
Appeal Decision

Site visit made on 4 September 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2025

Appeal Ref: APP/E5900/W/25/3361599
130-150 Hackney Road, London E2 7QS

- 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 D & J Simons Limited against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/24/01642.
 - The development proposed is described as: new railings to site boundary.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Based on my site visit, the development appears to have been commenced. Nonetheless, I have determined the appeal based on the plans and documents submitted with the appeal.

Main Issues

3. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Hackney Road Conservation Area; and
 - the effect of the proposal on highway safety.

Reasons

Character and appearance of the Conservation Area

4. The appeal site is located along Hackney Road. comprises a five-storey commercial property of a modern construction, similar to other buildings within the area from more recent periods. The site lies within the Hackney Road Conservation Area (CA) wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
5. The character and appearance of the CA, and therefore its special interest and significance, is in part derived from its surviving historic fabric, which includes a number of listed buildings. This historic townscape, lining the main road and comprising a mix of uses, illustrates the development of east London over time.
6. The character of Hackney Road that includes the appeal site as a wide street that has developed as a main traffic thoroughfare with the broad street layout creating a sense

of open space. The appeal property is set back a modest distance from the highway, positively contributing to the openness of the street scene in this part of Hackney Road and thereby the character and appearance of the CA. Bollards are located within the pavement along this section of Hackney Road. However, their diminutive height and spacing limits their visual prominence and maintains the generous width of the street.

7. The appeal development includes the instillation of railings adjoining the pavement with a pedestrian and two vehicular accesses. Whilst the principle of railings at the appeal site may not be in dispute, the proposed structure would be constructed of iron and include multiple bulky pillars which would be highly visible when viewed from the public realm. Their visual dominance would be further exacerbated by their considerable height of just below two metres.
8. Whilst the appellant contends that the use of metal railings within the CA is common, the proposal would project substantially above other boundary treatments within the immediate area, and the bollards within the pavement. As such, regardless of their colour, the railings would have a prominent and alien feature within the street scene. When combined with its position adjoining the pavement, the proposal would result in visual clutter and reduce the existing openness of the street scene. Ultimately this would harm the character and appearance of the CA and the significance of this designated heritage asset.
9. Given the scale of the proposal within the context of the CA as a whole, I consider the harm to be less than substantial. I consider that it would be within the lower end of the less than substantial harm scale. Nevertheless, less than substantial harm does not equate to less than substantial planning objection and carries considerable importance and weight. Nevertheless, Paragraph 212 of the Framework directs that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
10. Paragraph 215 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
11. The appellant raises the anti-social behaviour in the area, including bike thefts and graffiti. This is argued to negatively affect the character and appearance of the CA. This perspective is supported by the submitted letters of support from a number of tenants who emphasise the feeling of safety boundary treatments provide. I also acknowledge the contribution the tenants of the studios comprising the appeal property make to the creative industries. Nevertheless, I have not been presented with any substantive evidence to demonstrate that the above would be wholly dependent on the scheme before me and that the same benefits could not be achieved with an alternative, less harmful scheme. As such I can only afford it moderate weight.
12. The appellant contends that as part of the appeal parking at the front of the appeal property would be prohibited and therefore the absence of cars would benefit the character and appearance of the area. They further confirm that they would remove the bollards at the front of the appeal site. Nevertheless, the proposal would be taller and more visually obtrusive than the majority of vehicles parked at the appeal site and the existing bollards. Therefore, the absence of vehicles and bollards would not outweigh the above identified harm to the character and appearance of the CA.
13. Overall, the weight that I ascribe to the public benefits that accrue from the development is not sufficient to outweigh the considerable importance and weight that I

attach to the harm I have found. Accordingly, the development would fail to preserve or enhance the character or appearance of the CA.

14. Consequently, I conclude that the development would be contrary to the requirements of section 72(1) of the Act and the relevant provisions of Policies S.DH1, D.DH2, S.DH3 and D.DH4 of the Tower Hamlets Local Plan 2031 (2020) (Local Plan); policies D3, D4, and HC1 of the London Plan – the Spatial Strategy for Greater London (2021) (London Plan). When read together, these policies require development to conserve the significance of heritage assets and for development affecting conservation areas to preserve or enhance the character and appearance of the area.
15. Therefore, the proposal would fail to preserve or enhance the character and appearance of the CA. As such, the proposal would conflict with the relevant provisions of Policies S.DH1, D.DH2, S.DH3 and D.DH4 of the Tower Hamlets Local Plan 2031 (2020) (Local Plan); policies D3, D4, and HC1 of the London Plan – the Spatial Strategy for Greater London (2021) (London Plan). When read together these policies require development to conserve the significance of heritage assets and for development affecting conservation areas to preserve or enhance the character and appearance of the area.

Highway safety

16. The appeal site adjoins the pavement along Hackney Road. The proposal would include the retention of two vehicular accesses onto the highway, which would be gated.
17. The Council's principal concern is that vehicles accessing the forecourt from the highway could block the road and pedestrian footway whilst waiting for the gates to be opened, to the detriment of road users and pedestrian safety.
18. However, the area between the highway and the front of the appeal property would include a number of bike racks and bin store with limited remaining space for vehicles. The appellant also sets out that this forecourt area would not be utilised for deliveries or the parking of vehicles, instead it would be used for infrequent operational access, such as maintenance.
19. Moreover, the appellant has suggested a condition requiring the submission of a Delivery and Servicing Management Plan which could, in part, control vehicular access requirements to the forecourt. Given the likely low number of vehicles entering and exiting the site's forecourt, were I to allow the appeal, I am of the view that such a condition could satisfactorily deal with concerns in this respect.
20. Overall, I conclude that the appeal development would have an acceptable effect on highway safety. It would therefore not conflict with the relevant provisions of Policies S.TR1 and D.TR2 of the Local Plan and Policies T1, T2, T3, T4 and T7 of the London Plan. When read together these policies require development to not adversely impact the safety of the transport network, result in traffic congestion, or increase road danger.

PSED

21. A number of the letters of support from tenants of the appeal property raise concerns regarding anti-social behaviour in the area and the feeling of safety, particularly for female tenants. The appellant additionally raises the presence of antisemitic graffiti on the front of the appeal property and the benefits of the proposal in preventing this.

22. Section 149, of the Public Sector Equality Duty (PSED), contained in the Equality Act 2010 sets out protected characteristics which include gender and religious beliefs. The PSED sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. As such, I have had due regard to this consideration in my assessment of the proposed development, including on the wellbeing of women and the Jewish community. I have therefore taken the benefits of the proposal in this regard into account, as required by the PSED. The particular effects of the development in this location is a matter to which I give moderate weight in assessing the proposal.
23. Nonetheless, this must be balanced against the great weight to be attributed to the conservation of designated heritage assets, which would be in the wider public interest. I have been provided with limited evidence to demonstrate that the boundary treatment proposed is the only option available or that, if this appeal were to fail, the risk of, or fear of, crime would be likely to materially increase. Therefore, I conclude that these are not matters which outweigh the harms identified.

Other Matters

24. I acknowledge that the appellant undertook pre-application discussions with the Council in addition to testing on a section of railings to ensure the quality required could be achieved. Nevertheless, pre-application discussions are not determinative in my assessment of the appeal. I have determined the appeal based on the proposal before me.
25. That no third party objections have been received is effectively neutral in my determination of the appeal.
26. The appellant references appeal decision APP/E5900/W/25/3362075 at 114 Hackney Road. The appeal included the demolition of the existing first floor and erection of a first and second floor, including a new shopfront. The development was fundamentally different to that of the appeal before me and is therefore not comparable.

Conclusion

27. For the reasons given above, the appeal should be dismissed.

N Unwin

INSPECTOR