



Appeal Decision

Site visit made on 26 August 2025

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 27 August 2025

Appeal Ref: APP/J1535/W/25/3365530

233 Fencepiece Road, Chigwell, Essex IG7 5EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by John Digwa against the decision of Epping Forest District Council.
 - The application Ref is EPF/0538/25.
 - The application sought planning permission for the demolition of two semi-detached dwellings and replacement with 6 apartments without complying with a condition attached to planning permission Ref EPF/2447/23, dated 7 November 2024.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 002, 010, 011, 012, 013, 100E, 101F, 102G, 103 G, 104E, 105D, 106C, 107C, 108C, 109 and 110.*
 - The reason given for the condition is: *For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission has been granted for the demolition of two semi-detached dwellings and replacement with 6 apartments. The appeal seeks permission to carry out the development without complying with condition 2 which requires parking to be provided within a basement.
3. Consequently, the main issue is the effect that the proposed amendments would have on highway safety.

Reasons

4. Fencepiece road is a Priority 1 Route and Main Distributor for transport within the local area and onward. This portion of Fencepiece Road has a single narrow carriageway in each direction, with wide footpaths to each side. There are no parking restrictions within the immediate area and all of the properties on this section of Fencepiece Road benefit from off-street parking commensurate with their scale.
5. The Council suggests that a minimum of 6 car parking spaces (one per apartment), plus 1.5 visitor spaces should be provided based on the appeal site's location. The proposal would remove the previously approved basement parking area, reducing the parking provision from seven spaces to two accessible parking spaces.

6. The appeal site benefits from a variety of transport options including walking, cycling, buses and trains as well as being close to a number of local services and facilities. Policy T1 of the Epping Forest District Local Plan 2011-2033 Part One (March 2023) (EFDLP) supports reduced parking provision, including car free, in sustainable locations. Notwithstanding the accessible spaces, the appellant contends that the proposal would be car free.
7. Whilst I acknowledge the above, no information regarding the allocation of the accessible spaces has been provided. Moreover, there is no mechanism before me that would ensure that future residents would not have cars. As such, regardless of the appeal site's sustainable location, the proposed amendments would result in a lack of sufficient off-street parking spaces, leading to an increase in on street parking within the area. Although there are no parking restrictions on Fencepiece Road nor the surrounding streets, an increase in on-street parking would impede the flow of traffic and decrease visibility to the detriment of highway safety.
8. Consequently, I conclude that the proposed amendments would harm highway safety. They would conflict with Policy T1 of the EFDLP where it requires that development provides appropriate parking provision with regard to the adopted parking standards, mitigates any impact on on-street parking and does not compromise highway safety.
9. Similarly, there is conflict with the National Planning Policy Framework (the Framework) where it seeks to ensure development would not result in an unacceptable impact on highway safety.

Other Matters

10. The proposed amendments would be in keeping with the surrounding character and appearance and would not be harmful to the living conditions of surrounding residents. However, this would be expected of any well-designed proposal and does not outweigh the harm I have identified above.

Conclusion

11. For the reasons given above, I conclude that the proposed amendments would conflict with the development plan as a whole and there are no material considerations, including the Framework that would outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR