



Appeal Decision

Site visit made on 19 December 2025

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2026

Appeal Ref: APP/W5780/W/25/3369496

216 High Road, Ilford, Redbridge IG1 1QE

- 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 F Services 1 UK Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 0364/25.
 - The development proposed is described as Change of use of E(e)-Dental Surgery into C4-HMO (House in Multiple Occupation) for 4 persons with internal alteration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The effect of the proposal upon the Epping Forest Special Area of Conservation (the SAC) was not a reason the Council refused planning permission for the proposal. However, having regard to the evidence before me and my duties under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) it is necessary that I consider this as a main issue. I have allowed the Council and Appellant the opportunity to comment upon this matter.
3. The Government has commenced consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The proposed changes to the Framework are in draft form and therefore may be subject to change before the document is published. Consequently, whilst I have had regard to the consultation and the draft Framework, they carry limited weight, and it has therefore not been necessary to consult the parties on these.

Main Issues

4. The main issues are:
 - whether or not the proposal would make adequate provision for refuse storage;
 - whether or not the proposal would make adequate provision for cycle parking;
 - the effect of the proposal upon the character and appearance of the area;
 - whether or not the proposal is compliant with policies for town centre uses; and,
 - the effect of the proposal upon the SAC as a designated habitats site.

Reasons

Refuse storage

5. The appeal site comprises a ground floor entrance off High Road, a staggered hallway and staircase, which leads up to what would be the first-floor dwelling hallway, off which all rooms are accessed via various doors. As there is no outdoor ground floor space within the appeal site, refuse storage is proposed to be situated within the ground floor hallway, shown rear of the stairs.
6. This would mean it is stored in an internal area with seemingly, little means of ventilation or extraction. Even if they are sealed, opening the bins, would cause potentially unpleasant odours to escape from household waste that would be potentially some days old, into what is quite a restricted internal space that all occupiers would need to use and traverse through. This would result in potentially offensive odours within the hallway and unsatisfactory living conditions for the future occupiers. Such emissions might also enter the first-floor hallway and so also potentially be noticeable within the hallway and some habitable spaces which would exacerbate the effects.
7. It is not demonstrated that within the building space and layout, measures such as frequent collections, sealed containers, an alternative location, or sufficient ventilation, could be implemented to fully and adequately mitigate the harm, via a negatively worded planning condition. Therefore, I do not consider such a condition, would meet the National Planning Policy Framework (2024) (the Framework) and Planning Practice Guidance (PPG) tests¹ of being reasonable.
8. Therefore, for the reasons set out above, I am not satisfied the proposal would make adequate provision for refuse storage. This would conflict with Policy LP26 of the Redbridge Local Plan (2018) (the RLP) which requires that proposals are of a high-quality design that provides a high standard of accommodation with appropriate facilities for refuse and recycling.

Cycle parking

9. Cycle parking is illustrated as being within the ground floor hallway on a free-standing double decker bike stand. This would not be a particularly secure means of storing cycles, and being located as indicated, it would also markedly narrow the hallway at those points. This would act as a pinch point, could mean hallway users find it difficult to pass, particularly those carrying shopping or bulky goods or other items. I also note the Council's concern in respect of a suitably unobstructed means of fire escape, and a representation is concerned that double decker racks may be unsuitable for all users.
10. All in all, the location and nature of cycle parking is not regarded as fit for purpose, secure or well-located. Having regard to the building space, layout, and hallway widths, it is not demonstrated that alternative secure and accessible arrangements are possible that would achieve a scheme that meets relevant development plan policies and standards, via a negatively worded planning condition. Therefore, I do not consider such a condition, were it to be imposed, would meet the PPG and Framework tests of being reasonable.

¹ Paragraph 57 of the Framework and PPG Paragraph: 003 Reference ID: 21a-003-20190723.

11. For the reasons set out above, I am not satisfied the proposal would make adequate provision for cycle storage. This would conflict with Policy T5 of the London Plan (2021) (the LP) and Policies LP23 and LP26 of the RLP. In combination these require proposals are of a high quality design that should help remove barriers to cycling and create an environment where people choose to cycle, through the provision of cycle parking that is fit for purpose, secure and well-located, and where it cannot be provided, alternative solutions are proposed to meet the objectives of standards.
12. Though the Council has referred to a conflict with Policy T6 of the LP, as this primarily relates to car parking, it is less relevant than the policies set out above.

Character and appearance

13. The appeal site is part of a modest row of fairly uniform buildings along the frontage, with commercial use ground floors that project forward of traditional looking first floor façades, in an area with quite diverse groups of buildings. The appeal site is in keeping with and makes a neutral contribution to the character and appearance of the area. The area above the ground floor projection would provide outdoor space to meet the requirements of the development plan and guidance for its provision in the Council's Housing Design Supplementary Planning Document (2019) (the HDSPD).
14. What is quite a sizeable roof area would be accessed via an existing doorway, and it is already enclosed to the front by a parapet wall, so it seems no new structures would be necessary. Planting proposals include some modest beds and a green wall on the adjacent building side wall. The final details of which could be subject to the imposition of suitably worded planning conditions. It would seem inherent in the use, that some landscaping and paraphernalia might be necessary such as seating to enable some reasonable enjoyment and functionality of the space. There may also be residents and their guests stood or sat outside.
15. Even were I satisfied that landscaping and paraphernalia could be controlled by conditions and tenancy agreements, and notwithstanding some smaller more confined areas opposite, such extensive areas did not appear to be a particularly notable or positive characteristic of the surrounds and the parade. As such it would be out of character and result in some limited harm. From what I saw of its visibility and perspectives, it would have a fairly limited discernibility at street level but would have more visibility from a neighbouring property and some opposite.
16. The Council advances a condition precluding the use of the roof as outdoor space, although the appellant does not appear to have commented upon this. Such a condition would appear to result in a conflict with policies and guidance seeking the provision of outdoor space for future occupiers.
17. Therefore, for the reasons set out above, the proposal would be out of keeping with the character and appearance of the area. This would conflict with Policy LP26 of the RLP which requires that proposals shall be of a high-quality design that respects the local character of the area.

Town centre uses

18. Policy LP9 of the RLP states the Council will promote the regeneration of the Metropolitan Centre of Ilford, and support vitality and viability by various policy

measures and proposals. This includes i) recognising the significance of a strong comparison retail sector and encouraging a wider mix of uses including leisure, office and other commercial, community and cultural uses.

19. RLP Policy LP10 states the vitality and viability of town centres and diversification of uses will be promoted, including through various listed means. Diversity in the secondary frontages will be supported by seeking that a minimum 40% of units are used as A1 retail uses. Proposals for non-A1 uses that do not meet this target will only be supported where criteria (d) i) – v) are met. This refers to consideration of i) evidence of marketing with reasonable terms, ii) the location and size of unit, iii) the extent to which the proposed use would attract visitors, iv) its contribution to regeneration objectives, and v) the contribution to the frontage, vitality and viability.
20. Having regard to the provisions of Class E (Commercial, Business and Service) of the GPDO², while the existing use could be lost, this could be to another Class E use. In considering the proposed use against criteria listed in LP10(d), no substantive marketing evidence provided. It is not explained whether or not the replacement of a Class E with a residential use would attract similar visitors and/or contribute towards the frontage or vitality. Overall, there is little evidence to demonstrate the proposal should be considered favourably in relation to the criteria aimed at supporting secondary frontages and overall vitality and viability.
21. Criteria f) of Policy LP10 relates to encouraging effective use of upper floors that contribute to town centre vitality and regeneration, such as business or residential use. However, the appellant has not provided evidence demonstrating this proposal would contribute towards regeneration, vitality and viability. Therefore, I can only conclude the proposal conflicts with Policy LP10 read as a whole.
22. Therefore, for the reasons set out above, it has not been demonstrated the proposal is compliant with policies for town centre uses, in conflict with Policy LP10 of the RLP, the relevant provisions of which I have set out above.

The SAC

23. The Regulations state where a plan or project is likely to result in a likely significant effect (LSE) on a designated habitats site (i.e. the SAC), a competent authority is required to make an appropriate assessment (AA) of its implications on the integrity of that site, in view of its conservation objectives. Any LSEs arising from a proposal need to be considered alone and in combination with other development in the area, adopting the precautionary principle. Regulation 63(5) of the Regulations states a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of habitats sites.
24. The SAC has three qualifying habitats (Atlantic beech forests, European dry heaths, Northern Atlantic wet heaths) and one species (the Stag Beetle). Its conservation objectives are to achieve a favourable conservation status of the qualifying features by maintaining or restoring the extent, distribution, structure and function of the qualifying habitats and qualifying species' habitats, the population and distribution of the qualifying species, and the supporting processes on which the qualifying habitats and species rely.

² The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

25. If constructed, the proposal would result in an increase in the number dwellings and people living within a 6.2km Zone of Influence (Zol) of the SAC, where it is identified that new dwellings are likely to result in increased recreational visits to the SAC. Evidence shows that recreational visits result in LSEs through recreational disturbance effects such as damage to vegetation and soils, eutrophication, disturbance to wildlife, and spread of disease and alien species. Therefore, without mitigation, alone and in combination with other development in the area, the proposal would be likely to result in LSEs to the SAC and its qualifying features. This view is agreed by Natural England (NE)³.
26. The Council's mitigation strategy sets out measures to avoid harm arising from new development through Strategic Access Management and Monitoring (SAMMs) measures and providing Suitable Alternative Natural Greenspaces (SANGs). SAMMs include managing wear and tear and access, monitoring visitor impacts, signage and on-going visitor engagement. SANGs are greenspaces to help mitigate and reduce recreational use of the SAC. Upon the evidence before me, subject to contributions to SAMMs and SANGs being secured, the LSEs would be mitigated.
27. The costs of these measures are met by a per dwelling financial contribution by new development. The appellant's Unilateral Undertaking (UU) seeks to secure the payment of SANGs and SAMMs contributions. NE does not raise an objection subject to these mitigation contributions being provided. At various clauses the UU refers to a Plan appended to it for identification purposes, but it is not present in the submissions. Despite drawing the appellant's attention to this and seeking comments, no plan or other observations have been provided by the appellant. This matter is of particular importance as the application reference No within the UU is also blank.
28. In-light of the foregoing, I cannot be satisfied the UU is complete and secures mitigation against the correctly identified land and application in a legally binding way. Therefore, it is not certain the mitigation would be secured by the UU, were the appeal to be allowed. A condition to propose a planning obligation does not secure mitigation as required by the Regulations. Therefore, applying the precautionary principle, I cannot be certain the appeal scheme would not have LSEs upon the integrity of the SAC. For this reason, the proposal would fail to adhere to the conservation objectives of maintaining or restoring its integrity.
29. The appellant has not shown that there are no alternative solutions. Imperative reasons of overriding public interest do not exist and there are no other considerations that clearly outweigh the harm to the SAC. Section 63(5) of the Regulations states the competent authority may agree to a plan or project, only after having ascertained that it will not adversely affect the integrity of Habitats sites. Therefore, this matter precludes the proposal from proceeding.
30. For the reasons set out above, I cannot be certain the proposal would not have LSEs upon the SAC as a designated habitats site. This conflicts with Policy LP39 of the RLP which seeks to ensure that appropriate mitigation is secured to ensure there is no adverse effect upon the integrity of the SAC. It would also conflict with paragraph 193a) of the Framework, which states that if significant harm to biodiversity cannot be avoided then planning permission should be refused.

³ Letter dated 18 March 2025 to the Council.

Planning Balance

31. The proposal would result in modest temporary economic benefits during construction, and once complete there could be some small on-going spend and support to local services and facilities. The Council states its housing delivery test (HDT) measurement was 39% and its housing land supply position (HLS) is worsening. In this context the benefits of the proposal to the supply and delivery of housing are elevated to attract moderate weight in its favour. There may also be some benefits to biodiversity and drainage, to which I attribute limited weight.
32. Were I to agree the proposal is, or subject to the imposition of planning conditions could be made compliant with policies and standards in respect of matters such as the living conditions of future occupiers not referenced above, neighbouring occupiers, the location, standards and effects of HMOs not referenced above, and design and safety measures, these would be neutral matters in the balance. Were I to agree with the view that Class E means any conflict with RLP Policy LP17 in respect of losing a community use is acceptable, this would be a neutral matter.
33. Notwithstanding, the Council's HLS and HDT position, paragraph 11d) of the Framework states that where development plan policies most important for determining the application are out-of-date, permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the proposal. This includes designated habitats sites.
34. The harm and policy conflict from being unable to demonstrate satisfactory refuse storage, in this instance, attracts significant weight against the scheme. The harm and policy conflict from adverse effects upon the character and appearance of the area, attracts limited weight. Noting the site is in a location with a PTAL value of 6a, other sustainable modes of transport would be available. However, this does not fully outweigh the conflict with policies to encourage and make adequate provision for cycles, so it still attracts weight against the appeal scheme. Given the size, location and proposed use of the unit, the conflict with Policy LP10, attracts moderate weight.
35. However, that it cannot be ascertained there would not be LSEs upon the SAC attracts substantial weight, and it also means under the Regulations, the project cannot proceed. The policy conflicts and harm are such that they significantly and demonstrably outweigh the scheme benefits when assessed against the policies in the Framework taken as a whole, so the appeal should not succeed.

Conclusion

36. The proposal conflicts with the development plan read as a whole, the Framework read as a whole, and the Regulations. There are no material considerations advanced, including the policies of the Framework, which indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Mr D Szymanski

INSPECTOR