilities. While most was occupied, the improvements that would be offered by the proposal as well as improved efficiency of the use of the floor space would be considerable.
42. In addition, the S106 secures significant contributions to employment in the form of training during both the construction and operational phase, apprenticeships and the use of local suppliers and labour.
43. The proposal would deliver significant further economic benefits in terms of job creation and spend in the local economy both during the construction and operational phases as well as supporting up to £23.5 million in gross value added each year.
44. According to the appellant the proposal would also secure 14.5% of the new employment floorspace as affordable workspace. Policy LP29 of the Local Plan requires that at least 10% of the new employment floorspace (gross) should be affordable. Therefore, given that the proposal will provide an uplift of 2,850 m² office space the requirement would be 285 m². However, the proposal would be to provide the affordable workspace offsite through 102-108 Clifton Street a short distance from the appeal site which would provide 413 m² at a 60% discount on comparable rate, equating to 14.5% of the "new" floorspace.
45. While I have some sympathy with the Council's suggestion that the policy requires 10% of the totality of the floorspace provided (leading to a requirement of 486 m² affordable floorspace) the policy is not clear that it could not be interpreted as has been done by the appellant as there is no definition of "new employment

floorspace". In any case, in this instance the difference between the two figures is minimal. Furthermore, again in this instance the benefits of the provision of an affordable workspace which is ready to be occupied to a high standard at a significantly reduced rate would outweigh the reduction in floorspace were I to adopt the Council's case.

46. Part D of Policy LP29 of the Local Plan requires that the affordable workspace be provided on site. Only in exceptional circumstances where it can be demonstrated robustly that this is not appropriate in terms of Policies of the Plan may it be provided off-site. The appellant put forward reasons why the affordable workspace needs to be offsite, including it would make the development unviable and inefficient were it to be provided on site. There is though no substantive evidence of this before me. It would seem more convenient to site the affordable workspace off site, but the benefits of providing it onsite, including inclusivity and positive social advantages cannot be ignored and, in my view, therefore the proposal does not meet the requirements of Policy LP29 in this respect.
47. The S106 allows for this matter to be determined by the Council in the future. However, the clear direction of travel from the appellant tempers the weight I give to the benefit. Hence the weight given to affordable workspace is minor.
48. Minor weight is given to the BREEAM rating of outstanding for the development as well as to the 40% reduction in carbon emissions beyond building regulations.
49. Although the Urban Greening Factor Score of 0.19 would be below the target of 0.3 within the London Plan, this together with the significant uplift in Biodiversity Net Gain attracts moderate weight given the improvements that would be secured to the environment and ecology.
50. Although some of the benefits I have given weight to are direct requirements resulting from the development, they would still be delivered and would be of benefit to the public.
51. Together therefore, while the benefits are very significant, they would not be sufficient to outweigh the considerable importance and weight I give to the less than substantial harm to the significance of the CA. In addition they would not outweigh the considerable harm to the significance of the non-designated heritage assets.
52. I have considered the uncontested viability evidence submitted by the appellant which indicates that the proposal even at the height proposed would still be unviable. However, I note that the viability assessment put forward assumes the payment of S106 contributions. The Paribas report models several scenarios, including one with only 10% affordable workspace and no affordable housing which still results in an unviable development. However, it may be that no contributions may be possible to achieve a scheme that is considered acceptable from a heritage perspective. That is the balance that needs to be considered. As the appellant is willing to develop an unviable development then I am not convinced that there is not a scheme that would have a more acceptable impact on the heritage assets particularly regarding the height differential.
53. The proposal would be contrary to the development plan as a whole, through conflict with Policies LP1 LP3 and LP29 of the Local Plan and policies HC1 and D3

of the London Plan. That conflict would not be outweighed by the matters I outline above.

Conclusion

54. For the reasons above the appeal is dismissed.

Zoe Raygen

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Mr Rob Brew	Team Leader, Major Projects Team LBH
Mr Nick Bouvaid	Deputy Team Leader, Major Projects Team LBH
Mr Oliver Enticott	Planner / Case Officer, Major Projects Team LBH
Ms Vicky Simon	Heritage Officer LBH
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FOR THE APPELLANTS

Mr Russell Harris Kings Counsel	Instructed by Elizabeth Christie and Jamie Davies, Town Legal LLP
Mr Kevin Murphy	Director, KM Heritage
Mr Colin McColl	Director, Orms
Mr Chris Goddard	Board Director, DP9
Ms Jessica Doyle	Director, GIA
Ms Elizabeth Christie	Partner, Town Legal LLP

DOCUMENTS SUBMITTED AT THE APPEAL

1. Draft Unilateral Undertaking
2. List of planning permissions within the CA
3. Draft conditions

DOCUMENTS SUBMITTED AFTER THE APPEAL

A Signed Unilateral Undertaking