
Appeal Decision

Site visit made on 11 March 2026

by **L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 April 2026

Appeal Ref: APP/Z3635/W/24/3348133

15 Roxford Close, Shepperton, Surrey TW17 8RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by conditions of a planning permission.
 - The appeal is made by Mr Michael Judd against the decision of Spelthorne Borough Council.
 - The application Ref 21/00557/DC2 sought approval of details pursuant to conditions Nos 3, 4, 5, 6 and 8 of a planning permission Ref 21/00557/FUL, granted on 3 June 2021.
 - The details for which approval is sought are Condition 3 (scheme of soft and hard landscaping) and Condition 4 (scheme of the means of enclosure).
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Decision

1. The appeal is allowed and the details submitted pursuant to condition Nos 3 and 4 attached to planning permission Ref 21/00557/FUL granted on 3 June 2021, in accordance with the application Ref 21/00557/DC2 and the details submitted with it are approved.

Procedural Matters

2. Appeal decisions must be made on the basis of the currently-adopted development plan. During the appeal, the Council adopted the Spelthorne Local Plan 2024 – 2039/40 (the Local Plan). Consequently, the policies listed in the conditions have been superseded. The Council has provided the relevant policy, and both main parties have had the opportunity to comment on the implications for this appeal. I am therefore satisfied that my consideration of the appeal against the policies in the new Local Plan has prejudiced no party.
3. On my site visit, it appeared that the development had been completed. However, the appeal is determined based on the information submitted with the application.

Background and Main Issue

4. While the Council granted the approval of conditions Nos 5, 6 and 8, it refused to discharge conditions Nos 3 and 4. Therefore, my decision only relates to these two conditions which remain in dispute. It should be noted that this appeal does not concern the imposition of those conditions. The matter of whether the conditions meet the relevant tests set out in the National Planning Policy Framework is not a matter which is covered by the remit of this appeal. Instead, my consideration centres on whether the details submitted to discharge the conditions are sufficient to meet their specific requirements.

5. Taking the above into account, the main issue is therefore the effect of the proposed scheme of soft and hard landscaping and the scheme of means of enclosure on the approved development and area.

Reasons

Condition 3 - (scheme of soft and hard landscaping)

6. The appeal site is within a residential area. The immediate streetscene is characterised by houses in large plots which are set back from the road. Some of the houses have front garden areas that are largely grassed, with trees and planting, with smaller areas of hard surfacing that are enclosed by low brick walls and hedging. Others, as seen at Nos 17 and 19, have frontages that are predominantly hard surfaced with less soft landscaping. As these houses do not have a continuous front boundary, they have a more open character.
7. The details submitted pursuant to this condition comprise soft landscaping works consisting of planted flower beds along the front elevation of the house and the side boundary of the site, together with the provision of a tree. The hard landscaping elements include gates and a paved driveway. Although the level of detail provided is limited, the wording of the condition does not require more specific information. The approved site plan indicated space for two parking spaces, with a pathway and some form of landscaping beside it. It is acknowledged that this layout could, in theory, have accommodated additional soft landscaping around the parking area, but no such planting was shown on the approved plan.
8. The hard and soft landscaping scheme would conflict with the guidance in the Design of Residential Extensions and New Residential Development Supplementary Planning Document 2011 (the SPD) and the Parking Supplementary Planning Guidance updated 2011 (the SPG), as the frontage would be mostly hard surfacing. However, in my view, the purpose of these design principles is to ensure that the development is appropriate for the area's character.
9. Whilst no front boundary treatment is proposed, which does differ from other houses nearby, the appeal site is situated in a context where some houses already display similar arrangements, with large areas of hard surfacing and relatively open frontages. Therefore, despite the design principles in the SPD and SPG, the frontage would be appropriate given this established character. Although cars would be parked near the flower beds, the modest areas of planting would still be evident in near-range views, as would the tree, which would help to soften the overall extent of hard surfacing to reduce its visual prominence.
10. Having seen the pre-development site plan, it is accepted that the original house had more of a balance between hard and soft landscaping. Although the soft and hard landscaping scheme does not replicate this, the soft landscaping, albeit modest, would respect and make a positive contribution to the street scene and go towards minimising the loss of visual amenity arising from the development, as intended by the condition.

Condition 4 – scheme of means of enclosure

11. The condition requires details of the position, design, materials and type of boundary treatment. The submitted information shows that wooden gates,

matching the style of previous ones, would be positioned on either side of the house, while the existing chain-link and wooden fencing to the side boundary and fence along the rear boundary would remain. The specific details required by this condition have therefore been provided.

12. As explained above, the lack of front boundary treatment would not fail to enhance the setting, given that more open frontages are characteristic of the neighbouring houses. The Council has not raised any issues in terms of whether the means of enclosure would prejudice the enjoyment by neighbouring occupiers of their properties, and I have no reason to reach a contrary view. The scheme would therefore meet the intended aims of this condition.
13. For these reasons, I conclude that the proposed scheme of soft and hard landscaping and the scheme of means of enclosure would not cause harm to the character and appearance of the approved development and area. Accordingly, the details comply with Policy PS2 of the Local Plan. This policy, amongst other things, seeks development that respects the character of the area and positively impacts on the public realm.

Other Matters

14. Dissatisfaction with how the Council have handled the application is not a matter for me to address in determining this appeal.

Conclusion

15. The details submitted satisfy the requirements of conditions Nos 3 and 4, having regard to the reasons for imposing them. Therefore, the appeal should be allowed.

L Reid

INSPECTOR