



Appeal Decision

Site visit made on 21 January 2026

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 19th February 2026

Appeal Ref: APP/J1535/W/25/3375075

Land adjacent to 33 Maypole Drive, Chigwell, Essex IG7 6DE

- 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 Colin Stone against the decision of Epping Forest District Council.
 - The application Ref is EPF/0754/25.
 - The development proposed is the change of use from the existing outbuilding to C3 Dwelling House.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from the existing outbuilding to C3 Dwelling House at land adjacent to 33 Maypole Drive, Chigwell, Essex IG7 6DE in accordance with the terms of the application, Ref EPF/0754/25, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: 33MD/11/24/COU/1; 33MD/12/24/COU/ExpSite; 33MD/11/24/COU/2; 33MD/11/24/COU/Location; 33MD/11/24/COU/SITE; and 33MD/11/24/COU/3.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, AA, B, C, D, E of Part 1 of Schedule 2 to the Order shall be undertaken.
 - 4) Prior to the first occupation of the development hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The hard landscaping details shall include means of enclosure and boundary treatment, car parking layout and hard surfacing materials. The soft landscape works shall include plans for planting and schedules of plants including species, plant sizes and proposed numbers. The landscaping works shall be carried out in accordance with the approved scheme before the development is first occupied.
 - 5) Prior to the first occupation of the development hereby permitted, measures shall be implemented to ensure the consumption of wholesome water by persons occupying the dwelling must not exceed 110 litres per person per day.
 - 6) Prior to the first occupation of the development hereby permitted a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall be

implemented in accordance with the approved details prior to the first occupation of the site and shall be retained thereafter.

- 7) The dwelling shall not be occupied until space has been laid out within the site for 2 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.

Preliminary Matters

2. For the sake of conciseness, I have removed matters from the description of development which are not acts of development.

Main Issues

3. The main issues are;
 - The effect of the proposal on the character and appearance of the area;
 - Whether or not the proposal would provide adequate parking provision; and
 - Whether or not adequate measures have been proposed to ensure that the proposal would not have adverse effects on the integrity of the Epping Forest Special Area of Conservation due to recreational impacts and air pollution.

Reasons

Character and appearance

4. The appeal site is located to the side of 33 Maypole Drive which is a two-storey end terrace within a cul-de-sac of properties of predominantly semi-detached and terraced houses of a similar age and design. The cul-de-sac is located within an established residential area. The properties are set back on their plots, some have single storey garages to the side and others have parking and garden areas to the front.
5. Based on the available evidence I understand that recently a certificate of lawful development for a proposed single storey outbuilding was granted. I observed at the site visit that this has been constructed. It is set back on the plot, has a gable roof and although it has a different architectural style, height and layout compared to other properties in the area it has the appearance of a modest domestic bungalow set back comfortably on its plot which is compatible with its surroundings and does not appear inharmonious within the street scene.
6. The proposal would involve the change of use of this outbuilding to a separate dwelling. There would be no external alterations to the building and consequently the building itself would remain compatible within this setting. The proposal would result in the sub-division of the plot to create a garden area which would be predominantly to the side of the existing building. However, garden areas and the associated domestic paraphernalia are a common and expected feature within this established residential area.
7. Although I accept that the proposal would result in a more intensive use of the appeal site, it is located within an established residential area where comings and goings and activity are part and parcel of the area. Moreover, it would sit on an

independent plot fronting the cul-de-sac with adequate space around it to ensure it would not harm the character and appearance of the area.

8. I therefore conclude that the proposal would not harm the character and appearance of the area. Consequently, the proposal would accord with Policy DM9 of the Epping Forest District Local Plan 2011-2033, March 2023 (EFDLP) which among other things seeks to ensure that development proposals are design led and relate positively to the local character.

Parking

9. As outlined above, the appeal site is located in an established residential area. Policy T1 of the EFDLP seeks to promote a safe efficient and convenient transport system which among other things provides appropriate parking.
10. The submitted plans indicate one vehicle parked in the parking area to the front of the appeal site. The parking area would be separate from the main garden area.
11. The highway authority has confirmed that they have no objection to the proposal as in their view it was not contrary to their Development Management Policies, Policy T1 of the EFDLP, or with the National Planning Policy Framework. (the Framework).
12. On the other hand, in contrast with the highway authority's view, the Council consider that as the appeal site is in an area of low connectivity, a minimum of two spaces should be provided. I observed at the site visit that the appeal site is located within an easy walk of a bus stop that provides public transport access to a wider area and a number of shops including a convenience food shop, café and post office. Consequently, I consider that some of the day-to-day services and facilities would be within easy reach of the appeal site and future occupants would not be entirely reliant on private cars.
13. Moreover, although the originally submitted plans show only one vehicle within the parking area, the appellant highlights that the layout submitted allows for an additional visitor space that was not drawn on the plans. They highlight that to include an additional vehicle would not require any physical change to the proposal or plans and this could be clarified by the imposition of condition. I agree that although only one vehicle is shown in the parking area of the submitted plans, the area shown could physically accommodate an additional space and I also agree that for the avoidance of doubt a condition could be attached to ensure that two spaces are provided. To my mind, as there would not be any increase in the area currently identified as the parking area this would not involve a material change to the proposal.
14. The Council acknowledges that this would meet the parking guidelines but indicate that they would require confirmation from the highway authority to ensure the proposal remains compliant with their policies and requirements. However, this seems counter intuitive as the highway authority do not object to the proposed parking arrangement and the concern about parking provision has been raised by the Council. In any event I am satisfied that the parking provision would be adequate and that vehicles entering and leaving the appeal site could do so safely.

15. I therefore conclude that the proposal would provide adequate parking. Consequently, the proposal would accord with Policy T1 of the EFDLP which is summarised above.

Recreational and Pollution impacts

16. The appeal site is located within 3-6.2 km of the Epping Forest Special Area of Conservation (EPSAC). This European site is afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (The Habitat Regulations).
17. Where a proposal is likely to have significant effects on European sites, Regulation 63 of the Habitat Regulations requires the competent authority to carry out an Appropriate Assessment (AA).
18. The proposal would result in the creation of an additional dwelling. Based on the available evidence the proposal would be likely to have a significant effect on the conservation objectives of the European Site due to recreational pressure and atmospheric pollution caused primarily by vehicles traveling on roads close to the forest.
19. The Council have indicated that as the appellant has not provided an executed s106 agreement to secure appropriate mitigation measures, the appellant has failed to demonstrate that the proposal would avoid adverse effects on the European site.
20. However, the appellant has provided an e mail from the Council which confirms that in order to mitigate the significant effects associated with the proposal a payment of £335 for air quality and £343.02 for recreational pressure together with a monitoring fee, which I am satisfied would amount to 5%.
21. The appellant has subsequently paid this sum directly to the Council and has provided compelling evidence of having done so in the form of a screen shot from his bank.
22. In my experience, it is not uncommon for direct mitigation payments to be made to a local planning authority without a s106 agreement. This is particularly the case where like here the sums in question are not significant. Although such an approach does not provide the same legal certainty that the necessary mitigation would be secured, I am satisfied in this case that the payment can be relied on. That is because it is linked to a relevant strategic scheme and I have clear evidence that such a payment has already been made. On that basis I am satisfied that the proposal would adequately ameliorate any adverse effects on the European site.
23. I therefore conclude that the proposed development would not have adverse effects on the integrity of the Epping Forest Special Area of Conservation due to recreational impacts or air pollution. Consequently, the proposal would accord with Policies DM2 and DM22 of the EFDLP which among other things seek to ensure that development proposals do not have an adverse effect on the site integrity of the EPSAC and that the district is protected from the impacts of air pollution.

Other Matters

24. I note that although some local residents support the proposal others are concerned that the use of the building as a dwelling will harm their living conditions. However, the appeal site is located within an established residential area where domestic gardens are commonplace and expected. I do not consider that the proposal would result in an unacceptable degree of noise and disturbance. Moreover, the building is already in-situ and would not appear overbearing when viewed from neighbouring dwellings.
25. I have also taken account of the other appeal decisions that have been brought to my attention. Based on the available evidence it is clear that there are material differences. For example, the latest appeal was in relation to a three-bed bungalow on a vacant plot which the previous Inspector found would harm the character and appearance of the area. This proposal involves a change of use of an existing outbuilding to a modest two-bed dwelling comprising a double and a single bedroom and a small study/storage area which I have found would not harm the character and appearance of the area and so that other appeal decision has limited weight in the determination of this appeal.
26. Similarly, in earlier appeals the proposals were also materially different. The first was for two dwellings and although the Inspector found that the proposal would harm the living conditions of neighbouring residents due to it being overbearing, they found that it would not harm the character and appearance of the area. Moreover, the other appeal decision involved the erection of a four-bed detached dwelling. The previous Inspector in that case found that proposal would again harm the living conditions of neighbours as it would be overbearing. That is materially different from the case before me, where the outbuilding is already in-situ. As a result of these material differences, these previous appeal decisions have limited weight in the determination of this appeal.

Conditions

27. A list of suggested conditions has been provided by the Council in their appeal statement. In the interests of clarity, precision and to avoid duplication I have made changes to some conditions to ensure that any condition I impose accords with the Framework which sets out that they should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
28. Some of the proposed conditions are not necessary given the scale of the proposal and bearing in mind that the building is already constructed and there would be no material external alterations. Consequently, it is unnecessary to impose a matching materials condition. I am satisfied that it is sufficient for the proposed new dwelling to meet the standard accessibility requirements under the building regulations and it is not necessary for it to meet optional requirement under Part M4 (2). Similarly, it is not necessary to go beyond the standard building regulation requirements in relation to the provision of broadband. Moreover, it is not necessary to impose a condition in relation to electric vehicle charging as this is adequately covered by building regulations.
29. For the sake of clarity it is necessary to impose a condition to specify the approved plans. Given the characteristics of the appeal site and its position relative to neighbouring dwellings it is reasonable to restrict certain permitted development

rights involving development within the curtilage of the dwelling, but I consider that it is not reasonable or necessary to restrict permitted development rights in relation to fences, gates or walls. However, although I note that fencing is already erected at the appeal site, the submitted plans only indicate limited details of the enclosures and the proposed hard and soft landscaping. Consequently, to protect the character and appearance of the area it is reasonable to impose a landscaping condition.

30. Notwithstanding some details are included in the Design and Access Statement and the Sustainability Report, I am satisfied that in the interests of sustainability it is necessary to impose a condition in relation to sustainable water use. Similarly, it is necessary to ensure that surface water drainage is appropriately dealt with, and I shall impose a condition in that regard.
31. Given the existing use of the appeal site and given there is no evidence of any contamination within this residential area, it is not necessary to impose a condition requiring a land contamination survey. However, for the reasons set out above, it is reasonable to impose a condition in relation to the parking arrangements.

Conclusion

32. For the reasons given above the appeal should be allowed.

S Rawle

INSPECTOR

