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## Appeal Decision

Site visit made on 22 August 2025

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

an Inspector appointed by the Secretary of State

**Decision date: 16 December 2025**

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**Appeal Ref: APP/U5360/W/25/3366499**

**Flat 6, Brooks Lodge, 194A Hoxton Street, London N1 5HU**

- 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 Tom Harding (Savills) against the decision of the Council of the London Borough of Hackney.
  - The application Ref is 2024/2699.
  - The development proposed is described as: Aluminium pergola on roof elevation.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I saw during my site visit that a metal pergola had been erected on the roof of the appeal premises. This appears to accord with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place, as did the Council.

### Main Issues

3. The main issues are whether the development:
  - preserves or enhances the character and appearance of the Hoxton Street Conservation Area, including its effect on the significance of the host building as a non-designated heritage asset; and
  - is capable of providing biodiversity net gain.

### Reasons

#### *Conservation Area*

4. The appeal site is located within the Hoxton Street Conservation Area (CA) wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
5. The CA is an historic commercial street that encapsulates several centuries of urban development, with good survival of several 18th and 19th century buildings. The Hoxton Street Conservation Area Appraisal and Management Plan (2023) (CAA) describes the cohesive and intimate character of the CA as an historic thoroughfare and marketplace, with the narrow building plots, consistent building height of three to four storeys, and limited material palette. As such, the significance of the CA as a heritage asset is both

architectural and historic derived, in large part from the layout, scale, and materials of the built environment that enable appreciation of the area's history.

6. The appeal building is one of the surviving older buildings in Hoxton Street, commensurate with the prevailing three and four storey height of the surrounding buildings. This and the building's limited material palette and surviving architectural features make a positive contribution to the character and appearance of the CA and to its significance as a designated heritage asset. They also contribute to the significance of the appeal building itself as a non-designated heritage asset. Flat 6 forms the uppermost floor which appears to be a later addition. The use of similar architectural detailing, such as horizontal brick lintels, and material pallet helps integrate it with the original building and the character of the CA.
7. The appeal development projects significantly above the existing roof line and despite its set back position and open nature, appears a prominent feature when viewed from this section of Hoxton Street. This projection disrupts the consistency of the three and four storey height of the surrounding buildings, appearing incongruous within the street scene. The Pillard design and slatted roof of the pergola appear alien in the context of the surrounding traditional brick buildings. Further, despite its muted colour, the aluminium construction is a notable departure from the limited material palette of the host dwelling and neighbouring properties. This combined discordance with the prevailing building height, design, and material pallet of the built environment, fails to preserve the character or appearance of the CA and harms its significance as a heritage asset. The significance of the appeal building as a non-designated heritage asset is harmed for the same reasons.
8. Given the scale of the proposal within the context of the CA as a whole, I consider the harm to its significance to be on the lower end of less than substantial. Nevertheless, Paragraph 212 of the National Planning Policy Framework (the Framework) directs when considering the impact of a proposed development on the significance of a designated heritage asset that great weight should be given to the asset's conservation, irrespective of the level of harm. The harm to the host building as a non-designated heritage asset adds to this weight.
9. The appellant raises 76 Hoxton Street which was granted consent in 2013 for a single storey rooftop extension. The Inspector for the earlier appeal (ref APP/U5360/W/17/3171956) at No 194a assessed the example at 76 Hoxton Street and found that the visibility of the glass balustrade is tempered by the brickwork behind the structure. I agree and do not consider the example at No 76, which is also in a different part of Hoxton Street, to be directly comparable to the appeal before me. As regards to the other structures on surrounding roofs brought to my attention, these appear to be predominantly smaller than the development before me. Furthermore, I have not been presented with full details of these other cases so cannot be sure that their circumstances are sufficiently similar to those before me to outweigh the harm I have found.
10. For the above reasons, I conclude the appeal development fails to preserve or enhance the character or appearance of the CA, and has a harmful effect on the significance of the host building as a non-designated heritage asset. As such, the development conflicts with the relevant provisions of Policies D3, D4, and HC1 of the London Plan – the Spatial Strategy for Greater London (2021) (London Plan) and Policies LP1, LP3, and LP4 of the Hackney Local Plan 2033 (2020) (Local Plan). When read together these policies require development to conserve the significance of designated and non-

designated heritage assets and for development affecting conservation areas to preserve or enhance the character and appearance of the area.

11. I will weigh the above identified harm against the public benefits of the proposal below.

#### *Biodiversity*

12. Policy LP47 of the Local Plan requires developments to, where possible enhance biodiversity and Policy G6 of the London Plan states that development should aim to secure net biodiversity gain. However, unlike the statutory provisions, it does not quantify the minimum amount of net gain that should be achieved. Given the size and characteristics of the site, it is reasonably likely that some biodiversity enhancements could be delivered on the roof and secured through condition were I minded to allow the appeal.
13. The Council raise concerns regarding the implementation of a sedum roof as part of approval 2019/3754 at the appeal site. However, this is a matter for the Council to pursue and is not something I can consider as part of the appeal.
14. As such, I conclude the development is capable of providing biodiversity net gain and I find no conflict with the relevant provisions of Policy LP47 of the Local Plan and Policy G6 of the London Plan.

#### **Other Matters**

15. I am mindful that the wider area contains 233 Hoxton Street and 235 Hoxton Street which are Grade II listed. The significance of these buildings as heritage assets is largely derived from their street-facing elevation, architectural detailing, and resulting contribution to the historic streetscape. Their setting includes the section of Hoxton Street where their historic façade and architecture can be best appreciated. Given the setback nature of the proposal, it has little direct effect on appreciation of the historic façade at Nos 233 and 235. I therefore find the proposal preserves the setting of the listed buildings and the contribution this makes to their significance. I note the Council had no concerns in this regard either.
16. The length of time that the development has been in situ and its limited effect on the living conditions of the occupiers of surrounding properties are not factors that justify the above identified harm.

#### **Planning Balance and Conclusion**

17. Paragraph 215 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
18. I recognise the development allows rooftop space to be used more effectively across all months of the year, however, this is purely a private benefit. Whilst the proposal would provide biodiversity net gain, this would be a modest given the area of the appeal site and would not outweigh the harm to the significance of the CA and host building.
19. I have found the development conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken other than in accordance with it. Therefore, the appeal should be dismissed.

*N Unwin*

INSPECTOR