



Appeal Decision

Site visit made on 13 January 2026

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 9th March 2026

Appeal Ref: APP/J1535/W/25/3375757

13 Bracken Drive, Chigwell, Essex IG7 5RG

- 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 G Oppal against the decision of Epping Forest District Council.
 - The application Ref is EPF/1437/25.
 - The development proposed is described as 'Demolition of an existing 3 bedroom semi detached bungalow including basement and erection of a new 4 bed semi detached bungalow and basement, rear patio and rear dormer.'
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing 3 bedroom semi detached bungalow including basement and erection of a new 4 bed semi detached bungalow and basement, rear patio and rear dormer at 13 Bracken Drive, Chigwell, Essex IG7 5RG in accordance with the terms of the application, Ref EPF/1437/25, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal relates to one half of a pair of semi-detached bungalows that is situated in a residential area. The prevailing character of Bracken Drive is of similar semi-detached bungalows that are laid out in a linear manner and have generously sized back garden areas. The topography of the area is such that the ground falls away from the rear of No 13 which has resulted in a large section of its existing basement's exterior wall being exposed.
4. The Council are satisfied that the visible size, scale, bulk and massing of the proposed replacement dwelling does not harm the street scene and I have no reason to disagree.
5. According to the Council's uncontested measurements the proposed basement would be approximately 80% of the scale of the proposed ground floor footprint. This would be a considerable increase in size when compared to the existing basement. However, the proposed basement would not extend beyond the footprint of the proposed dwelling or have a total footprint larger than it. It would also not comprise more than one storey, exceed 50% of the rear garden area or be visible from any public vantage points.

6. I have had regard to the previously dismissed appeal on the site (Ref: APP/J1535/W/24/3342186). Nonetheless, in that case the Inspector's reasoning was based on the cumulative effect of the proposed development. Moreover, when referring to the basement element of the proposal, the Inspector concluded that the house would read as three storeys due to the drop in land levels and the visibility of the extended basement footprint.
7. However, this would no longer be the case as the proposal has been amended to significantly reduce the size and scale of the basement and to include raised patio areas that would screen the majority of the under build. Accordingly, its size, scale, siting and design, when combined with its limited visibility in the wider area would mean that it would not be over dominant, disproportionate or incongruous in its context. Instead, the proposed basement would appear subordinate to the main dwelling and retain its character as a bungalow when seen from the front and rear.
8. I therefore find that the proposed development would not harm the character and appearance of the area. As such it would not conflict with Policies DM9 and DM12 of the Epping Forest District Local Plan 2011-2033 Part One (adopted 2023) (Local Plan). These seek, amongst other things, for all new development to achieve a high quality of design, and require the siting, location, scale and design of basements to have a minimal impact on and be subordinate to the host building and property.

Other Matters

9. Whilst the Council's second reason for refusal relates to the absence of a construction management statement, there is no substantive evidence before me to suggest that this is something that would not be able to be secured by an appropriately worded planning condition. Conflict would therefore not arise with Local Plan Policy DM12 in this respect.
10. The Council has also not raised any objections in respect of the impact of the proposal on biodiversity, subject to mandatory requirements, and I have no substantive reason to disagree. Furthermore, I am satisfied that sufficient intervening distances would be achieved between the proposal and adjacent properties to ensure that neighbouring residents would not experience any significant loss of light or privacy.
11. Nor is there any firm evidence to suggest that the development would lead to a significantly harmful level of noise or air pollution. Moreover, any disturbance during construction would be for a temporary period only and the hours of construction works could be controlled via a condition for the construction management statement. The comments from local residents in respect of anxiety are acknowledged. Nevertheless, I have reasoned above, with reference to planning considerations in terms of the public interest, that the proposal would not have unacceptable effects.
12. I also do not have any substantive reason to conclude that the submitted plans are inaccurate or significantly flawed, in respect of the existing basement and conservatory.

Conditions

13. I have considered the conditions suggested by the Council against the tests of paragraph 57 of the National Planning Policy Framework and advice in the Planning Practice Guidance: *Use of planning conditions*. I have reworded a number of these in the interests of clarity and precision. The main parties were given the opportunity to comment on these conditions.
14. In addition to the statutory time limit condition, a condition specifying the relevant plans is necessary to provide certainty. I also agree that conditions relating to the materials of the dwelling, hard and soft landscaping, along with arboricultural protection and replacement measures, are necessary in the interests of character and appearance.
15. A pre-commencement condition requiring the submission of a construction management statement would minimise disturbance during the construction phase. To ensure adequate drainage, a condition relating to the provision of surface water disposal details has also been imposed. In addition, I have imposed a condition relating to land contamination, which is necessary to ensure that if any contamination is detected, appropriate remedial action is taken, in the interests of public safety.
16. The submitted Bat Emergence and Re-Entry Surveys indicate the presence of bats with a day roost used by common pipistrelles within the existing dwelling. Bats are a species protected under the Conservation of Habitats and Species Regulations 2017, as amended (Habitats Regulations). Due to the potential effects on the protected species a European Protected Species Licence (EPSL) will be required from Natural England as the licencing body. I have considered the tests under Regulation 9 of the Habitats Regulations, in the light of the proposed mitigation and compensation, and I have no reason to doubt that a mitigation license would not be issued. Therefore, this is a matter which can be addressed by means of a planning condition requiring that the EPSL is obtained, or confirmation is provided to confirm that an EPSL is not required, prior to the commencement of development.
17. However, as the statutory Biodiversity Net Gain condition would apply under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), there is no requirement to duplicate it in my decision.

Conclusion

18. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal is therefore allowed.

Mark Caine

INSPECTOR

SCHEDULE OF 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: BK-AMA-EX-DR-04-001, BK-AMA-DR-91-001, BK-AMA-DR-91-002, BKD-AMA-DR-04-001, BKD-AMA-DR-04-002, BKD-AMA-DR-04-003, BKD-AMA-DR-04-004, BKD-AMA-DR-04-005.
- 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) No development shall take place (including demolition, ground works, or site clearance) until a European Protected Species License (EPSL) for bats, or a letter confirming that a EPSL is not required, has been issued by Natural England and submitted to the Local Planning Authority.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved Arboricultural Impact Assessment and particulars.
- 6) If any tree, shrub or hedge shown to be retained in the submitted Arboricultural Impact Assessment (and appendices) is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 7) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or

establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

All elements of landscaping shall thereafter be maintained in accordance with an approved maintenance schedule.

- 8) No development shall take place, including any works of demolition, until a Construction Management Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved Construction Management Statement shall be adhered to throughout the construction period for the development.

- 9) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development or relevant phase of development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 10) No development other than demolition, site clearance and preparatory work shall take place until details of the disposal of surface water have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the surface water disposal measures shall thereafter be retained.

END OF SCHEDULE