



Appeal Decision

Site visit made on 16 September 2025

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 September 2025

Appeal Ref: APP/W5780/C/24/3340742 165 Longwood Gardens, Ilford IG5 0EN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr Sukhwinder Bains against an enforcement notice ("EN") issued by the Council of the London Borough of Redbridge.
 - The EN was issued on 15 February 2024.
 - The breach of planning control as alleged in the EN is: Without planning permission, the erection of an unlawful single storey front extension.
 - The requirements of the EN are to:
 - i. Remove the unauthorised single storey front extension; and
 - ii. Clear all debris arising from above requirements.
 - The period for compliance with the requirements is: No later than three months from the notice taking effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the 1990 Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.
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Decision

1. It is directed that the EN is corrected by:

- *the deletion of the words "...the erection of an unlawful single storey front extension" and their substitution with the words "...the erection of an unauthorised single storey front extension" in section 3.*

Subject to the correction, the appeal is dismissed, the EN is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

Matters Concerning the Notice

2. I have corrected the alleged breach of planning control, so the terminology matches the requirements of the EN. As this is for precision, I am satisfied that it would not cause injustice to either party.

Appeal on Ground (a) and the Deemed Planning Permission

3. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issues** are the effect of the development on highway safety and the character and appearance of the surrounding area.

Reasons

Highway Safety

4. The appellant has provided a copy of the appeal site's Land Registry Title Plan which proves that the land on which the single storey extension has been constructed is a privately owned forecourt. This is accepted by the Council in their appeal statement. Consequently, the single storey extension has not been built over the public highway.
5. A pavement is located between the road and the forecourt. The single storey extension does not impede the pavement. I appreciate that building over part of the forecourt has reduced the available space for pedestrians, however, adequate space is provided by the pavement without increasing the health and safety risk to other road users.
6. Photographic evidence demonstrates that vehicles may park in front of the appeal site obstructing the pavement. However, double yellow lines are present and therefore, I must assume that drivers adhere to the law, and any breaches are enforced by the relevant controls.
7. For these reasons, the single storey front extension does not harm highway safety. It complies with paragraph 116 of the National Planning Policy Framework that states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
8. The Council has referenced Policy LP23 of the Redbridge Local Plan 2015-2030, adopted 2018 ("LP") within the reasons for issuing the EN. This policy concerns cycle and car parking. Although comments are made regarding the forecourt having previously been used for parking, I have nothing before me to suggest that it was anything more than an informal arrangement. Furthermore, the loss of parking is not a reason for issuing the EN. As such, LP Policy LP23 is not applicable.

Character and Appearance

9. The appeal site is at the end of a terrace of two-storey properties that have commercial uses to the ground floor and residential uses above. The terrace is set back from the road by a forecourt. Prior to the breach, the terrace's shop fronts were flush with the front of the terrace.
10. The appeal site's former shop front has been removed and a single storey extension projects into the forecourt to the front. It is constructed of floor-to-ceiling glazed panels with a shallow mono-pitched roof constructed of corrugated plastic sheeting attached to a wooden frame. At the time of my site visit, the floor-to-ceiling glazing had been covered.
11. The extension's roof materials are rudimentary and detract from the character and appearance of the host building and the surrounding area. The extension's mono-pitch roof design does not reflect the roof shape of the property on which it has been constructed. Furthermore, it substantially projects forward of the terrace's original front elevation and therefore appears incongruous and visually intrusive within the street. The covering to the glazing prevents any internal view of the retail unit, thereby creating a dead frontage to this part of the retail parade.

12. At the time of my site visit I saw that since the EN was issued, other retail units within the terrace have constructed single storey front extensions of varying designs that project a similar distance from the terrace's original front elevation. However, I have not been directed to evidence that they have been granted planning permission. In any event, I must determine each case on its own merits.
13. For these reasons, the single storey front extension harms the character and appearance of the surrounding area. It conflicts with Policies LP9, LP26 and LP28 of the LP which, amongst other things, seek to ensure high quality design in all development in the borough; that development respects the local character of the area and makes a positive architectural and urban design contribution to its context and location; and support shop fronts that respect the overall character of the building on which they are located.

Other Matters

14. I appreciate that the extension provides additional space to display products. However, the appellant's assertion that it contributes towards the success of the business has not been substantiated with evidence. Even if evidence was provided, it would not outweigh the harm I have identified.
15. The appellant states that the extension would not harm the living conditions of the occupiers of neighbouring properties. However, the Council has not raised this as a reason for issuing the EN.

Conclusion

16. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

A Berry

INSPECTOR