



Appeal Decision

Site visit made on 12 February 2026

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2026

Appeal Ref: APP/U5360/W/25/3375656

53 Dunlace Road, Hackney, London E5 0NF

- 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 Goldline Developments Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2025/1444.
 - The development proposed is erection of a mansard roof, erection of a 3 storey rear extension (basement, ground and first floors) and creation of a front & rear basement lightwell; all to facilitate conversion of the property from two to three self contained residential units (1x1 bed, 1x2 bed, 1x3 bed).
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 the provision of affordable housing and car free development. The second main issue is the effect of the proposal on a sycamore tree within the site. The third main issue is whether the scheme would incorporate sufficient energy efficiency measures. The fourth is the effect of the proposal on the living conditions of future occupiers with regard to levels of daylight and sunlight to the proposed rear bedrooms at basement level within Flat A.

Reasons

3. The appeal relates to a traditional terraced property which is set on Dunlace Road within a residential part of Hackney. The site is not within a Conservation Area.

Planning obligation

4. The site scores well in terms of its PTAL rating with a good range of public transport links nearby. The development should therefore be car free, with the appellant stating that the proposal is explicitly car free. This does not appear to be a matter in dispute between the main parties. The position appears to be the same with regard to the affordable housing contribution where it is agreed that a £50,000 contribution is required.
5. The main parties do not appear to be at odds with the fact that these matters should be secured through a planning obligation. The evidence indicates that the appellant has submitted a signed statement confirming their willingness to pay

the required contribution and to enter into a planning obligation to secure the affordable housing contribution. The evidence also indicates that the appellant is willing to enter into a planning obligation to secure a CPZ exclusion for future occupiers. This indicates that the appellant acknowledges that this would be the appropriate mechanism to secure these matters as opposed to the use of a condition. However, no planning obligation accompanies the appeal.

6. In lacking the appropriate mechanism to secure 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 sustainable location of the site resulting in conflict with the development strategy for the area.
7. In not providing the affordable housing contribution the proposal would fail to contribute to the boroughs need for affordable housing through a monetary contribution which would be used towards council led projects to deliver affordable housing away from the appeal site. There would be further conflict with the development strategy for the area.
8. The proposal would conflict with policies T1 and T4 of the London Plan (2021) (LP) and policies LP43 and LP45 of the Hackney Local Plan (2020) (HLP) which amongst other things seek car free development, particularly in well-connected locations. The proposal would also conflict with Policy LP13 of the HLP which seeks provision for affordable housing including through off site contributions with regard to schemes of a size of 1-9 units.

Sycamore tree

9. The appeal site contains a sycamore tree located within the rear garden. The Tree Inspection Report (TIR) notes that the tree is approximately 10m tall.
10. It is a tree with significant presence and I observed on my site visit that it can be seen from both Dunlace Road given the end of terrace location and from other nearby gardens. Whilst there is nothing to indicate that the tree is covered by a Tree Preservation Order, given the relief that the tree offers to the otherwise largely urban setting it contributes positively to the character and appearance of the area. The TIR does not appear to report any significant defects with the tree.
11. The canopy spread is identified as being approximately 8m. The tree would be in close proximity to the rear lightwell that would be excavated further towards the tree to accommodate the rearward extension. Whilst the TIR does not provide the root protection area for the tree, given its location it would be unfeasible that the works required for the rear extension and rear lightwell would not impinge substantially on the root protection area. As a result, the proposal would be likely to result in the loss of a significant part of the tree's rooting system. It is therefore likely that as a result of the works, the tree would fall into decline resulting in potential loss. The likely impacts on the tree run contrary to the intention to retain it.
12. The proposal, through the likely decline and loss of the tree would therefore have an adverse impact on the character and appearance of the area. There would be conflict with Policy G7 of the LP and Policy LP51 of the HLP which amongst other things seek to retain existing trees of value.

Energy efficiency measures

13. The evidence indicates that the development has been designed to achieve a total reduction of 1752KgCO² equalling a 23.3% reduction on the Target Emissions Rate Approved Document L 2021 of 7519 KgCO².
14. Whilst the proposal would meet the requirement of Policy LP55 of the HLP to reduce carbon emissions by achieving 10% reductions through energy efficiency measures alone, the policy amongst other matters with regard to development including the re-use or extension of existing buildings requires such proposals to achieve the maximum feasible reductions in carbon emissions and that such proposals should seek to achieve the zero-carbon target across the site.
15. The submitted energy statement outlines that potentially viable options which could further reduce carbon emissions include the provision of Solar Thermal, Solar PV and Air Source Heat Pumps. The evidence does not indicate that these technologies are being pursued at the site.
16. Whilst I am advised that the appellant is willing to accept a carbon offset contribution, in this case such technologies should be explored first with regard to this particular site prior to providing an off set contribution. The appellant also indicates that they are willing to accept additional measures. However, I do not find that it would be reasonable to condition the above technologies given that the detail of those matters would be best considered as part of the planning application as a whole at the application stage.
17. The proposal does not therefore show that energy efficiency measures have been maximised on site and the proposal would therefore conflict with Policy LP55 of the HLP.

Living conditions

18. The basement and ground floor of the building would provide for Flat A, which would include three bedrooms. Two of those bedrooms would be provided to the rear of the extended property, at basement level.
19. The two bedrooms would be reasonably deep, extending inwards from the lightwell that would be constructed. However, that lightwell would be of reasonable depth and the access from the garden to the French doors would be set in between the full height doors/windows which would serve the bedrooms. Flat A would also provide a large south facing open plan living area on its ground floor. It is also the case that there is an existing bedroom contained within the basement of the existing property.
20. Technical evidence before me relating to the impact of the proposal on the living conditions on future occupiers in terms of daylight and sunlight is limited including with regard to BRE guidance. However, considering the evidence that is before me, I cannot conclude that the proposal would have any significant adverse impact on the living conditions of future occupiers. There would therefore be no conflict with policies LP2 or LP17 of the HLP nor policies D3 or D6 of the LP which amongst other things require that there should be no significant adverse impacts on the amenity of occupiers.

Other Matters

21. The application is accompanied by a report which seeks to set out why the proposal should be eligible for an exemption from the general biodiversity net gain condition (BNG). Included within the exempt types of development is development subject to the de minimis exemption which does not impact a priority habitat, less than 25m² of onsite habitat and 5 metres of linear habitats such as hedgerows.
22. However, whilst it appears likely on the basis of the plans there would be a loss of grass lawn within the garden of less than 25m² given the existing projection of a patio to the rear, the claim for the exemption appears to have been made on the basis of retaining the sycamore tree close to the appeal building which may not be possible. This limits the weight that I afford to the report which seeks an exemption from the BNG condition.
23. I consider that the proposal would therefore be subject to the BNG condition were I minded to allow the appeal. In any event, the Council appears to be content that in this scenario the BNG issue could be dealt with via condition. The proposal would therefore need not conflict with Policy G6 of the LP nor Policy LP47 of the HLP.
24. The Council state that they are unable to demonstrate a five year housing land supply (5YHLS), although the extent of that shortfall does not appear to be detailed within the evidence.

Planning Balance

25. The proposal does not include provisions for necessary contributions towards affordable housing or the provision of car free development. It would also be likely to result in the decline and potential loss of a sycamore tree and this would have an adverse impact on the character and appearance of the area. Further, there is nothing compelling to show that energy efficiency measures have been maximised on site within the context of the boroughs aims to reduce carbon emissions by 80% by 2050. I afford these harms significant weight.
26. There would be benefits associated with the proposal including that it would deliver a new home within a sustainable location set against the backdrop of a lack of 5YHLS. This benefit should be afforded moderate weight with the weight to be afforded to the matter restrained by the limited scale of the scheme.
27. In the provision of a new home, the proposal would find some favour with the HLP according with policies LP12 and LP19 which relate to housing need and location and residential conversions. The proposal would conflict with policies G7, T1 and T4 of the LP and policies LP13, LP43, LP45, LP51 and LP55 of the HLP and would conflict with the development plan as a whole.
28. However, the evidence indicates that the Council does not have a 5YHLS. Paragraph 11d) of the Framework is therefore of relevance. Paragraph 11d) i) is not relevant in this case.
29. The Framework does offer support for the provision of new housing, and the HLP policies, with which the proposal would accord align with the Framework in this respect. Set against this, the development plan policies with which the proposal would conflict broadly align with the aims of the Framework relating to the provision of affordable housing, retention of trees, encouragement for sustainable

transport and reduction in carbon emissions. The conflicts with the development plan policy should therefore be afforded significant weight.

30. Even if I were to conclude that the shortfall in housing land supply within the borough were at the maximum extent feasible, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
31. For the reasons given above, there is nothing to indicate that the appeal should be determined otherwise than against the development plan with which it would conflict.

Conclusion

32. The appeal should therefore be dismissed.

T Burnham

INSPECTOR