

**Delegated Report**  
*Land Adjoining 33, Maypole Drive, Chigwell, IG7 6DE*  
*EPF/0754/25*

**Site and Surroundings**

The application site forms part of the garden area of 33 Maypole Drive. It comprises a single storey outbuilding, constructed under PD rights, sited to the west side of No.33, a two storey end of terrace house on the east side of the cul-de-sac. The surrounding area is wholly in residential use with Maypole Drive comprising primarily a mix of semi-detached and terraced houses. The site is not within a Conservation Area nor within the Green Belt.

**Proposal**

This application seeks permission to change the existing use of the outbuilding to a C3 dwelling. The building would not undergo external alterations as part of the proposal.

The 2B3P dwelling as proposed would be a single-storey bungalow comprising an open-plan kitchen/lounge, family bathroom, study and 2no. bedrooms. Cycle storage is proposed to the rear/west side of the building and 1no. car parking space is proposed to the front of the building.

**Relevant Planning History**

**EPF/0638/24** - Certificate of lawful development for a proposed single storey outbuilding – Lawful.

**EPF/1229/22** - Construction of x1 no. 3 bedroom bungalow on vacant plot of land adjacent to 33 Maypole Drive - Non Determination and appeal dismissed, concluding:

*The proposed development would harm the character and appearance of the surrounding area and would conflict with Policy DM9 of the LP.*

**EPF/0183/22** - Construction of x1 no. 3 bedroom bungalow on vacant plot of land – Refused:

1. *The proposed development would be out of keeping with the built form and character of the immediate surroundings, introducing a significant development into an elevated domestic garden setting, visually incongruous in the street scene and detrimental to general amenity of nearby residents...*
2. *The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the EFSAC and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted...*

**EPF/0114/21** - Construction of two dwellings (Revised application to EPF/2164/20) – Refused:

1. *The proposal, by reason of its design, mass and scale, and existing site level differences, would have an overbearing and detrimental impact on the amenities of the adjoining dwellings to its rear at 22-26 Gravel Lane...*
2. *The proposal represents a cramped, excessive form of development within a limited site resulting in a poor layout of Unit 1 in particular due to the layout and overshadowing of the garden area, which would be out of character with the pattern and form of development in the locality and would result in a poor standard of amenity for future occupiers...*
3. *The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the EFSAC and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted...*

Appeal dismissed, concluding:

1. *the development would unacceptably harm the living conditions of the neighbouring*

*occupants, particularly those at 22-26 Gravel Lane, in relation to an overbearing impact only.*

- 2. the proposed development would not harm the character and appearance of the area.*
- 3. considering that the appeal is to be dismissed on other issues mentioned in this decision, no further consideration is required on this matter as planning permission is not being granted.*

**EPF/2164/20** - Construction of two dwellings – Refused:

- 1. The proposal represents a cramped, excessive form of development within a limited site resulting in a poor layout of Unit 1 in particular due to the layout and overshadowing of the garden area, which would be out of character with the pattern and form of development in the locality and would result in a poor standard of amenity for future occupiers...*
- 2. The proposal, by reason of its design, scale, proximity and site level differences, would have an overbearing and detrimental impact on the amenities of the adjoining dwellings to its rear at 22 – 26 Gravel Lane...*

**EPF/2797/18** - Construction of new four bedroomed detached dwelling house – Refused:

- 1. The proposal, by reason of its design, scale, proximity and site level differences, would have an overbearing and detrimental impact on the amenities of the adjoining dwellings to its rear at 22 – 26 Gravel Lane...*
- 2. The proposal, by reason of windows in its eastern elevation, would give rise to a perceived sense of overlooking to the detriment of the living conditions of the adjoining dwellings to its rear at 24-26 Gravel Lane...*
- 3. The proposal, by reason of its design, scale and detached, standalone nature, would be inconsistent with the terraced arrangement and plan form of properties in Maypole Road...*
- 4. The proposal would result in a significant loss of garden amenity to the host property at 33 Maypole Road rendering the remaining garden insufficient for this family dwelling...*

Appeal dismissed, concluding:

- 1. the development would unacceptably harm the living conditions of the neighbouring occupants, particularly at 22-24 Gravel Lane, through a detrimental overbearing impact.*
- 2. I do not consider that the presence of these windows would themselves harm living conditions.*
- 3. The proposed development would fall short in these regards [good design] and would detract from the character and appearance of the area.*
- 4. No.33 would retain a small area of garden for use by its occupants and I am satisfied that this would be sufficient for practical use, allowing residents to sit outside or dry washing.*

**EPF/1369/96** - Detached two bedroom bungalow and garage (On site adj to the NW of No.33) – Refuse.

**EPF/0194/94** - Outline application for the erection of a detached two bedroom bungalow and garage (revised submission) – Refuse.

**EPF/0946/93** - Outline application for the erection of a detached two bedroom bungalow and garage – Refuse.

**EPF/0627/79** - Single-storey front extension - Approve with Conditions.

**CHI/0297/72** – Extension - Approve with Conditions.

**CHI/0283A/68** - Erec of addition to garage – Approve.

**CHI/0283/68** - Erec of addition to garage – Refuse.

## **Development Plan Context**

*National Planning Policy Framework 2024*  
*Epping Forest Local Plan 2011-2033 (2023)*

## **Summary of Representations**

Number of neighbours Consulted: 27. 0 responses received.  
Site notice posted: Yes.

CHIGWELL PARISH COUNCIL – OBJECTION summarised as:

- Substandard accommodation
- Under-provision of parking spaces and substandard cycle parking
- The new dwelling contrasts starkly with the established character and layout of neighbouring properties
- The new dwelling would have a dominant visual presence and would not read as a subservient or ancillary structure in the way an outbuilding would

ESSEX CC HIGHWAYS – NO OBJECTION see informative.

EFDC LAND DRAINAGE – NO OBJECTION subject to conditions.

EFDC CONTAMINATED LAND – NO OBJECTION subject to conditions.

CADENT GAS - *There are no National Gas Transmission assets in this area.*

## **Planning Considerations**

It is noted that the building in question has been constructed under permitted development rights for use ancillary to the main dwelling. Officers emphasise that a standalone dwelling would have a significantly different impact than a garden outbuilding, thus the matter that the proposal relates to an existing building does not set a precedent for this application. The application is considered on its own merits with the main issues for consideration in this case being:

- a) The impact on the character and appearance of the locality;
- b) The impact to the living conditions of neighbours;
- c) Standard of Accommodation;
- d) Highway safety and parking provision;
- e) The impact on the Epping Forest Special Area of Conservation.

### *Character and appearance*

Policy DM9 of the EFDC Local Plan requires that all new development must achieve high quality design and contribute to the distinctive character and amenity of the local area. The council will require all development proposals to be design-led and relate positively to their context, making a positive contribution to a place. Maypole Drive comprises street fronting properties in a regular pattern of two-storey dwellings.

Whilst the existing single storey building set behind a high boundary fence may appear subservient in its ancillary context, the proposed use as a bungalow would represent a significantly different style and layout to the existing residential properties in Maypole Drive, appearing at odds with other development in the streetscene.

Furthermore, whilst the building is partially obscured from public view by the boundary fence, it remains highly visible within the streetscene given its extension above the fence and the gap in the fence used for access. As such, the incongruous nature of the building has a

significant impact upon the character and appearance of the area which would be intensified by its use as a dwelling.

The proposed use of the building as a dwelling therefore fails to make a positive contribution to the area or relate positively to the surrounding context contrary to policy DM9 of the EFDC Local Plan.

#### *Neighbouring amenities*

Policy DM9 of the EFDC Local Plan requires that development proposals take account of the privacy and amenity of the development's neighbours. The council will expect proposals to provide good sunlight, daylight and open aspects to adjacent buildings and land; avoid overlooking and loss of privacy detrimental to the living conditions of neighbouring occupiers and the occupiers of the proposed development; not result in an over-bearing or overly enclosed form of development which materially impacts on either the outlook of occupiers of neighbouring properties or the occupiers of the proposed development; and address issues of vibration, noise, fumes, odour, light pollution, etc. likely to arise from the development or from neighbouring uses or activities.

No objections have been received in relation to the proposal. Given the single storey height of the building, it would not result in a loss of daylight/sunlight; create overlooking or a loss of privacy; or appear over-bearing for neighbours. Given its use would be domestic, no excessive issues of vibration, noise or light pollution would be likely to arise as a result of the proposed development.

#### *Standard of accommodation*

Policy DM10 of the EFDC Local Plan requires that all new housing development meets or exceeds the minimum internal space standards set out in the latest Nationally Described Space Standards and ground floor family housing must provide access to private garden/amenity space.

The proposed dwelling slightly exceeds all minimum internal space standards set out in the latest Nationally Described Space Standards. Whilst the proposed rear garden at 93m<sup>2</sup> falls slightly below the minimum requirement set by the Essex Design Guide (100sqm), the dwelling would also have side garden spaces which together amount to a sufficient provision of private amenity space.

It is noted that the proposal would result in a significant loss of private amenity for the occupants of No.33 Maypole Drive at 80m<sup>2</sup>. However, given that the Appeal Inspector for EPF/2797/18 was satisfied that No.33 would retain a sufficient area of garden for practical use by its occupants with the same sub-division of land, officers do not consider this a reason for refusal.

#### *Highway safety and parking*

Policy T1 of the EFDC Local Plan states that the council will work in partnership with relevant stakeholders to promote a safe, efficient and convenient transport system which will manage congestion, promote and improve safety, and improve the efficiency of the local highway network.

From a highway and transportation perspective the Highway Authority has no objections to this proposal. However, the application site is located within an area of low connectivity according to the Essex Parking Guidance 2024, meaning a minimum of 2no. car parking spaces (+0.25 unallocated visitor parking spaces) would be required for this proposed two bedroom residential dwelling. Parking below minimum standards should only be considered where a developer can demonstrate that trips to and from the site will be by modes other than car, and that there will be less demand for parking than that set out by minimum standards stated in this document. Parking is a key function of streets; it directly and indirectly impacts on society, the environment and the economy, and if left unconstrained can have negative consequences. The way vehicles are parked affects places in many

ways, such as visual quality, street activity interaction between residents and safety. The proposal assumes that on-street parking will accommodate any additional car parking demand and subsequently the scheme fails to promote a safe, efficient and convenient transport system contrary to policy T1 of the EFDC Local Plan.

#### *Epping Forest Special Area of Conservation (EFSAC)*

The application site lies within a 3 to 6km radius of the Epping Forest Special Area of Conservation. All new developments that may impact the EFSAC in terms of recreational pressure and air quality are required to provide suitable mitigation. It is noted that a consent form completed by the applicant/agent has been submitted alongside this planning application which allows the council to recover all reasonable costs that are incurred in considering the planning application before a decision is made.

However, in the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies DM2 and DM22 of the adopted Epping Forest Local Plan (March 2023) and the requirements of the Habitats Regulations 2017.

#### **Conclusion**

The proposal fails to make a positive contribution or relate positively to the area contrary to policy DM9 of the EFDC Local Plan; it fails to provide adequate parking provision as required by the Essex Parking Guidance 2024 and subsequently fails to promote a safe, efficient and convenient transport system contrary to policy T1 of the EFDC Local Plan; and it fails to secure mitigation for its impact upon the EFSAC contrary to policies DM2 and DM22 of EFDC Local Plan and the requirements of the Habitats Regulations 2017.

For the reasons set out above, the application is recommended for refusal.