



Appeal Decision

Site visit made on 13 September 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022

Appeal Ref: APP/J1535/W/21/3285448

6 Chigwell Rise, Chigwell IG7 6AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ashish B Parmer against the decision of Epping Forest District Council.
 - The application Ref EPF/0955/21, dated 31 March 2021, was refused by notice dated 14 June 2021.
 - The development proposed is described as 'Single-storey rear infill extension with flat roof. Erection of a garden office/ store. Extension to serve as covid compliant, separated waiting area.'
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear infill extension with flat roof, erection of a garden office/store, extension to serve as a covid compliant separated waiting area at 6 Chigwell Rise, Chigwell IG7 6AB in accordance with the terms of the application, Ref EPF/0955/21, dated 31 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 'Location Plan', 200 'Proposed Site Plan', 201 'Proposed Ground Floor Plan', 210 'Proposed Elevations', 210 'Proposed Roof Plan', 211 'Proposed Garden Structure Elevations.
 - 3) The outbuilding hereby approved shall be used for storage in association with the dental surgery and shall not be used as a consulting room.

Preliminary Matters and Background

2. The Council have referred to policies in the Epping Forest Local Plan Submission Version 2017 (LPSV), which has been subject to examination. While the policies are at an advanced stage, I am unclear, based on the evidence, as to how far away these policies are from adoption or in what form they will be adopted. I can therefore afford them limited weight.
3. The appeal site accommodates a bungalow with rooms in the roof space, which is in use as a dental surgery following an initial grant of planning permission in 2010. There were subsequent planning applications made relating to the extent of the dental surgery use within the building and a single storey rear extension which were allowed at appeal, subject to conditions.

Main Issues

4. The main issues are the effects of the development proposed on:
- living conditions of the occupants of neighbouring properties;
 - highway safety, with particular regard to the availability of parking, and;
 - the character of the area.

Reasons

Living Conditions

5. The appellant states that the proposed extensions are intended to provide additional administration and storage space and would not entail an increase in patient numbers. This assertion is consistent with the annotations shown on the supporting plans. The proposed extensions to the main building are of such a scale that they would be unlikely to facilitate a significant increase in the capacity of the building. Furthermore, the use of the building is already controlled by planning conditions imposed by the earlier Inspector relating to, for example, operating hours, deliveries and a scheme for protecting neighbouring properties from noise disturbance.
6. The proposed building in the rear garden is annotated as providing storage. Due to the scale of this building it could be used to accommodate additional services which in turn could increase users of the site and associated noise and disturbance, particularly through users crossing the garden area. However, its use could reasonably be addressed by the imposition of a condition to prevent it being used as a consulting room. This would be similar to that imposed by the Inspector on the single storey rear extension in 2013.
7. For these reasons, the appeal scheme would not cause harm to the living conditions of the occupants of neighbouring properties. I do not find conflict with policies DBE2 or DBE9 of the Epping Forest District Local Plan 1998 and Alterations 2006 (the LP), which relate to the amenities of neighbouring properties. The development would comply with Policy DM9 of the LPSV which, among other things, requires development to take account of neighbouring amenity, and the objectives of paragraph 130 of the National Planning Policy Framework (the Framework) insofar as it requires a high standard of amenity.

Highway Safety

8. The appeal site is in a sustainable location with good accessibility to public transport including bus services and trains from Chigwell Station which is a short walk away. Chigwell Rise is a wide road with no parking restrictions and, at the time of my site visit, there were very few vehicles parked on the street and ample opportunities for on street parking in the vicinity of the site, as well as additional spaces nearby on Chigwell High Road. There is not substantive evidence to suggest that there is insufficient capacity for on-street parking near the site.
9. The proposed plans show a reconfiguration of the parking areas and the loss of available parking within the garage. However, at the time of my site visit there were six cars parked on the site comprising two vehicles in a tandem arrangement to the side of the building and four in front of the building. I am

therefore satisfied that the site could continue to accommodate off street parking broadly in the same positions as previously shown on the plans.

10. While there was not capacity for any additional cars on the site, as the proposed extensions and outbuilding are not proposed to increase patient capacity, it is unlikely that significant additional parking demand would arise. However, even if there were some increase in parking demand arising from the development, given the sustainable location and the availability of on-street parking near the site, the impacts would be acceptable.
11. Insofar as this main issue is concerned, the proposal would not cause harm to highway safety. The proposal would comply with Policy ST4 of the LP and Policy T1 of the LPSV insofar as they relate to highway safety. In the absence of evidence relating to conflict with the adopted parking standards, and as I have found that no harm would arise even if there was some increase in on street parking, I do not find conflict with Policy ST6 which relates to parking standards.

Character of the Area

12. The appeal site is located in a residential area, but is a short distance from a parade of shops and services to the south on Chigwell High Road. The existing use is established and has been in operation for some time. In light of the existing use, and as I have found no substantive evidence that the intensity of the business would increase, the development proposed would not detract from or cause harm to the character of the area.
13. In terms of visual impacts, by reason of their scale, location and design, the proposed extensions would be appropriate to the character and appearance of the main building. The garden structure would be distinct in its appearance, but would appear typical of a subordinate garden structure, of which I observed there were others of varying scale and design in the surrounding area.
14. In relation to this main issue, the proposal would not cause harm to the character of the area. It would comply with policies CP2 and DBE9 of the LP which together relate to protecting character and the amenity of neighbouring properties. The development would also comply with Policy DM9 of the LPSV which contains criteria for proposed development including character considerations. I do not find conflict with Policy DBE10 of the LP which relates to residential extensions.

Other Matters

15. Concern has been raised about precedent and the potential introduction of other commercial uses in the area. Each proposal must, however, be assessed on its own merits and, as the use here already exists, I attach very limited weight to this issue.
16. I am not aware of a planning policy which would require the appellant to demonstrate a need for the proposed development and, as the development would be policy compliant, further justification for the proposal is not required. I appreciate there are concerns relating to the existing operations from the site and the history of planning permissions for alterations to the use and the building itself. However, my considerations relate to the effects of the appeal scheme.

17. The Council have observed an addition to the back of the building which it understands does not benefit from planning permission. I do not have details of the circumstances surrounding this addition, however, as above, my considerations relate to the appeal scheme and supporting plans before me.

Conditions

18. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
19. In addition to the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans to provide certainty to the parties. To protect the living conditions of the neighbouring occupiers, I have imposed a condition to restrict the use of the garden structure to that shown on the supporting plans.
20. As the supporting drawings include annotations of the facing materials for the extensions and the outbuilding, I do not consider that additional information in respect of materials would be necessary.

Conclusion

21. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is allowed.

C Shearing

INSPECTOR