



Appeal Decision

Site visit made on 6 February 2026

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2026

Appeal Ref: APP/U5360/W/25/3374409

66 Queen Elizabeths Walk, Hackney, London N16 5UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Richard Griffiths of Richard Griffiths Architects against the Council of the London Borough of Hackney.
 - The application Ref is 2024/2196.
 - The development proposed is demolition of existing shed and construction of 2-storey 3p residence as infill between the flank walls of nos 66 and 68 Queen Elizabeth's Walk.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal arises from the Council's failure to determine the planning application within statutory timescales. No formal officer report or statement of case was provided within the appeal timetable. In order to narrow the issues in dispute, the Council supplied, on request, a list of the reasons for which planning permission would have been refused, had it determined the application. I have used these putative reasons as the basis for identifying the main issues in the appeal.

Main Issues

3. The main issues are:
 - whether the proposed development would have an acceptable effect on the character and appearance of the area;
 - whether the obligations necessary to make the development acceptable in planning terms would be secured; and
 - whether the proposed development would have an acceptable effect on the living conditions of occupiers of neighbouring properties, with specific regard to noise and disturbance.

Reasons

Character and appearance

4. No 66 Queen Elizabeth's Walk (No 66) is a distinctive large detached dwelling within a street otherwise characterised by predominantly terraced housing. It stands on the south side of Queen Elizabeth's Walk near its junction with Allerton Road, where there is a confluence of different building styles, including some

modern interpretation of traditional dwelling styles. The appeal site occupies the space between this large, detached dwelling and the neighbouring end-terrace dwelling of No 68 Queen Elizabeth's Walk (No 68).

5. Although there is architectural variety in the area, the prevailing character on the south side of the street is of a strong, continuous frontage and the orderly spacing and massing of traditional dwellings, punctuated by narrow breaks at subtle changes in the street's alignment. Within this context, the gap between Nos 66 and 68 plays an important role in maintaining the distinctiveness of No 66 as a standalone building.
6. The proposed development would introduce a two-storey infill of contemporary design, using similar materials to those used at No 66A on the opposite flank of No 66. The new dwelling would follow the two-storey form of the dwellings on either side, and although its overall height and fenestration would sit lower than those buildings, its overall scale would represent a substantial increase over the modest shed it would replace.
7. By aligning broadly flush with the front elevations of Nos 66 and 68, the development would erode the recessed space that currently provides visual separation between the detached dwelling and the neighbouring terrace. Although the contemporary design approach would visually distinguish the development from the buildings flanking it, the generally level frontage would visually bind the detached dwelling to the neighbouring terrace, thereby creating a terracing effect at odds with the established pattern of development and the prominent detached character of No 66.
8. Although the design approach seeks to frame No 66 between the proposed dwelling and No 66A, I am not persuaded the proposal would result in a positive contribution to the streetscape. No 66A reads as a low, clearly subservient extension. Conversely, despite being lower than its immediate neighbours, the proposed dwelling would be taller and more assertive, and its front alignment would erode the visual separation that defines the setting of No 66.
9. I note the local pattern of contemporary extensions and infill in the area. However, my site observations indicate that those interventions differ in form and effect. On the north side of the street, contemporary infills maintain recessive alignments to preserve articulation and avoid forming visually continuous elevations. The development of No 66A also differs in its form and corner position, and by the extent of the separation to the property it adjoins to the southwest. By contrast, the proposed development's flat, forward alignment would appear unduly prominent and would not appear sufficiently recessive to reflect the area's inherent character. Whilst there are other, less successful examples of contemporary interpretation of traditional forms in the area, these examples do not persuade me of the acceptability of the appeal scheme.
10. Some of the resulting parts of the scheme, including enclosing the flank walls and removing views of air-conditioning plant, may offer some limited localised tidying of features, but they do not overcome the wider and more significant harm arising from the loss of characteristic separation, the disruption of the established urban grain, and the failure to preserve the prominent detached status of No 66.
11. For these reasons, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the area and would conflict

with Policies D3 and D4 of the London Plan, March 2021 (the LP), and Policy LP1 of the Hackney Local Plan 2033, Strategic Planning, Adopted July 2020 (the HLP). Collectively, these policies require development to respond positively to local character, respect prevailing form and grain, and to achieve high-quality contextual design.

Planning obligations

12. The National Planning Policy Framework (the Framework) confirms that obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Where such obligations are necessary, proposals must demonstrate they will be delivered through completed legal mechanisms or sufficiently robust evidence.
13. The Council's putative reasons for refusal identify three areas where obligations would be required: affordable housing (small-sites contribution), car-free development, and carbon offsetting. The appellant indicates a willingness to enter into a unilateral undertaking to address these matters and has submitted a signed document titled "*Agreement to pay fees and to sign Unilateral Undertaking for Affordable Housing and/or Carbon Offsetting small sites contributions and/or Car-Free Development*". This appears to be a standard form produced by the Council confirming a willingness to enter into an obligation, but it does not in itself secure any planning obligations, nor would it be enforceable.
14. LP Policies H4 and H5, and HLP Policies LP12 and LP13 collectively require either onsite affordable housing provision or a financial contribution secured through a planning obligation. The S106 Planning Contributions Supplementary Planning Document, July 2020 (the SPD) provides further guidance on the obligations that will be sought in lieu of onsite provision. No onsite provision is proposed in this case. Whilst the appellant has indicated an intention to provide such a contribution, no completed obligation has been provided. Consequently, the proposal does not meet the requirements of the development plan policies set out above.
15. HLP Policy LP45 requires all new developments in the borough to be car-free, other than in specific circumstances, and none have been demonstrated in this case. The SPD explains that car-free status must be secured by a planning obligation to prevent occupiers from accessing parking permits, except in limited circumstances that do not apply to this case. HLP Policy LP43 supports the borough's broader transport strategy, requiring development to minimise car use and avoid increased parking pressures, and LP Policies T1 and T4 require developments to reduce car dependency.
16. Again, despite the appellant's stated willingness to enter into an obligation, car-free status cannot be secured without a completed undertaking. Furthermore, nothing in the development plan policies or guidance indicates that the existence of private or adequate off-street parking removes or satisfies the car-free requirement, as the appellant suggests. As such, this does not overcome the clear policy conflict or the necessity for obligations to be secured in a legally enforceable form.
17. The appellant has provided an Energy and Sustainability Statement describing a range of measures including heating via an air-source heat pump, triple-glazing and a green roof. However, the submitted statement is qualitative only and

contains no formal modelling or calculations to demonstrate how the development would meet the zero-carbon emissions target required by HLP Policy LP55. In their response to the Council's submissions, the appellant refers to SAP-based calculations contained within a report said to have been prepared by Complete Sustainability Solutions. However, I have not seen a copy of that report, and only a brief extract has been provided. Accordingly, the appeal submission contains insufficient substantive evidence to determine the extent of carbon emissions or required offsetting.

18. The SPD states that for developments of 9 units or less to comply with Policy LP55, where a carbon offset figure has not been established through an energy statement, a pre-defined payment to the Carbon Offset Fund should be secured through a planning obligation. In this case, no completed obligation has been provided, and the Energy Statement is not sufficiently robust to demonstrate that no carbon-offset contribution would be necessary. As such, the proposal would not accord with the aims of Policy LP55, nor LP Policy SI2 which, among other objectives, requires boroughs to establish and maintain a carbon offset fund.
19. In the absence of a completed planning obligation, and given the lack of robust evidence to demonstrate that no such obligation is required, I conclude that the development would fail to secure the necessary measures relating to affordable housing, car-free development and carbon offsetting. Based on the available evidence, the proposal therefore conflicts with the development plan policies previously set out that require these matters to be secured through planning obligations.

Living conditions

20. The Council's concern relates to the potential noise impacts arising from the repositioning of existing air-conditioning units on the flank wall of No 68 and the addition of an air-source heat pump. Policies LP2 and LP58 of the HLP and Policy D14 of the LP collectively seek to safeguard amenity. However, these policies do not set specific requirements for acoustic reports or technical submissions for developments of this modest scale, indicating that noise impacts should be assessed in a proportionate manner.
21. In this case, the evidence indicates that the proposed plant would be located away from noise-sensitive openings. As observed on site, the flank wall of No 68 contains no windows, and whilst there is a window on the flank wall of No 66, this would be removed as part of the development. The only opening near the plant on the proposed dwelling would be a rooflight serving the kitchen/living area. Other nearby windows would be sufficiently separated from the plant to avoid harmful effects, particularly when considering the existing baseline, which already includes two operational air conditioning units in the same general location.
22. The scale of the plant proposed is modest, there are limited sensitive receptors nearby, and I am presented with no compelling evidence that noise would increase beyond existing conditions. As such, even in the absence of technical details, I am not persuaded that the proposal would result in noise or disturbance to an extent that would harm the living conditions of nearby occupiers.
23. Accordingly, I conclude that the development would not result in harm to the living conditions of nearby occupiers through noise or disturbance. In respect of this

issue, the development would accord with Policies LP2 and LP58 of the HLP, and Policy D14 of the LP, the aims of which have been previously set out.

Other Matters

24. The development would deliver one additional energy-efficient dwelling in a sustainable location and would make efficient use of land, contributing modestly to the borough's housing supply. These outcomes align with the broad objectives of both local and national planning policy, and these considerations attract some positive weight. However, these benefits are modest given the limited scale of development, and they would not outweigh the identified harm to the character and appearance of the area nor the failure to secure the necessary planning obligations.

Conclusion

25. Although I have identified no harm in respect of the living conditions of nearby occupiers, the proposed development would harm the character and appearance of the area, and would fail to secure the obligations necessary to make the development acceptable in planning terms. Accordingly, it would conflict with the development plan as a whole, and there are no considerations to lead me to a decision other than in accordance with the plan. For these reasons, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR