

Delegated Report

EPF/2519/25

*Variation of Condition 5 Balcony railing height and design of EPF/2701/19 Allowed on Appeal (Construction of an additional storey comprising 6 two-bedroom flats)
13, Brook Parade, Chigwell, IG7 6PF*

Site and Surroundings

An appeal was allowed for the construction of an additional storey comprising of 6 two-bedroom flats at 12-23 Brook Parade, Chigwell in October 2023 (appeal reference: APP/J1535/W/22/3293716 dated 2 October 2023) following the Council's refusal of planning application: EPF/2701/19. In that appeal decision, the Planning Inspector described the application site as follows:

No. 13 – 22 Brook Parade form part of a three-storey parade which includes commercial units at ground floor level and residential units within the upper floors. The building has a stepped roofline which corresponds with the slope of the street and has brick facades to its first and second-floor front elevations. The neighbouring building at Claremont Place is five storeys in height and a new development at No 185 Brook Parade is four storeys in height. The wider street scene also includes the four storey Dolphin Court which is situated on the opposite side of High Road and faces the application site.

Beyond the yards and gardens to the rear of No. 13 – 22 Brook Parade there is a row of single storey garages which are accessed from Brook Mews. The rear gardens of the mainly two-storey dwellings on Dickens Rise share boundaries with the opposite side of Brook Mews. Overall, there is variation in the design and height of buildings in the immediate area but the section of High Road and Brook Parade where the application site is situated includes buildings of more substantial height than the dwellings on nearby residential streets.

The proposal would incorporate a descending roof line and where it sits closest to Claremont Place, the top of the extension would sit lower than the roof of this adjacent building. The proposed units would be set back from the front elevation of the building and would align with the existing footprint of the upper floors on the rear elevation. A subdued colour palette is proposed to the external elevations including grey zinc facing materials. In the main, the windows would also be closely aligned with those on lower floors.

The Planning Inspectorate acknowledged that the proposal only relates to roughly half of the existing parade. Even so, the wider building is of a substantial width, and the other part of the building sits to the higher section of the street. These factors would ensure that the extended building would retain an acceptable balance and would acceptably integrate into the mixed architecture of the wider street scene."

The property lies within 0km-3km radius of the Epping Forest Special Area of Conservation (the "EFSAC").

Description of Proposal

An application for the Variation of Condition 5 - Balcony railing height and design of EPF/2701/19 Allowed on Appeal (Construction of an additional storey comprising 6 two-bedroom flats).

Relevant Planning History

EPF/2701/19 - Proposed construction of an additional storey comprising of x6 no. two bedroom flats. Refused. Allowed on Appeal subject conditions.

Development Plan Context

- Planning Policy Guidance
- National Planning Policy Framework (2024)
- Epping Forest District Local Plan 2011 to 2033

Summary of Representations

73 Neighbour notification letters were sent out

3 letters of objection received concerning the following:

- Submitted Plans are unclear – Overlaying plans would be helpful
- The introduction of balconies and heavy railings facing directly towards Dolphin Court will result in harmful overlooking and a severe loss of privacy
- Inadequate supporting information

Chigwell Parish Council - Strongly object on the basis that the proposal, as described, would introduce unacceptable external detailing and an unsympathetic design outcome at a visually prominent upper level, undermining the high-quality, restrained appearance that the Inspector found acceptable. The Parish Council also considers that the application fails to provide a transparent and accurate basis for assessment where the installed balcony treatment is reported to differ significantly from what was previously approved, and where the “variation” route appears to be used to retrospectively validate unauthorised works rather than demonstrate a coherent, policy-compliant design solution

Internal and External Consultation Responses

Not applicable.

Planning Considerations

There appears to be some confusion regarding the planning condition number (Is it Condition 5 or is it Condition 6?) and the level of information submitted by the Applicant. The Council is not clear if the Applicant wishes to remove or vary the condition imposed on the EPF/2701/19 application that was refused but was subsequently allowed on appeal (APP/J1535/W/22/3293716).

Condition 5 states: Prior to commencement of the development, precise details of the type and colours of the external materials to be used on the development shall be submitted to and approved in writing by the Local Planning Authority. Once approved in writing, the development shall be completed in full accordance with the approved details.

Condition 6 states: Prior to the first occupation of the flats hereby approved, precise details of privacy screens to be provided between adjoining balconies serving the flats hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall have a minimum height of 1.7 metres. Once approved in writing, the privacy screens shall be provided prior to first occupation of the development and shall be retained thereafter.

The Planning Statement prepared by Town and Country Valuers and Surveyors dated 20 Nov. 2025 refers to Condition 5 relating to external materials but is not clear what is being varied or removed.

The submitted Planning Application Form also refers to Condition 5 and then goes on to state the “perimeter railing – railing height and design” but is not expanded in the Planning Statement or shown on any submitted plans to give the Council any indications why and how this condition should be varied or even removed.

Conclusion

The Council cannot support this s73 variation of condition application due to inaccuracy and the inadequate level of information submitted to allow the Council to assess the case.