



Appeal Decision

Site visit made on 23 January 2026

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23th February 2026

Appeal Ref: APP/U5360/W/25/3375818

17 Stoke Newington Road, Hackney, London N16 8BH

- 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 Mr Erol Uzum (Adana Ocakbasi) against the decision of the Council of the London Borough of Hackney.
 - The application ref is 2025/1782.
 - The development proposed is described as 'this application seeks retrospective planning permission for the installation of external removal seating associated with the existing restaurant, along with the erection of a fixed pergola structure featuring a retractable roof'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit I noted that the development had appeared to have commenced, and the description of the proposal included 'retrospective'. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the Dalston Conservation Area; and
 - highway safety.

Reasons

Character and appearance of the Conservation Area

4. The appeal site is located within the Dalston 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 area.
5. The Dalston Conservation Area Appraisal (2016) (CAA) describes the character of Stoke Newington Road as long rows of purpose-built terraces with shops at ground floor, creating a bustling and popular shopping area. It goes on to say that this character dates back to the Edwardian era where Stoke Newington Road was well-known as a place of entertainment. This reflects my site visit observations with the pavements flanking commercial premises, and heavy pedestrian foot fall, all distinctive features of the CA, contributing to its historic derived significance.

6. The appeal site forms a commercial premises adjoining the highway. Many of these shop fronts adjoining Stoke Newington Road have small sections of external seating with retractable awnings above which contribute to the bustling character and appearance of the CA. The limited projection of these seating areas into the footway coupled with the retractable nature of the awnings, limit their visual intrusion into the street scene and allows them to blend seamlessly with the public realm. Their limited physical presence additionally allows the width of the footway to be maintained, accommodating the bustling heavy traffic. My attention has been drawn to the pre-existing retractable awning and seating area at the appeal site which contributed positively to the character and appearance of the CA.
7. The development is a significant fixed pergola projecting from the façade of the appeal property. Whilst the development appears architecturally similar to the existing shop front, the frame is far more bulky and prominent than the surrounding awnings, appearing obtrusive within the street scene. This prevents the same level of visual permanence in comparison to the surrounding covered seating areas and pre-existing retractable awning, hindering it from blending with the public realm. Whilst on a wider section of pavement, the development's visual bulk reduces the openness, thus narrowing the previously wide pavement. Whilst the roof is retractable and the tables and chairs and other paraphernalia can be removed, the pergola frame remains affixed and therefore its prominence remains even when the premises is closed, unlike that of the retractable awnings of the surrounding properties. Therefore, the development would fail to preserve the character or appearance of the CA and harms its significance as a heritage asset.
8. Given the scale of the development within the context of the CA as a whole, I consider the harm to its significance to be on the lower end of less than substantial. Nevertheless, Paragraph 212 of the National Planning Policy Framework (the Framework) directs when considering the impact of a proposed development on the significance of a designated heritage asset that great weight should be given to the asset's conservation, irrespective of the level of harm.
9. 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.
10. The appellant contends that the development allows the area to be used in all weathers, making this business more viable, boosting the local economy and providing additional employment. My attention is additionally drawn to paragraph 85 of the National Planning Policy Framework (NPPF) which places significant weight on the need to support economic growth and productivity, taking into account both local business needs. Nevertheless, I have been presented with limited evidence as to why the use of a retractable canopy or less harmful development could not achieve the required covered outdoor seating. As such, I can only afford these benefits limited weight which would not outweigh the harm to the significance of the CA as a heritage asset.
11. For the above reasons, I conclude the appeal development fails to preserve or enhance the character or appearance of the CA and the public benefits would not outweigh this harm. As such, the development conflicts with the relevant provisions of Policies D3 and D4 of the London Plan: The Spatial Development Strategy for Greater London (2021) (the London Plan), and Policies LP1 and LP3 of the Hackney Local Plan 2033 (2020). When read together these policies require

development to respect and compliment historic character and do not permit development that leads to less than substantial harm to the significance of a designated heritage asset unless the public benefits outweigh the harm. The development would also conflict with the Residential Extension and Alterations Supplementary Planning Documents (2009) which when read as a whole requires development to preserve or enhance the character or appearance of Conservation Areas.

Highway Safety

12. The development projects notably into the footway from the appeal property. Whilst seating areas adjoining the commercial premises along this section of Stoke Newington Road are numerous, the use of retractable awnings reduces the built form within the pavement and thus the hazard they pose to the numerous passing pedestrians within the footway. Further, their nature allows the seating area to be removed and canopy retracted when the premises is closed, removing these obstacles.
13. The nature of the pergola means that it would be fixed and remain in its location even when the appeal premises has closed. Whilst the tables and chairs and other paraphernalia can be removed, the pergola frame remains a substantial obstruction within the footway, representing a hazard to passing pedestrians. Further, the dark colour of the pergola frame would be difficult to see during non-daylight hours and therefore increase the likelihood of conflict with passing pedestrians, having an unacceptable impact on highway safety.
14. The development is set back from the road and would therefore not affect road users. Nonetheless, this is a neutral matter and does not weigh in favour of the appeal.
15. As such, the development would have an unacceptable effect on highway safety. Accordingly, it would conflict with Policies T1, T2, and T4 of the London Plan, and Policies LP41, LP42, LP43, and LP44 of the Local Plan. When read together these policies require development to be permeable, easy and safe to walk through and protect existing routes for walking.

Other Matters

16. The appellant raises other examples they consider similar to the development before me such as 156 Stoke Newington Road. Nonetheless, I am unaware of the circumstances within which this was approved. Further, these are some distance from the appeal site and do not form the immediate context in which the development before me is viewed. Therefore, I can only afford these limited weight, which does not outweigh the above identified harm.
17. A condition restricting the development to a temporary basis would not mitigate the above identified harm to the character and appearance of the CA and highways safety.
18. Although the development does not harm the living conditions of surrounding occupiers, this is a neutral matter and does not weigh in favour of the appeal.
19. The appellant states that many neighbouring occupiers were consulted and no comments or objections were received. Nevertheless, this does not justify the appeal development.

20. I note there is some disagreement surrounding the ownership of the land upon which the appeal development is located. However, this is a civil matter and goes beyond the scope of what I can consider as part of this appeal.

Conclusion

21. For the reasons given above the appeal should be dismissed.

N Unwin

INSPECTOR