



Appeal Decision

Site visit made on 7 January 2026

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2026

Appeal Ref: APP/U5360/W/25/3371441

Gloucester Hotel, 167 Queens Drive, Hackney, London N4 2AR

- 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 Gloucester Apartments Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/1831.
 - The development proposed is refurbishment and extension of the existing building and the construction of a further building to the rear of the existing building, to create and additional aparthotel accommodation (Class C1).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal has altered from the application form to the decision notice. However, that which is on the original application form is not inaccurate and there is nothing to indicate that the amended description has been agreed between the main parties. Whilst I have considered the scheme as a whole, my consideration has been made on the basis of the original description of development.
3. The evidence indicates that revised drawings have been submitted alongside the appeal following the earlier refusal of the scheme by the Council. These plans include locating air conditioning units which would have been placed on the existing building to ground floor level. They also include an alteration to the new building which would be constructed to the rear of the site. This would see one of the proposed guest rooms on the north-west corner of the building at second floor level removed to be replaced with a flat roofed area, effectively providing a recess to that corner of the building at that level.
4. Given that the amended plans for the new building effectively relate to a reduction in the scheme, I do not consider that accepting the plans would prejudice any party and I have considered them as part of the appeal. I have also accepted plans relating to the relocation of the air conditioning units and these are accompanied by updated information with regard to noise. In any event, that is a matter which it would be likely could be conditioned were I minded to allow the appeal.
5. The refusal reasons identified within the Councils statement of case do not appear to relate to the proposal before me. Nonetheless, the body of the statement does appear to relate to this appeal. The intended reasons for refusal appear to be

included on the Councils original decision notice and it is these that inform the main issues.

Main Issues

6. The first main issue is whether the proposal should be accompanied by a planning obligation in order to comply with the development strategy for the area with regard to providing car free development and with regard to carbon offsetting to mitigate impact on climate change.
7. The second is the effect of the proposal on the character and appearance of the Brownswood Conservation Area (the Conservation Area). The third is the effect of the proposal on the living conditions of neighbouring occupiers with regard to outlook and privacy.

Reasons

Planning obligation

8. The site scores well in terms of its PTAL rating with close access to multiple public transport links. The development should therefore be car free and should involve the provision of blue badge parking in terms of one designated parking bay to serve the development. This does not appear to be a matter in dispute between the main parties.
9. The position appears to be the same with the carbon off-set contribution. The appellant suggests within their final comments that this payment should be £6,355.50, but no planning obligation is before me to secure this payment which would be used by the Council to secure the remainder of the required carbon off setting off site.
10. The main parties do not appear to be at odds with the fact that these matters should be secured through a planning obligation. However, none appears to accompany the application or the appeal.
11. It is not overly clear as to how this situation has arisen. I am referred to Council guidance on the matter, but the evidence before me seems to suggest that the Council would determine the planning contributions and contact the applicant, critically, in the event that an application was supported for approval, which has not been the case here given the Council refused the application. The bottom line however is that a planning obligation is not before me.
12. By not securing the development as car free, the proposal would not serve to encourage the use of more sustainable modes of transport which are easily available given the highly sustainable location of the site. In not providing the carbon off setting contribution, the proposal would not contribute appropriately to the boroughs aims to reduce carbon emissions by 80% by 2050.
13. The proposal would subsequently conflict with Policy LP55 of the Hackney Local Plan (2020) (HLP) and Policy SI 2 of the London Plan (2021) (LP) which amongst other things seek the provision of carbon off setting payments and the minimisation of greenhouse gas emissions. The proposal would also conflict with policies LP45 of the HLP and T6 of the LP which seek car free development, particularly in well-connected locations.

Conservation Area

14. The significance of the Conservation Area sits largely with the scale, form, materials, detailing and layout of its buildings. Included within the Conservation Area on land to the rear of properties on Queens Drive and Wilberforce Road are numerous freestanding buildings of broadly comparable design and scale to that proposed.
15. With this in mind, the building that would be constructed to the rear of the main property at the appeal site on an area currently used as a car park under either set of plans would not appear out of place with regard to the context of the Conservation Area and would not undermine its significance.
16. The existing main building at the appeal site is in a dilapidated condition and appears to need some considerable restorative work. However, in views from the street it can still be seen as an established and traditional building with design features typical of those within the wider Conservation Area.
17. The evidence identifies it as making a positive contribution to the significance of the Conservation Area. The building would be retained and extended to the rear. These works to the existing building would again be broadly in keeping with the character of the area and this part of the proposal would have a neutral impact on the significance of the Conservation Area.
18. As a result, and accounting for the removal of the car park and the provision of landscaping, the proposal as a whole would have a neutral impact on the significance of the Conservation Area and would as a result preserve its character and appearance.
19. There would therefore be no conflict with policies D1, D3, D4 or HC1 of the LP and policies LP1 and LP3 of the HLP which amongst other things broadly require good quality design that is appropriate to its context as well as development that conserves the significance of heritage assets.

Living conditions

20. The neighbouring occupiers who would be most affected by the proposals would be the occupants of properties at Spire Mews, adjacent to where the building to the rear of the site would be constructed. Properties there have terraces and windows which include outlook which is partially across the appeal site.
21. The outlook available from those windows and terraces would be substantially reduced were either of the schemes for the rear building to be constructed. However, large buildings to the rear of properties on Queens Drive are numerous, and the outlook that those windows and terraces benefit from is somewhat borrowed across the appeal site. I must also take into consideration the context of the appeal site and the surrounds, which includes densely located buildings of substantial height and bulk within a heavily developed urban location.

22. With this in mind, I do not consider that either appeal scheme would have a significant adverse impact on the living conditions of neighbouring occupiers at Spire Mews with regard to outlook.
23. While there may be some opportunities for very limited overlooking, given that there would not be habitable room windows facing towards Spire Mews, I do not consider that there would be any unacceptable impact on the privacy of occupiers of properties at that development. I also do not consider that there would be any privacy issues of significance with regard to the rear elevation of the building which would be located to the rear, given this would be set a significant distance from the rear elevation of properties on Wilberforce Road.
24. The proposal would not therefore conflict with policies D3 of the LP and policies LP1 and LP2 of the HLP which amongst other things require that all new development should ensure that there are no significant adverse impacts on the amenity of neighbours including with regard to outlook and that appropriate outlook should be delivered.

Other Matters

25. There is concern that insufficient information has been provided to demonstrate how the proposal would achieve the maximum feasible reductions in carbon emissions.
26. There is nothing to indicate that SAP calculations which have been prepared based on a sample considered representative of all rooms are not a reasonable basis on which to set the assessment.
27. The property to be converted is not excessively sized and the new building is of a regular shape and design, and there is nothing compelling to indicate that this approach should not be taken in this instance.
28. Further information has been supplied which indicates that the BREEAM excellent rating could be achieved with regard to both the existing building and the new building. The appellant indicates that they have adjusted the suggested carbon off setting payment to account for an error and clarified that the resultant sum includes for the conversion of the existing building.
29. Further concerns are raised by the Council with regard to fabric upgrades within the main building and with regard to thermal bridging. It is the case however that were I minded to allow the appeal, these matters and other matters relating to carbon emissions on a development of this scale are likely to be able to be dealt with by the submission of further information via condition. The same is the case with regard to issues surrounding overheating risk. The Council appear to accept that a condition would be appropriate at least to seek to ensure that the development achieved a BREEAM excellent or equivalent rating.
30. The proposal would therefore need not conflict with policies SI 2 or SI 4 of the LP nor policies LP54 or LP55 of the HLP.

Planning Balance and Conclusion

31. The proposal would preserve the character and appearance of the Conservation Area and there would be no significant adverse impacts on the living conditions of nearby occupiers with regard to outlook or privacy. There would be economic and

social benefits associated with the proposal including employment opportunities and the provision of visitor accommodation on a previously developed site within a highly sustainable location. Biodiversity net gain would be delivered at the site of between 20 and 40%.

32. However, given that no planning obligation accompanies the proposal, it cannot be ensured to be delivered as car free, nor would there be a mechanism in place through which the carbon off setting contribution could be paid.
33. The proposal would not therefore serve to encourage the use of more sustainable modes of transport nor would it contribute acceptably to the boroughs aims with regard to reducing carbon emissions. The benefits would not outweigh the adverse impacts.
34. The proposal would therefore conflict with the development plan and there are no considerations which indicate that a decision should be made otherwise than in accordance with it. The appeal should therefore be dismissed.

T Burnham

INSPECTOR