



Appeal Decisions

Site visit made on 10 December 2025

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2026

Appeal A: APP/U5360/W/25/3368943

First Floor, 181 Stoke Newington Church Street, Hackney, London N16 0UL

- 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 Dockmight Ltd against the decision of the Council of the London Borough of Hackney.
 - The application reference is 2024/2240.
 - The development proposed is described as 'construction of an additional floor to create 1 no. new studio flat on roof of listed building'.
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Appeal B: APP/U5360/Y/25/3368946

First Floor, 181 Stoke Newington Church Street, Hackney, London N16 0UL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Dockmight Ltd against the decision of Council of the London Borough of Hackney.
 - The application reference is 2024/2241.
 - The works proposed are described as 'construction of an additional floor to create 1 no. new studio flat on roof of listed building'.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

Main Issues

4. The main issues are whether the proposal would:
 - provide acceptable living conditions for its future occupants, with particular regard to the internal floor area;
 - preserve a Grade II listed building known as "177-181, Stoke Newington Church Street N16" (Ref: 1235521) (the LB), and any of the features of special architectural or historic interest that it possesses and the extent to which it

would preserve or enhance the character or appearance of the Clissold Park Conservation Area (the CA);

- be acceptable with respect to minimising car use and parking stress; and
- be acceptable in the absence of a legal agreement securing a financial contribution towards carbon offsetting.

Reasons

Living conditions

5. Policy D6 of the London Plan (2021) sets out criteria for housing development in order to achieve high quality accommodation. Part C supports the provision of dual aspect accommodation and specifies that single aspect housing should normally be avoided. The appellant submits that exceptional circumstances apply under which the provision of single aspect accommodation would be acceptable. I am satisfied that the south facing nature of the proposal, together with the provision of roof lights, large dormer window, and the proposed ventilation system, would provide adequate ventilation, daylight and privacy such that the single aspect nature of the proposal would be acceptable in this instance. The proposal is said to comply with the minimum floor to ceiling height as set out in the nationally described space standards (NDSS) and I see no reason to conclude otherwise.
6. However, the proposal would provide a gross internal area of only 30.6 square metres (sqm). This falls well short of the 37 sqm minimum floorspace required for a single occupancy, one bedroom home as specified in Policy D6 of the London Plan. This minimum requirement is in line with the NDSS. The quantum of floorspace is not the only determinant of the quality of the proposed accommodation, however given the scale of the shortfall against the minimum requirement I find that it would provide unduly cramped living space here. No robust evidence indicates otherwise. The footprint of the existing building provides a constraint to the available floorspace, as does its Grade II listed building status. Nonetheless, that does not justify providing accommodation that would fall well below the minimum internal space requirements. There may be examples of high quality micro-flats elsewhere in London and other cities, however no such examples are before me to indicate that I should reach a different conclusion on this matter.
7. Therefore, the proposal would not provide acceptable living conditions for its future occupants, with particular regard to the internal floor area. Accordingly, it would conflict with Policy D6 of the London Plan 2021 (the London Plan) and Policy LP17 of the Hackney Local Plan 2033 (July 2020) (Local Plan). Amongst other matters, these require new homes to achieve minimum internal floor standards.

Historic environment

8. The CA comprises parkland contained by areas of built form on surrounding streets, including a mix of commercial, residential, religious and civic buildings. Stoke Newington Church Street is one of the few streets within the CA and contains a range of historic buildings from the 18th, 19th and 20th centuries. There is considerable variety in the form and function of these buildings which are illustrative of the development of the area over time. The LB makes a positive contribution to the CA, comprising a historic terrace fronting on to the street.

Therefore, the significance of the CA with respect to this appeal is primarily associated with the historic relationship between the parkland and surrounding built form, as well as the variety of the form and function of its historic fabric.

9. The three elements of the LB have adjoining shop fronts that project forward from the taller elements of the building. No 177 is two storey. Nos 179 and 181 are three storey with three bays to each floor. Together with No 179, the appeal building is described as early-mid 18th century with a stone coped parapet. Whilst part of a wider terrace, Nos 179 and 181 appear as a pair, having consistent window placement and the same building line. In addition, they both have a double hipped roof, comprising a hipped roof at the front of the building and another at the rear. That of the appeal building is described as renewed corrugated iron. Although the roofs of Nos 179 and 181 are not entirely symmetrical, they share a similarity of form with their hipped roofs positioned to either side of the central chimneys. This adds to the sense of these having been designed as a pair.
10. I note reference to a previous appeal decision for this LB in which the Inspector is said to have found that the rear elevation of the building was of lesser historic significance than its front elevation. I see no reason to reach a different view. Nevertheless, the rear elevation of the building is not without historic significance. There is a sense of symmetry in the placement of windows on the rear façade of Nos 181 and 179 that remains even with the modern ground floor extensions. Also, the existing hipped roofs at the rear of the building are subservient to the rear façade such that the line of the parapet is a prominent feature, characteristic of these Georgian buildings.
11. Insofar as it relates to this appeal, the significance of the LB is primarily derived from its historic roof form which is subservient to the front and rear elevations of the LB in a manner that is characteristic of a Georgian terraced building.
12. The proposal would retain the same angle of roof slope as existing on the front elevation. However, it would extend the roof to abut the raised party wall to No 183, resulting in the loss of its hipped roof shape. This would reduce the similarity of roof form with that of No 179. To the rear, the subservient sloping roof form would be replaced with three, floor to ceiling dormer windows. These would be positioned just behind the rear parapet and as such would be a conspicuous addition, projecting above the stone coped parapet. Combined with a section of new pitched roof, the proposal would comprise an uncharacteristically dominant feature. The proposal would also result in the harmful loss of the distinctive double hipped roof form on this part of the LB.
13. I appreciate that the scheme has been designed to incorporate high quality materials, and to maximise daylight and natural ventilation within the proposal. However, for the above reasons, the proposal would fail to preserve the special interest of the LB. The appellant has suggested that the proposal would not harm the listed building because it would not be more widely visible. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
14. Despite the harm that would be caused to the LB I do not find that the proposal would be detrimental to the character or appearance of the CA. This is because the extent to which the proposed roof alterations would be visible from the public domain would be highly limited and they would only have limited prominence in the

CA from the private domain. Paragraph 220 of the Framework states that proposals must be judged according to their effect on a CA as a whole and must therefore have a moderate degree of prominence.

15. Nonetheless, the harm to the special interest of the LB attracts great weight in the planning balance of these appeals. Paragraph 212 of the National Planning Policy Framework 2024 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification.
16. Given the scope of the works, I find the harm to be at the lower end of less than substantial in this instance but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
17. The creation of one new studio flat would be a public benefit of the proposal. However, as a single unit and as I have found that the proposal would not provide acceptable living conditions for its future occupants with regard to the amount of living space, this attracts only limited weight.
18. The appellant has stated their willingness to provide other public gains, for example in the form of restoration of historic details in the LB. Nevertheless, without further details of the nature of such benefits I give this negligible weight. The appellant is of the opinion that the proposal would be beneficial because it would make sense of the gable party wall extension at roof level on No 183. However, as variety in roof form is a characteristic feature in the locality, I find that this is a neutral consideration. The appellant also submits that the appeal scheme would be beneficial in creating a consistent ridge line with No 183 and thus improving the sense of symmetry of the roof form across the LB. However, the extent to which that would be appreciable would be highly limited. In any event, the placement of windows on No 183 differs from that of the appeal building. The building line of No 183 also projects slightly forward of No 181 and 179 and lacks the 2nd floor band, further differentiating it from the LB subject of this appeal. Consequently, the creation of a consistent ridge line with No 183 and any resulting sense of symmetry across the roofs of Nos 179 to 183 would not be a public benefit of the proposal.
19. I acknowledge works that have taken place to alter the roof of No 177. However, that is a two storey building that consequently would have had more of a standalone roof form. Whereas the appeal scheme applies to one of a pair of three storey buildings with roofs set behind a consistent parapet. Therefore alterations to that roof do not appear sufficiently comparable to the scheme before me to alter my reasoning. Mansard roofs may be common additions to Georgian terraced buildings, however the appeal must be determined in light of the specific nature of this proposal and the special interest of this LB. That a smaller dormer extension with a mansard roof might create issues relating to limited headroom, daylight, ventilation or outlook is not relevant to the consideration of this appeal scheme. No such alternative proposal is before me. I note also that a contemporary rear elevation at 179 Church Street is said to have been recently granted by the

Council. Albeit in the absence of details of that scheme and the circumstances in which that decision was made it does not alter my reasoning here.

20. Therefore, I do not find that the limited public benefit is sufficient to outweigh the harm that I have identified in this instance. I also note that the continued viable use of the appeal property is not submitted as being dependent on the proposal as the building has an ongoing use that would not cease in its absence.
21. Given the above and in the absence of public benefits that would outweigh the harm that would be caused, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 210(a) of the Framework and conflict with Policy HC1 of the London Plan and Policy LP3 of the Local Plan. These seek, among other things, to ensure that development proposals avoid harm to heritage assets and that less than substantial harm to the significance of a heritage asset only occurs where it is outweighed by public benefits.

Car Parking

22. The appeal scheme is intended to be a car free development and is located within a controlled parking zone (CPZ). The appellant has advised that they were only made aware of the need for a legal agreement to restrict future occupants from obtaining a parking permit when the application was refused by the Council. Nonetheless, no legal agreement to secure such a restriction was submitted with the appeal. The appellant's appeal submission instead confirms their agreement to a condition to provide a car parking permit free agreement and a unilateral undertaking. The Government's Planning Practice Guidance advises that in exceptional circumstances a negatively worded condition may be appropriate to require a planning obligation or other agreement to be entered into before development commences. This applies where there is clear evidence that the delivery of the development would otherwise be at serious risk. However, I am not persuaded that there are exceptional circumstances to justify such a condition in this case, or that the development would otherwise be at serious risk. Therefore, in the circumstances of this appeal a condition to address this matter would not be reasonable.
23. Consequently, in the absence of a suitable mechanism to secure the development as car free, the proposal would not be acceptable with respect to minimising car use and parking stress. Therefore, the proposal would conflict with Policy T6 of the London Plan and Policy LP45 of the Local Plan. Together these generally seek to ensure that new developments are car free.

Carbon offsetting

24. Policy LP55 of the Local Plan includes a requirement that new residential developments should meet a zero carbon emissions target, and that where it has been demonstrated that this is not feasible, carbon off-setting payments will be secured by a legal agreement. The appellant's energy statement (November 2024) advises that the appeal scheme would achieve a high level of insulation and air tightness, and that the energy use of the proposal would be low. However, without further detail it is unclear whether the zero carbon emissions target would be feasible. Although the appellant is said to be willing to pay a carbon off-setting contribution, no mechanism is before me to secure that commitment. As reasoned above, a condition to require a planning obligation would not be appropriate or

justified in this instance. Moreover, the PPG confirms that positively worded conditions cannot be used to require the payment of money. Therefore, I cannot conclude otherwise than that the proposal would not be acceptable in the absence of a legal contribution securing a financial contribution towards carbon offsetting. As such, the proposal would conflict with Policy LP55 of the Local Plan.

Other Matter

25. Policy LP13 of the Local Plan requires that proposals for less than 10 dwellings make on site provision for affordable housing or make a payment equivalent to provision of 50 per cent of the scheme as affordable housing, subject to viability evidence. The appellant's Affordable Housing Statement and Viability Report (by Bespoke Property Consultants, November 2024) concludes that the development would not generate a surplus over the benchmark land value and therefore that it could not provide an affordable housing contribution. Due to the technical nature of viability assessments, it is not unusual for Council's to seek independent scrutiny of viability reports by an independent and suitably qualified practitioner. However, as the Council was refusing the proposal on other grounds, no independent assessment was sought.
26. In the event that the appeal were otherwise to be allowed, it would be necessary to give further consideration to the viability evidence and to whether or not the absence of an affordable housing contribution would be justified. However, even if I was to find that an absence of an affordable housing contribution was justified and therefore would not conflict with relevant development plan policies, this would be a neutral consideration and thus would not alter the overall planning balance. Therefore, in the circumstances of this appeal it has not been necessary to consider this matter further.

Conclusion

27. Given the above and considering all other matters raised, the appeals should be dismissed.

Rachel Hall

INSPECTOR