



Appeal Decision

Site visit made on 6 October 2025

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/U5360/D/25/3371698
58 Brighton Road, Hackney N16 8EG

- 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 S Ben-Tovim against the decision of Hackney Council.
 - The application Ref is 2025/0930.
 - The development proposed is for a bicycle and bin store with integrated planters to the front of house.
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Decision

1. The appeal is allowed and planning permission is granted for a bicycle and bin store with integrated planters to the front of the house at 58 Brighton Road, Hackney N16 8EG in accordance with the terms of the application Ref 2025/0930, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-01 Rev A and 00BB-GA100-01.

Application for Costs

2. An application for costs was made by the appellant against the Council and is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the appeal proposal upon the character and appearance of the area; and upon highway safety, specifically users of the footway.

Reasons

Character and Appearance

4. The appeal dwelling comprises a mid-terrace two and a half storey house currently with a 1.2m high front boundary wall with overgrown bamboo planting behind which obscures the front elevation of the host dwelling at ground floor level.
5. The majority of front garden areas in the street are contained by a series of boundary treatments and on occasion include storage structures. Of particular pertinence is a corten steel cycle store at 40 Brighton Road, this has a planter upon

- its roof as proposed, with the only real difference being that it does not have a side return to it.
6. It appears that the Council raises no objection with regard to the use of the material proposed to be employed for the construction of the cycle/bin store and state that the design concept is acceptable in principle, it is however concerned with its overall scale.
 7. I acknowledge that the proposed structure would extend for the majority of both the front and eastern side boundary of the existing front garden area, however in reality as it stands it is fully enclosed by the aforementioned bamboo which does little for the quality of the street scene. Whilst I find the use of the untreated steel to be slightly unusual within a traditional Victorian residential setting, nonetheless it has been found acceptable by the Council previously and this has been recognised by their Conservation Urban Design and Sustainability Team.
 8. As highlighted by the appellant, the store would have an area of 4.5m² which represents 37% of the garden area, the Council considers that the bike store should only be to the front boundary, but the intention is to also accommodate the wheelie bins that serve the appeal property and therefore the appeal scheme would keep those out of sight which would be a benefit to the visual amenities of the area.
 9. I therefore find in regard to the above, that the structure would not be overly large and therefore it would not dominate or appear incongruous within the street. It complies with policy D4 of The London Plan (2021) and policy LP1 of The Hackney Local Plan LP33 (2020) which together seek proposals to deliver good design which must be of the highest architectural and urban design quality whilst also supporting innovative and contemporary design where it respects and compliments the historic character and the need to be compatible with the existing townscape.

Highway Safety

10. Concern has been raised with regard to the street facing doors opening over the pavement, however the doors are not of a standard hinged type and it is clear from the evidence before me that they would have a double hinged design meaning they would lie virtually flat against the front of the store when fully open. Consequently any overhang of the pavement would be minimal and typically less than when one opens a vehicle door over a pavement, therefore I consider that there would not be a material reduction in the amount of footpath available for pedestrians to use the pavement when the doors were being opened or left open.
11. A similar design has been deemed acceptable at no 40 and ultimately when the doors are closed there would be no difference between the amount of pavement available to pedestrians and other users than the existing situation with the boundary wall. I find no conflict between the proposal and The London Plan policies T2 and T4 and LP33 policies LP41 and LP42 which together seek to encourage liveable neighbourhoods through, amongst other things, creating an environment where people actively choose to cycle as part of everyday life, by providing cycle parking for building users and visitors whilst seeking to promote and demonstrate the application of the Mayor's Healthy Streets Approach through the provision of cycling facilities.

Conclusion and Conditions

12. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
13. The Council has not suggested that any conditions be imposed however in addition to a standard time limit condition I consider that it is appropriate to impose a condition requiring that the development be carried out in accordance with the approved plans, in the interests of protecting the character and appearance of the area.

C J Tivey

INSPECTOR