



Appeal Decision

Site visit made on 7 July 2025

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 14 July 2025

Appeal Ref: APP/U5930/W/25/3362876

1 New Road, Waltham Forest, Chingford, E4 9EU

- 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 Mohabat Ali against the decision of Waltham Forest London Borough Council.
 - The application Ref is 242959.
 - The development proposed is a change of use of E(a)-retail unit on ground floor to sui generis-Take away and first floor storage into C3-Dwelling (1x1 bed flat), changes to the shop front, and chimney flue to the roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on community health;
 - whether the proposal would provide adequate living conditions for future residents, with particular regard to head height and private amenity space; and
 - the effect of the proposal on highway safety.

Reasons

Community health

3. The appeal site is within the Chingford Mount Strategic Location and the South Chingford District Centre, but not within the primary shopping front.
4. Policy 51 of the Waltham Forest Local Plan Part 1 (2024) (WFLP) and Policy E9 of the London Plan (2021) (LP) are both concerned, in part, with restricting the number of hot food takeaways in walking distance of educational establishments and youth facilities and minimising the impact of an over concentration of hot food takeaways. The supporting text to the policies further explains that a key objective is to reduce levels of obesity and to encourage healthy eating in order to promote healthier communities.
5. WFLP Policy 51 and LP Policy E9 require hot food takeaways to not be located within 400 metres walking distance of educational establishments including nurseries, primary schools and secondary schools. These policies align with paragraph 97 of the National Planning Policy Framework (the Framework), which states that applications for hot food takeaways should be refused in locations

within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre.

6. The appellant accepts that several schools and youth facilities are all within 400 metres walking distance of the appeal site. It is suggested that the takeaway close between 3-4pm Monday through Friday to account for this.
7. However, the application is not supported by a Health Impact Assessment, as required by Policies 48 and 49 of the WFLP. As such, I cannot be certain that the proposed opening hours would effectively mitigate against any health and well-being impacts of the proposal. Additionally, no evidence has been provided to demonstrate compliance with the Healthier Catering Commitment, as required by Policy E9(E) of the LP and Policy 51(D) of the WFLP.
8. Therefore, I conclude that the development would have a harmful effect on community health. It would conflict with WFLP Policies 48, 49 and 51 and LP Policies E9 and GG3 which amongst other things seek to ensure that developments promote the creation of healthy places and communities.

Living conditions

9. The proposal would convert the existing storage areas on the first floor into a one-bed flat with dedicated access.
10. The appellant asserts that the head height would be 2.5m but has failed to supply a section of the proposal. As such, I must take a precautionary approach and conclude that the proposal would not provide adequate head height for day-to-day living.
11. Further, WFLP Policy 56 requires proposals for new flats to provide a minimum of 10 sqm of external amenity space per dwelling including some private outdoor amenity spaces, such as balconies, terraces or gardens. The proposal would not provide any outdoor amenity space.
12. In light of the above, I conclude that the proposal would fail to provide adequate living conditions for the future residents with particular regard to head height and private amenity space. It would conflict with Policy 56 of the WFLP and Policy D6 of the LP where they set out minimum residential space standards.

Highway safety

13. The building is located on a busy road, in close proximity to a signalised junction and a frequently used bus stop.
14. There is no parking provision adjacent to the proposal, either on or off road. Whilst there is on street parking on New Road and car parks in the surrounding area, given the distance, it would not be appealing and so it is probable that the proposal would lead to an increase in parking on the adjacent double yellow lines. Due to the proximity with the Junction and bus stop, this would cause significant disruption and impede the free flow of traffic.
15. I acknowledge that parking restrictions could be enforced by the relevant authorities. However, as I am satisfied that the proposal would be detrimental to highway safety, it would not be reasonable to expect enforcement to be carried out for the entirety of the opening times of the takeaway.

16. As such, I conclude that the proposal would harm highway safety. It would conflict with Policy T2 of the LP and Policy 60 of the WFLP, where they both seek to ensure safe neighbourhood environments, including reducing road danger.

Other Matters

17. The parties agree that financial contributions in the form of a S106 agreement would be required to make the development acceptable. However, as I have already identified harm in respect of the main issues, it is not necessary for me to consider this matter further for the purposes of my decision.

Conclusion

18. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the National Planning Policy Framework that outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR