



Appeal Decision

Site visit made on 28 May 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/U5360/W/25/3360805

La Mela, 25-27 Marsh Hill, Hackney, London E9 5QA

- 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 Coskun of La Mela Bistro Ltd against the decision of the Council of the London Borough of Hackney.
- The application Ref is 2024/2593.
- The development proposed is openable canopy installation to front elevation of the café.

Decision

1. The appeal is allowed and planning permission is granted for the openable canopy installation to the front elevation and planters to the front and side elevations of the café at La Mela, 25-27 Marsh Hill, Hackney, London E9 5QA in accordance with the terms of the application, Ref 2024/2593, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
A100, AP101, AP102, AP103.
 - 2) The finished colour of the openable canopy installation shall be maintained for the lifetime of the development.

Preliminary Matters

2. The site address details on the planning application form does not include 'La Mela', whereas the Decision Notice and appeal form do, I have therefore included it in the above banner heading.
3. The appellant has indicated in the description of development that the application was applied for retrospectively. I have therefore proceeded on the basis that planning permission is being sought for its retention.
4. I consider the description found on the Appeal Form and Decision Notice better reflects the scheme that is before me and that which the Council determined. However, I have omitted reference to the words 'retrospective permission' and 'retention', as they do not form part of the description/operative part of the development. The description is therefore 'openable canopy installation front elevation and planters to front and side elevations of the café'.
5. The proposal is for an openable canopy installation to the front elevation and planters to the front and side elevations of the café. The Council has indicated that it has no objection to the installation of the planters, and based on the evidence, I have no reason to take a different view.

Main Issue

6. The main issue in the appeal is the effect of the development on the character and appearance of the host building and the surrounding area.

Reasons

7. The appeal site (La Mela) is located on the corner of a parade of commercial units, fronting the busy Marsh Hill. La Mela is double fronted, its main access is on the corner with Daubeney Road. Nearby streets comprise largely of residential properties.
8. The majority of La Mela is painted white, with dark window and door frames. The appeal scheme comprises a dark coloured open metal frame which projects from the front of the commercial unit at the ground floor. It extends across two shop frontages, Nos 25 and 27, up to the doorway for No 27A, and up to the main access to the corner of Daubeney Road on the other. The metal frame incorporates a slope to the roof, set out in segments, with vertical posts, which are positioned at the back of the pavement. Between each roof segment is a retractable dark coloured canopy, beneath which are a number of tables and chairs. Above the access door and frontage of Daubeney Road are dark coloured projecting canopy; these do not form part of the appeal scheme.
9. The metal structure, though prominent due to its siting on a corner property, is limited in its scale and projection on Marsh Hill when compared to the overall length of the commercial frontage to La Mela. I acknowledge that the structure does partially obscure the shop front; however, its lightweight structure, which has an open front and sides, consists of a simple design with a limited colour palette, which has a recessive appearance. Furthermore, its positioning beneath the fascia and corbels allows the architectural features of the appeal site to be appreciated. I therefore do not agree that the structure is overly prominent or a visually obstructive addition, but rather the openable canopy installation appears proportionate to La Mela and the terrace of commercial units it is viewed alongside. The structure does not distract attention from the more dominant host building or terrace within which it is located.
10. During my visit, I noted two other framed canopy installations which extended forward from the main frontage on Marsh Hill and enclosed part of the hard standing to the front of commercial units. Whilst these structures vary in depth and roof design to the appeal proposal, from the appellant's photographs, they appear to be fully enclosed during the hours of darkness, and from my observations, they appeared to be permanent features within the street scene. Whilst I have limited information with regard to their presence and the Council has remained silent on these structures, they do nevertheless form part of the established character of the area and part of the site's context. The presence of other comparable framed canopy installations lends weight to my conclusion that the proposal is acceptable.
11. Furthermore, in facilitating outdoor seating, it seems to me that the structure enhances the active frontage of the building, adding a lively addition to the street scene, which is acknowledged within Hackney's Shopfront Design Guide Supplementary Planning Guidance (SPD).
12. I therefore conclude that the development does not cause harm to the character and appearance of the host building and the surrounding area. Accordingly, I find

no conflict with Policies D3 or D8 of the London Plan (2021), and Policies PP1 and LP1 of Hackney Local Plan 2033, which collectively seek to ensure that all new development uses attractive, durable high quality materials which complement local character. There would also be no conflict with the SPD, which seeks to retain architectural features. There would also be no conflict with Part 12 of the National Planning Policy Framework, insofar as it seeks to ensure development be sympathetic to local character.

Other Matters

13. The Council have drawn my attention to the need for canopies and blinds to be set back by at least 0.5 metres from the kerb and ensuring at least 2.3 metres headroom under the blind. However, from my understanding of the SPD, these dimensions relate to public safety. The Council did not refuse permission based on this matter, and on the basis of the information before me, I give this limited weight.
14. With regard to any enforcement action taken by the Council, this process is a separate matter.
15. I note the suggestion from the Council's CUDS section with regard to the use of a retractable canopy or large umbrellas awning to achieve a similar result; however, this is not the scheme before me and not within the scope of my assessment which must focus on the planning merits of the appeal proposal.

Conditions

16. As the extensions have already been completed, it is not necessary for me to impose the statutory time limit condition; however, a plans condition is necessary in the interest of planning certainty. A materials condition is also imposed as it is necessary in the interest of the character and appearance of the building and the surrounding area.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan and the Framework. The appeal is therefore allowed.

L Clark

INSPECTOR