



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: 9 April 2026

Appeal Ref: APP/U5360/W/25/3376175

177 Hoxton Street, London N1 6PJ

- 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 Hoxton Street UK Limited against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/1720.
 - The development proposed is described as: "The proposals involve the retention, reconfiguration, partial demolition, and extension of the building on the ground and upper floors to create 2 new residential units. The proposed residential mix is: 1 x 1B/2P and 1 x 2B/3P."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within the Hoxton Street Conservation Area (the CA). Accordingly, the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the CA;
 - whether the proposed development would safeguard the living conditions of the occupiers of neighbouring properties, with particular regard to the effect of the proposed second-floor external terrace on the privacy of existing units within No 177 Hoxton Street;
 - whether the proposed development would provide suitable living conditions for future occupiers, with particular regard to the provision of adequate floor-to-ceiling heights;
 - whether the obligations necessary to make the development acceptable in planning terms would be secured, with particular regard to affordable housing, car-free development and carbon offsetting; and

- whether it is demonstrated that the proposed development would make appropriate provision for refuse and recycling.

Reasons

Character and appearance

4. The special interest of the CA is derived primarily from the historic Hoxton Street frontage, which is characterised by traditional commercial buildings with residential accommodation above, exhibiting a broad consistency of scale, plot rhythm and architectural detailing. The significance of the CA is therefore principally expressed through its street-facing elevations and the coherent historic townscape visible within public viewpoints along Hoxton Street.
5. The appeal site is a former public house. It occupies a prominent position within the Hoxton Street frontage and comprises a building of traditional form and detailing that contributes positively to the character of the CA. The proposed development would not alter the Hoxton Street frontage, the established roofline of the principal building, nor the primary elevations that make the most meaningful contribution to the CA's significance. In these respects, the elements of the building that principally contribute to the area's special interest would remain unaffected by the proposal.
6. The development would be experienced almost exclusively in the context of the rear of the site and the wider environment to the rear of buildings along the western edge of the CA. From my site visit, this environment does not present as part of a cohesive historic townscape. Instead, it is characterised by a fragmented and urban setting, including high-density twentieth-century housing estates, service areas, access routes and a range of utilitarian and contemporary extensions of varied form, scale and materials. The existing rear extension on the host building is itself a contemporary intervention, making only a limited contribution to the character and appearance of the CA. Within this context, the rear elevation of the appeal building makes only a limited contribution to the overall significance of the CA.
7. The proposed extension would replace the existing contemporary addition with another contemporary intervention. Although larger in scale than the existing addition, the proposed development would remain visually subservient to the main historic building, and it would be perceived primarily within a rear environment already characterised by architectural variety and density. Although openly contemporary, its design approach would be consistent with the prevailing character of this environment and would not appear incongruous or visually dominant from surrounding viewpoints.
8. Policy HC1 of the London Plan, March 2021 (the LP) and Policies LP1 and LP3 of the Hackney Local Plan 2033, Strategic Planning, Adopted July 2020 (the HLP), do not preclude contemporary architecture within conservation areas. Rather, they require development to conserve significance and be sympathetic to its local character and context. In this case, the proposed development would preserve the historic Hoxton Street frontage, would not disrupt the established street scene, and would not undermine the attributes that principally define the CA's special interest. It would also appear compatible with the established character to the rear of buildings along the western fringe of the CA. It would therefore have a neutral

effect on the character and appearance of the CA and would preserve its significance.

9. For these reasons, I conclude that the proposed development would not result in harm to the character or appearance of the area or the CA, thus preserving its significance. It would therefore accord with LP Policy HC1 and HLP Policies LP1 and LP3, the aims of which have previously been set out.

Living conditions of neighbouring occupiers

10. The proposed development includes a second-floor external terrace serving one of the new residential units. The appeal site sits within a relatively confined urban environment characterised by close spatial relationships between buildings, where separation distances are often limited and some degree of mutual overlooking exists. In this context, HLP Policy LP2 does not seek to prevent all overlooking, but requires development to avoid significant adverse impacts on the living conditions of existing occupiers.
11. Nevertheless, the proposed terrace would be elevated above existing adjoining residential properties, including windows serving habitable rooms on the rear elevation of the host building. Due to its height and position, the proposed terrace would introduce a new and intensified opportunity for overlooking from a raised external amenity space specifically intended for regular use. Unlike windows, which afford fleeting and limited views, an external terrace allows prolonged occupation and activity, materially increasing the potential for visual intrusion into neighbouring private spaces.
12. The appellant submits that views from the terrace would be oblique, that an element of overlooking already exists within the surrounding high-density urban context, and that the incorporation of a sloping or louvred privacy screen would prevent direct views towards neighbouring rear-facing windows. The appellant further contends that any detailed matters could be resolved through a planning condition requiring full details of screening to be agreed prior to occupation.
13. Whilst I acknowledge that some mutual overlooking exists in the wider area, the introduction of an elevated and actively used terrace would represent a qualitative change in the level and nature of overlooking experienced by neighbouring occupiers. The drawings submitted indicate the presence of privacy screens, but they provide only limited and indicative information. There is no detailed evidence to demonstrate how the proposed screening would function in practice, or the extent to which it would effectively prevent direct or perceived overlooking towards the windows of nearby properties.
14. Given the proximity of neighbouring properties and the sensitivity of the rear environment, this lack of detail introduces a degree of uncertainty as to whether the proposed mitigation would adequately safeguard the living conditions of the existing occupiers to the rear of No 177 Hoxton Street. Although conditions can be used to secure agreed mitigation measures, they should not be relied upon where the principle of effective mitigation has not been satisfactorily demonstrated. In this instance, the adequacy of the proposed screening remains unclear. This raises uncertainty regarding compliance with Policy LP2, rather than being a matter of refinement or detail.

15. Furthermore, notwithstanding my earlier conclusion that the proposed development would preserve the significance of the CA, measures secured by condition must be deliverable without giving rise to other planning concerns. In the absence of robust evidence, I cannot be satisfied that a screening solution could be achieved that would both effectively protect neighbouring living conditions and sit comfortably within the design and heritage context of the site.
16. For these reasons, I conclude that the evidence before me fails to demonstrate that the proposed development would safeguard the living conditions of the occupiers of neighbouring properties. It would therefore conflict with Policy LP2 of the HLP, the aims of which have previously been set out.

Living conditions for future occupiers

17. LP Policy D6 sets minimum requirements for housing quality and standards. Among other matters, it requires that the minimum floor-to-ceiling height of residential accommodation must be 2.5 metres for at least 75% of the Gross Internal Area (GIA) of each dwelling. Policy LP17 of the HLP reinforces this position, requiring new homes to meet the LP standards and provide high-quality internal environments.
18. Both the Council's Officer Report and the appellant's submissions place some reliance on the Nationally Described Space Standard (NDSS). However, NDSS does not set the relevant policy test for internal ceiling heights in this case. The applicable development plan standard is that contained within LP Policy D6, as previously set out.
19. The proposal would create two residential units. The submitted drawings indicate that the first-floor unit would have a consistent flat ceiling and would exceed the 2.5 metre internal height requirement across its entirety.
20. However, the second-floor unit would be located beneath a sloping roof, with the internal ceiling following this profile. The submitted section drawings indicate that certain areas would exceed the 2.5 metre policy standard, but substantial areas would fall below it. The appellant contends that any shortfall would be limited and that, taken as a whole, the unit would nonetheless provide good quality accommodation, supported by adequate floorspace, dual aspect, good daylight and private amenity space.
21. Whilst housing quality must be assessed in the round, Policy D6 establishes clear and specific standards that are integral to delivering suitable living conditions, particularly for newly built residential accommodation. The development plan provides no indication that compliance with minimum floor-to-ceiling heights is optional, nor that shortfalls against this requirement could be offset by compliance with other quality standards.
22. In this case, no substantive evidence has been provided to demonstrate what proportion of the second-floor unit would achieve the required 2.5 metre floor-to-ceiling height. Based on the evidence before me, I am not persuaded that at least 75% of the unit's GIA would comply with the minimum internal height standard.
23. For these reasons, I conclude that the proposed development would fail to provide suitable living conditions for future occupiers by virtue of inadequate floor-to-ceiling

heights within the second-floor unit. It would therefore conflict with LP Policy D6 and HLP Policy LP17, the aims of which have previously been set out.

Planning obligations

24. HLP Policy LP13 requires residential developments to maximise opportunities to provide genuinely affordable housing. For schemes of between 1 and 9 units, such as the appeal proposal, the policy makes clear that affordable housing provision or a financial contribution in lieu is required, subject to viability, with detailed guidance provided in the S106 Planning Contributions Supplementary Planning Document, July 2020 (the SPD). These objectives are reinforced by HLP Policy LP12, and LP Policies H4 and H5, which collectively seek to secure affordable housing delivery across all scales of development.
25. In this case, no on-site affordable housing is proposed. The Council therefore seeks a financial contribution, informed by the SPD, towards the delivery of affordable housing elsewhere in the borough. Whilst the appellant has stated that a financial viability appraisal is being prepared to demonstrate whether a contribution could be supported, no such appraisal has been submitted either at application stage or as part of the appeal.
26. In the absence of a viability appraisal, I am unable to assess whether the development could reasonably support the level of contribution sought, whether a reduced contribution would be justified, or whether the scheme would be unviable if required to comply with the policy expectation. In these circumstances, and on the information before me, I have no evidential basis on which to conclude that a contribution could not reasonably be made. Accordingly, a contribution would be necessary to make the development acceptable in planning terms.
27. However, no draft or completed planning obligation has been submitted to secure either an affordable housing contribution or an alternative mechanism for compliance. Whilst the appellant expressed intent to resolve this matter at a later stage, this does not overcome the absence of viability evidence or a secured obligation. On the evidence before me, the proposal therefore fails to demonstrate compliance with the affordable housing requirements of the development plan set out in HLP Policies LP12 and LP13, and LP Policies H4 and H5.
28. Turning to the matter of car-free development, HLP Policy LP45 requires all new development within the borough to be car-free, save for specific exceptions. LP Policy T6 similarly states that car-free development should be the starting point for development in places that are well-connected by public transport, such as the appeal site.
29. The development would not fall within any of the exceptions set by Policy LP45. Although no on-site car parking is proposed, compliance with the policy depends on securing a legal mechanism to prevent future occupiers from obtaining parking permits. The appellant indicates that a unilateral undertaking was being prepared to secure this restriction. However, no completed or draft legal agreement has been submitted.
30. For these reasons, a suitable obligation to prevent future occupiers from obtaining parking permits would be necessary to make the development acceptable in planning terms. As that has not been secured, the proposal would conflict with HLP Policy LP45 and LP Policy T6.

31. HLP Policy LP55 requires all development to mitigate climate change by achieving zero-carbon operational performance. Where this cannot be fully achieved through on-site measures, any shortfall must be addressed through a financial contribution to the Council's carbon offset fund, secured through a legal agreement.
32. The submitted Energy and Sustainability Statement demonstrates that the proposed development would achieve a high level of on-site carbon reduction, exceeding Building Regulations requirements. However, the statement also confirms that the development would not be zero-carbon, and that residual regulated carbon emissions would remain after all feasible on-site measures are implemented.
33. Accordingly, compliance with Policy LP55 would require a carbon offset contribution to be secured. Despite the appellant's acknowledgement of this requirement, no legal agreement has been submitted to secure such a contribution, nor has any figure been agreed. In the absence of a secured obligation, the proposal cannot comply with Policy LP55.
34. Taken together, the affordable housing contribution, car-free restriction and carbon offset payment are all necessary to make the development acceptable in planning terms. The development plan and the SPD outline that these matters should be secured through planning obligations.
35. In this case, none of the necessary obligations have been secured, nor has sufficient supporting evidence been submitted to demonstrate that alternative arrangements would be justified. Although the appellant has indicated a willingness to enter into obligations at a future date, I must determine the appeal on the evidence before me.
36. I therefore conclude that the proposal fails to demonstrate that the obligations necessary to make the development acceptable in planning terms would be secured. The development would therefore conflict with HLP Policies LP12, LP13, LP45 and LP55, LP Policies H4, H5 and T6, and the requirements of the SPD, the aims of which have previously been set out.

Refuse and recycling

37. HLP Policy LP57 requires new development to provide satisfactory arrangements for the storage, collection and management of refuse and recyclable materials, proportionate to the scale and nature of the development. Such provision should ensure that waste can be managed without resulting in adverse impacts such as littering, odour, or visual harm. Policy LP58 further seeks to avoid pollution and environmental nuisance arising from development, including from inadequate waste storage or collection arrangements.
38. The proposed development would introduce two additional residential units within an existing building, resulting in an uplift in waste and recycling demand. The appellant contends that the increase would be modest and that the existing refuse storage area could be utilised to accommodate the additional capacity required. It is also submitted that any remaining uncertainty could be addressed through the imposition of conditions requiring further details of waste storage to be agreed prior to occupation.

39. The submitted plans indicate an internal refuse storage area at ground floor level, shared with existing residential and commercial uses. Whilst the quantities of additional waste arising from the new units have been referenced in general terms, there is limited evidence demonstrating how that additional requirement would be accommodated within the space available.
40. In particular, no detailed refuse strategy has been provided setting out bin numbers, sizes, circulation space, or management arrangements having regard to the combined demands of the existing uses and the proposed dwellings. Nor is there clarity as to whether the existing refuse store could realistically be reconfigured or expanded to meet current waste standards without compromising access, convenience, or environmental conditions.
41. Due to the enclosed nature of the storage area, the scope for remedying deficiencies at a later stage may be limited. Conditions should not be relied upon to resolve fundamental uncertainties where there is a real risk that acceptable provision could not, in practice, be delivered. In this case, approving the scheme without sufficient assurance would carry the risk that inadequate or sub-standard refuse arrangements would result, potentially leading to overspill, obstruction, or adverse environmental impacts.
42. For these reasons, I conclude that the proposed development fails to demonstrate that it would make appropriate provision for refuse and recycling. It would therefore conflict with HLP Policies LP57 and LP58, the aims of which have previously been set out.

Other Matters

43. The development would deliver two additional dwellings in a sustainable location, making efficient use of land and contributing modestly to the borough's housing supply and aligning with the broad objectives of both local and national planning policy. Whilst these considerations attract some positive weight, the benefits are modest given the limited scale of development, and they would not outweigh the harm previously identified.

Conclusion

44. Although I have identified no harm in terms of character, appearance and heritage considerations, the other harms identified would lead to conflict with the development plan as a whole. There are no material considerations to indicate that the appeal should be determined other than in accordance with the development plan. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR