



Appeal Decision

Site visit made on 7 January 2026

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2026

Appeal Ref: APP/Q4245/W/25/3375294

31 Eyebrook Road, Bowdon, Cheshire WA14 3LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for approval to details required by a condition of a planning permission.
 - The appeal is made by Mrs S Alvi against Trafford Metropolitan Borough Council.
 - The application Ref 116929/RES/25 sought approval of details pursuant to condition No 2 of outline planning permission Ref 106268/OUT/21 granted on 21 September 2022.
 - The development proposed is described as 'application for the approval of reserved matters (landscaping) pursuant to Planning Permission Ref. 106268/OUT/21 Outline Planning Permission for demolition of existing house & erection of two replacement dwellings; consent sought for appearance, scale, layout and access with landscaping reserved.'
 - The details for which approval is sought are: landscaping.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely landscaping, submitted in pursuance of condition No 2 attached to planning permission Ref 106268/OUT/21 granted on 21 September 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the details shown on the submitted plans, drawing numbers 001-ZR, 002-ZR, and 003-ZR, received by the local planning authority on 22 October 2025.
 - 2) The landscaping works shown on the approved plans 001-ZR and 002-ZR, received by the local planning authority on 22 October 2025, shall be carried out in accordance with the approved details within the first planting season following final occupation of the development hereby permitted. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Application for costs

2. An application for costs was made by Mrs S Alvi against the decision of Trafford Metropolitan Borough Council. This application is subject of a separate decision.

Preliminary Matters, Background and Main Issue

3. The description of development above has been taken from the appeal form, rather than the application form, as it is more precise. I have removed the wording related to the address, in the interests of conciseness.
4. At the time the appellant made the appeal, plans 001-ZR, 002-ZR, and 003-ZR were before the Council. These plans superseded plans 001-Z dated 24/07/25 & 002-Z dated 24/07/25 and were subject to public consultation. Although the appellant requested to have the appeal determined on the original plans, in the interests of procedural fairness I have considered the proposal based on the set of amended plans on which public consultation has been last carried out.
5. As this is an appeal against the non-determination of the application, there was no decision notice. Following the submission of the appeal, the Council has not put forward any putative reasons for refusal or set out any objections to the amended proposal in its statement. Consequently, the Council stated that it would have been 'minded approving' the proposal.
6. I have been provided with copies of the relevant development plan policies and representations from statutory consultees. There were no representations from interested parties at either the application stage or the appeal stage. Planning permission for the development was granted at the outline stage. An application for the approval of reserved matters is, by definition, an application for the approval of details pursuant to the permission, in this case, landscaping. I have assessed and determined the appeal on this basis.
7. In light of the submitted evidence, and my site visit observations, the main issue is the effect of the approval of reserved matters on the character and appearance of the area.

Reasons

8. The appeal site is located on a predominantly residential street. A consistent feature of the street scene is the prevalence of soft, green boundary treatments. Frontages are typically enclosed by substantial hedges and other vegetation, while front walls tend to be low and visually absorbed by the surrounding foliage. Together, these features create a verdant and coherent street scene. While some properties include metal railings or other more robust boundary treatments, these are typically tempered by the adjacent vegetation, which serves to soften their appearance and limit their visual prominence.
9. The proposal would retain a considerable part of the existing low brick wall along the frontage and introduce a hedge behind it. The submitted street scene elevation shows that the hedge would sit comfortably alongside neighbouring boundaries, reinforce the established rhythm of planted frontages and maintain the soft, green character that defines the street. In addition, the landscaping plan includes sections of 1.8 metre-high hit-and-miss timber fencing along the side and rear boundaries and 1.5 metre-high timber-clad fencing to divide the driveways. Given their siting in relation to the road, these fences would not occupy a prominent position within the street scene, and their appearance would be softened by the existing and proposed vegetation. The accompanying planting schedule sets out a layered scheme of hedging, shrubs, herbaceous species and selected small and larger-habit trees. This palette is consistent with the street's established landscape

structure and would provide seasonal interest and depth, ensuring that the frontage contributes positively to the mature, verdant character of street.

10. Accordingly, the proposed landscaping would integrate well with its surroundings. It would sustain the characteristic greenery and sense of enclosure along the street, avoid introducing visually assertive boundary features, and thereby preserve the established verdant character and appearance of the street scene.
11. In conclusion, the landscaping scheme would accord with the area's established character and appearance. Thus, it complies with the aims of Policies JP-P1 and JP-G2 of the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039 adopted March 2024, and Policy R2 of the Trafford Local Plan Core Strategy 2012, which collectively require developments to secure high-quality, well-integrated landscaping that protects and enhances the natural environment while reinforcing local character. The proposal also meets the aims of the Supplementary Planning Document 7 Trafford Design Code (SPD 7), which states, amongst other things, that boundary treatments should be informed by high quality traditional examples in the surrounding area. Furthermore, the proposal accords with the aims of the National Planning Policy Framework, which at paragraph 135 states that developments should be sympathetic to local character, including the surrounding built environment and landscape setting.

Other Matters

12. I acknowledge the appellant's concerns regarding the application of the SPD 7 with regard to the appeal scheme. Although the outline permission predates the adoption of the SPD 7, the reserved matters application is required to be determined in accordance with the policy and guidance in effect at the time of its assessment. The SPD 7 is an adopted and relevant material consideration, and its application to the landscaping reserved matter does not undermine or conflict with the principle of development previously approved. Furthermore, given my findings above, the aims of the SPD 7 reflect those of the local plan policies, and so, notwithstanding its status as guidance, I have afforded significant weight to this material consideration in assessing the acceptability of the proposed landscaping details.
13. The position of the SPD 7 is not directly comparable with the statutory exemptions for Biodiversity Net Gain (BNG). BNG requirements are governed by specific transitional provisions set out in primary legislation and associated regulations, which expressly not apply BNG to certain applications submitted before defined trigger dates. In contrast, the application of SPD 7 is a matter of planning judgement and reflects the established principle that reserved matters must be assessed against the planning policy and guidance, as material consideration, in effect at the time of their determination.
14. My attention has been drawn to different schemes on Bow Green Road. The appellant argues that the Council adopted a different approach when assessing the 'Cloud 9' development, particularly in relation to the application of the SPD 7, the absence of a request for a street scene drawing, and the boundary treatments deemed acceptable. Reference was made to a judgment¹, which I have taken into account. However, I do not have full details of those schemes, as to demonstrate

¹ North Wiltshire DC v Secretary of State for the Environment [1993] 65 P&CR 137

that the appeal proposal is directly comparable with them, particularly in the context of their individual street scenes. Accordingly, I have considered the appeal proposal based on its own merits and site-specific circumstances, having regard to the relevant development plan policies and other material considerations, as set out above.

15. The appellant argues that the appeal scheme would not be achievable, due to the retention of the front low brick wall. However, there is no substantive evidence before me to demonstrate that the retention of part of the existing wall, as shown on the submitted plans, is unfeasible. In the absence of such evidence, I give limited weight to the appellant's assertion that the proposal is undeliverable by reason of the retention of part of the wall.
16. I acknowledge the appellant's concerns over the Council's handling of the application. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Conditions

17. The Planning Practice Guidance advises that the only conditions which can be imposed when reserved matters are approved are conditions which relate directly to those reserved matters. I have had regard to the 2 conditions suggested by the Council, and I have amended their wording slightly for reasons of clarity. To provide certainty, the development is conditioned to be carried out in accordance with the approved plans. A condition is also necessary to ensure that the approved landscaping scheme is adequately implemented and maintained, in the interests of the character and appearance of the area.

Conclusion

18. In conclusion, for the reasons set out above, the appeal is allowed.

Andreea Spataru

INSPECTOR