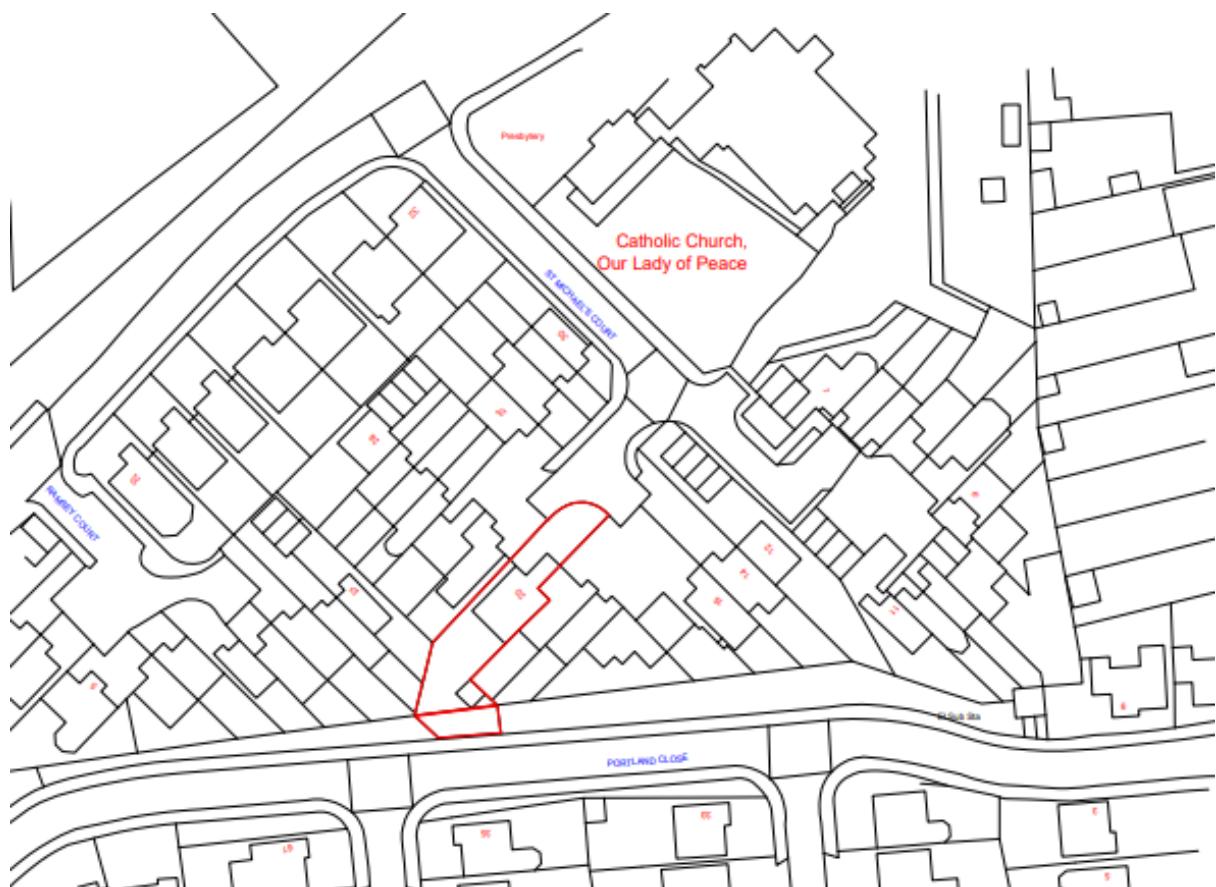


Registration Date:	26 June 2025	Application No:	P/09288/002
Officer:	Nyra John	Ward:	Northborough & Lynch Hill Valley
Applicant:	Mr. & Mrs. Stephen Wells	Application Type:	Householder
		8 Week:	21 August 2025
Agent:	Mr. Robert Hiller LTD, R.M.HILLIER LTD		
Location:	20 St Michaels Court, Slough, SL2 2NF		
Proposal:	Part retrospective part proposed change of use from green verge to residential garden and erection of 1.8m high timber fence set 1m back from the back edge of the footpath and landscaping the verge area.		

Recommendation: GRANT planning permission, subject to conditions.



1.0 Summary of Recommendation

- 1.1 Having considered the relevant policies set out below, and all other relevant material considerations, it is recommended the application be delegated to the Planning Manager for approval subject to finalising conditions and any other minor changes.
- 1.2 Under the current constitution, this application is to be determined at Planning Committee, as the application has received 5 written representations against the Officer recommendation during the public consultation exercise (in accordance with the Council's Constitution, 15th May 2025 part 3.4).

2.0 Application Description

- 2.1 The application description is part retrospective, part proposed change of use from green verge to residential garden and erection of 1.8m high timber fence set 1m back from the back edge of the footpath and landscaping the verge area at Portland Close. The part of the application that is retrospective includes the change of use to private residential garden and the fence that has already been erected. Amended plans were received over the lifetime of the application to include a proposed element, which is the 1m set back of this fence from the back edge of the footpath and introduction of a landscaped planting on this verge, which includes 10no. red robin bushes, 1 silver birch tree and retention of the existing cherry tree, which is reflected in the description of development.
- 2.2 Figure 1 is a site photograph taken from Portland Close including a red line identifying the fence constructed as existing in 2025 and Figure 2 is an extract from Google Street view from the same location on Portland Close showing the hedged boundary as pre-existing in 2014. The site photographs demonstrate that the existing timber fence has concrete plinths and there is trellis above the fence, however, this is not included in the description of development and/ or submitted drawings and therefore is not considered.



Figure 1: Site Photo taken 9th April 2025 from rear of properties at Portland Close



Figure 2: Extract of Google Streetview, dated July 2014

2.3 Part of the land to the rear of the garden was previously owned by Taylor Wimpey, and was sold to the owners of the site amongst a number of others residents at St Michael's Court and Ramsey Court (see relevant site history below of other addresses) who have removed the pre-existing hedged landscaped boundary and replaced with a timber fence that abuts the public footpath. There is one cherry tree in the garden, which is sought to be retained, and it is noted that this tree does not fall under a Tree Preservation Order.

2.4 The site itself is not in a Conservation Area and lies in Flood Zone 1 and therefore has a low risk of flooding, which is a 1 in 100 (1%) annual probability of flooding in any given year.

3.0 Relevant Site History

3.1 Planning History

P/09288/000

Erection of single storey rear extension and construction of dormer window at front.

Approved with Conditions 23/10/1992

P/09288/001

Proposed change of use of and erection of 1.8m high timber fence green verge to garden.

Refused; Informatives 05/06/2025

P/06562/002

Submission of landscaping scheme and means of enclosure in compliance with conditions 3 and 4 of planning consent reference P6562/1 Dated 2 July 1985 (as amended on 10th June 1986).

Approved 19/08/1986

The above application was submitted in relation to the wider housing development as follows: P/06562/001 Residential development comprising 14 dwelling houses and 2 garage blocks
Approved 02/09/1985

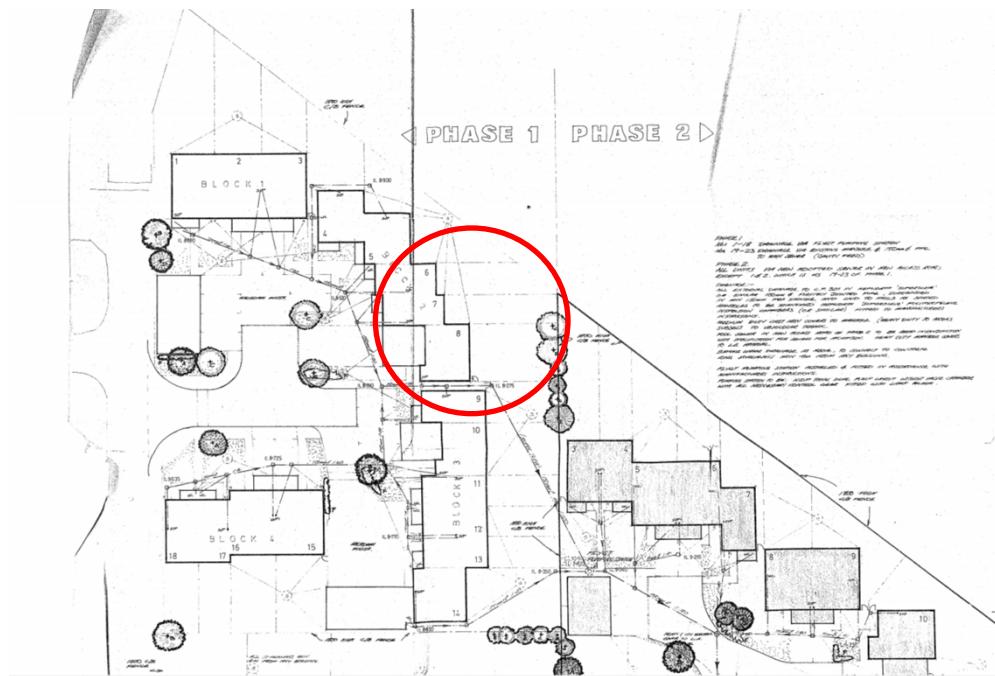


Figure 3: Extract of Landscaping Site Plan Drawing No. 1837-2-12 for application P/06562/002. The red circle identifies the location of the site, No. 20 St Michael's Court.

P/07610/003

Submission of details of landscaping as of condition 6 & 7 of P/7610/1 for the erection of residential development

Approved 03/03/1989

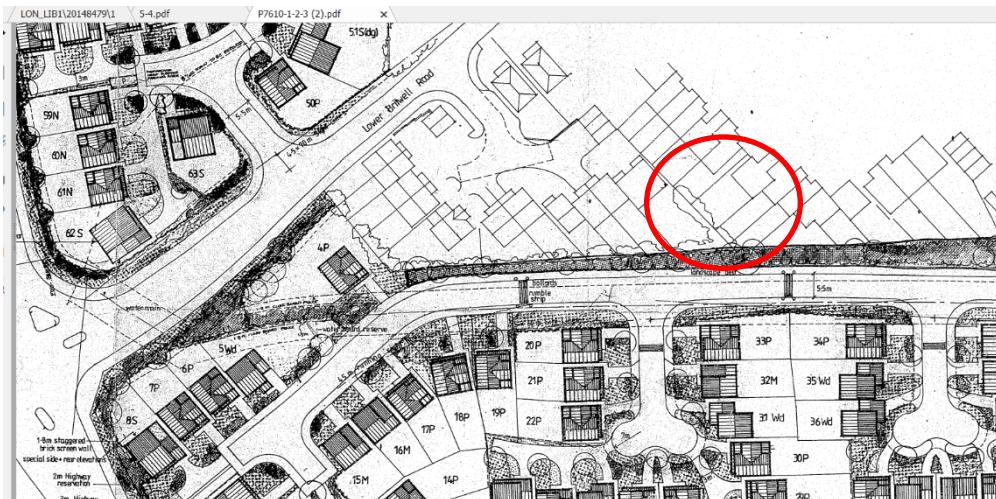


Figure 4: Extract of Planning Layout Drawings 1097/03. The red circle identifies the location of the site, 20 St Michael's Court.

It should also be noted that other properties at Ramsey Court and St Michaels Court have also submitted similar retrospective applications at the same time that were refused for the following reason:

1. The development, by reason of the change of use from the pre-existing hedged boundary in a public use to private residential use is detrimental to the amenities of the area and by reason of the timber close boarded fencing and concrete plinth, comprises a harmful addition to the streetscene, poor siting, height, loss of soft landscaping and loss of informal green space. The development has a detrimental visual impact within the area and fails to improve the character or appearance of the surroundings and street scene at Portland Close. If planning permission is granted for this development it would make it difficult for the LPA to resist other similar forms of harmful development, resulting in further unacceptable impacts. The development therefore fails to comply with Policies EN1, EN3 and OSC8 of the Adopted Local Plan for Slough (2004) and Core Policy 8 of the Core Strategy (2008) and the NPPF 2024.

A total of 6 other properties have also appealed the decision as the table below demonstrates.

Reference	Address	Description of Development	Decision/Appeal Status
P/19116/001	6 Ramsey Court, Slough, Slough, SL2 2PB	Retrospective application for material change of use of the land from	Refused 28/05/2025

		green verge to garden curtilage and erection of boundary treatment	APP/J0350/W/25 /3369727 Appeal start date 29/07/2025
P/19032/001	7 Ramsey Court, Slough, Slough, SL2 2PB	Retrospective application for material change of use of the land from green verge to garden curtilage and erection of boundary treatment	Refused 28/05/2025 APP/J0350/W/25 /3369842 Appeal start date 29/07/2025
P/20796/000	8 Ramsey Court, Slough, SL2 2PB	Retrospective application for material change of use of the land from green verge to garden curtilage and erection of boundary treatment	Refused 05/06/2025 No appeal.
P/12409/002	9 Ramsey Court, Slough, SL2 2PB	Retrospective application for material change of use of the land from green verge to garden curtilage and erection of boundary treatment	Refused 09/06/2025 APP/J0350/D/25 /3368949 Appeal start date 14/07/2025
P/17800/002	10 Ramsey Court, Slough, SL2 2PB	Retrospective application for material change of use of the land from green verge to garden curtilage and erection of boundary treatment	Refused 28/05/2025 APP/J0350/W/25/ 3369688 Appeal start date 29/07/2025
P/20828/000	12 St Michaels Court, Slough, SL2 2NF	Retrospective application for material change of use of the land from green verge to garden curtilage and erection of boundary treatment	Refused 12/06/2025 APP/J0350/W/25/ 3369708 Appeal start date 29/07/2025
P/20810/000	14 St Michaels Court, Slough, SL2 2NF	Retrospective application for material change of use of the land from green verge to garden curtilage and erection of boundary treatment	Refused 09/06/2025 No appeal.

P/14007/001	15 St Michaels Court, Slough, SL2 2NF	Retrospective application for material change of use of the land from green verge to garden curtilage and erection of boundary treatment	Refused 12/06/2025 No appeal.
P/20817/000	16 St Michaels Court, Slough, SL2 2NF	Retrospective application for material change of use of the land from green verge to garden curtilage and erection of boundary treatment	Refused 12/06/2025 APP/J0350/W/25/ 3369635 Appeal start date 30/07/2025
P/09288/001	20 St Michaels Court, Slough, SL2 2NF	Retrospective application for material change of use of the land from green verge to garden curtilage and erection of boundary treatment	Previously Refused 05/06/2025 No appeal – resubmission of planning application P/09288/002 received 26/06/2025

4.0 Consultation

4.1 The application was publicised by site notices displayed on 10/07/2025 and again when a revised description of development and amended plans were received on 28/08/2025 in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015.

4.2 5 objections and 1 letter of support were received over the consultation period. Therefore, in line with the Council's constitution, as the planning application is recommended for approval, this requires the application to be considered at Planning Committee.

5 objections received:

Material Planning Consideration	Officer Comment
Design and Impact on the Character of the Area	
Fence should be set back 1.5m minimum	Officers have requested that the fence is set back 1m from the boundary to ensure that this is

	consistent along the whole extent of Portland Close, where the pre-existing green verge narrows in some places.
Loss of visual amenity	Officers consider that including the set back of the fence 1m from the boundary and the additional hedge planting, this would not result in a detrimental impact to visual amenity from the streetscene.
Landscaping/ Biodiversity	
The mature tree must be reinstated within the new verge area	This has been demonstrated in the drawings to be retained as well as additional tree planting and secured through the approved plans and landscaping conditions.
All bushes/ trees removed to be replanted	The proposals demonstrate replanting including 10no. photonia (red robin) shrubs which are a vigorous evergreen shrub, with glossy, bright red leaves in the spring and summer months. This hedge can reach a mature height of 3-5 meters. This would be planted at 1m high and although this would not be mature enough to cover the fencing, over time this could grow up to 1.8m and potentially more. Officers consider this would be an improvement from the existing and over time, would adequately replace the existing hedge that had been lost. A condition is recommended to ensure that this replanting is carried out within 6 months of the date of permission and shall be retained and maintained thereafter.
Explore the option of taking back ownership of the verge to allow planting	Ownership titles are separate to the planning assessment and fall

	outside of the planning remit and scope of this application.
Weeds and regrowth	Officers consider that maintenance of the hedge would be the applicant's responsibility.
Biodiversity loss including birds/foxes	Whilst the application is a full application and would therefore normally be required to provide a Biodiversity Net Gain Assessment, the application form states that the development is exempt as it is retrospective. Whilst it is true that legislation states that a Biodiversity Net Gain Assessment is not required for retrospective applications, the application form also states that there is no loss of biodiversity. The submitted plans demonstrate that the cherry tree to the rear is to be retained.
Impact on Neighbouring Amenity	
Loss of privacy	Officers consider that the removal of the 2m hedging has resulted in a minor detrimental impact by reason of lack of privacy to these host dwellings and makes them appear overbearing and overly dominant from Portland Close. However, the nearest property at Portland Close is no. 35, which is over 15m from the rear elevation of the application site dwelling and is sited with a flank wall to the development. In addition, the replacement planting and set back of the fence to 1m would add an extra buffer from these properties.
Transport and Access	

Gates should be removed to preseve the safety and privacy	There would be no impact to highways safety as there is no gate as existing or proposed.
Impact on highways safety and increased traffic as a result of the introduction of the gates and introduction of rubbish/ bins	There would be no impact to highways safety as there is no gate as existing or proposed.
Other	
All residents of St Michael's Court and Ramsey Court who have extended their fences adopt the same, common approach, without which there would be an uneven and fragmented boundary	Officers have requested that the fences are set back 1m from the boundary to ensure that this is consistent along the whole extent of Portland Close, where the pre-existing green verge narrows in some places.

1 letter of support received:

- Happy with the existing 2m high timber fence taken down and then 2m high timber fence in total including trellis at the top erected 1.5m back from back edge of public footpath and photinia (red robin) planted on the side of Portland Close.
- No mention of access gate within the description nor shown within the drawings, therefore there should not be any sign of one when work is completed.
- Hopes that this is collectively this is followed by other residents of St Michael's Court and Ramsey Court.

Officer note: The fence was requested to be set back 1m from the boundary to ensure that this is consistent along the whole extent of Portland Close, where the existing green verge narrows in some places. There is no mention of gates in the drawings, therefore to construct in accordance with the approved plans there will be no gates.

5.0 Planning Appraisal

Policy Background

5.1 The proposed development is considered having regard to the National Planning Policy Framework (NPPF) 2024, Core Policies 7

and 8 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008, Saved Policies H14, H15, EN1, EN5, T2 and OSC8 of the Slough Local Plan 2004 and the Slough Local Development Framework, Residential Extensions Guidelines, Supplementary Planning Document, adopted January 2010.

- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 5.3 The NPPF 2024 makes it clear that good design is essential, stating at paragraph 131:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 5.4 Good standard of design is embedded in Core Policy 8 (Sustainability and the Environment) as well as within Policy EN1 (Standard of Design) of Slough Local Plan. Core Policy 8 of the Slough Core Strategy states that all development should be sustainable, of a high quality, and should improve the quality of the environment and address the impact of climate change. To achieve high quality design, development should, amongst other things, respect its location and surroundings and reflect the street scene and the local distinctiveness of the area.
- 5.5 Policies H15 and EN1 of Slough Local Plan (2004) further indicate that proposals should respect and respond to the proportions of the dwelling, as well as to the appearance and design of the vicinity in order to preserve or enhance the character and appearance of the street scene. The Council’s Residential Extensions Guidelines, Supplementary Planning Document, adopted January 2010, provides guidance to interpret and implement Core Policies and Local Plan policies in relation to design.
- 5.6 The following saved policies are lifted from the adopted Slough Local Plan 2004:

Policy H14 (Amenity Space) states:

The appropriate level will be determined through consideration of the following criteria:

- a) type and size of dwelling and type of household likely to occupy dwelling;*
- b) quality of proposed amenity space in terms of area, depth, orientation, privacy, attractiveness, usefulness and accessibility;*
- c) character of surrounding area in terms of size and type of amenity space for existing dwellings;*
- d) proximity to existing public open space and play facilities; and*
- e) provision and size of balconies.*

5.7 Policy OSC8 (Green Spaces) of the Local Plan 2004 states:

Development proposals which would result in the loss of green spaces will not be permitted unless the amenity value of the green space can be largely retained and enhanced through development of part of the site. Applications for any development affecting green spaces must be accompanied by detailed landscaping plans so that the visual impact of the proposed development on the amenity of the surrounding area can be fully assessed.

Supporting text of this policy on Green Spaces states:

6.28 Within the built up area of Slough, there are small areas of informal green space which may not be formally classified as public open space but do have important amenity value, particularly visual, and sometimes wildlife value. These areas may be privately or publicly owned. In some cases, the green spaces may have a limited recreational role but, by and large, they have a visual amenity value. Small areas of green space enhance residential and commercial areas alike and help to soften or 'green' the impact of the built environment for those who live, work, or travel through the Borough.

6.29 A number of green spaces have been subject to development pressures and thus it is essential to protect such areas in order to retain pockets of 'green' throughout the Borough and to avoid over-development and town cramming. Due to the small size and number of such green spaces, it is not, however, possible to indicate them on the Proposals Map.

5.8 Policy EN1 (Standard of Design) states:

Development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of:

- a) scale;*
- b) height;*
- c) massing/bulk;*

- d) layout;
- e) siting;
- f) building form and design;
- g) architectural style;
- h) materials;
- i) access points and servicing;
- j) visual impact;
- k) relationship to nearby properties;
- l) relationship to mature trees; and
- m) relationship to water courses.

These factors will be assessed in the context of each site and their immediate surroundings. Poor designs which are not in keeping with their surroundings and schemes which result in over-development of a site will be refused.

5.9 The Residential Extensions Guidelines Supplementary Planning Document (RESPD 2010) provides further guidance on how to interpret the above policies and references Garden Space/ Boundary Walls at Section 11:

EX49 Walls/gates/fences/other means of enclosure shall be designed to reflect the existing character of the street and surrounding area

11.5 Under permitted development rights, any gate, fence, wall or other means of enclosure constructed or erected adjacent to a highway used by vehicular traffic must not exceed 1 metre in height. This includes situations where the end of the structure or means of enclosure abuts the highway (i.e. is perpendicular to the highway).

11.6 Any other gate, fence, wall or other means of enclosure must not exceed 2 metres in height. Otherwise planning permission will be required.

11.7 The same height restrictions apply for any alterations or improvements made to any existing gate, fence, wall or other means of enclosure.

5.10 The planning considerations for this proposal are:

- Principle of Development
- Design and impact upon the character and appearance of the area
- Impact upon on amenity of neighbouring occupiers
- Highways and access
- Designing out crime
- Landscaping and ecology

Principle of Development

5.11 The original application for the development (Ref. P/06562/001) was approved and later details were submitted which demonstrated a close boarded fence of 1.8m height in 1986 (Ref. P/06562/002). This was superseded by a landscaping buffer approved to the development to the south, in 1989.

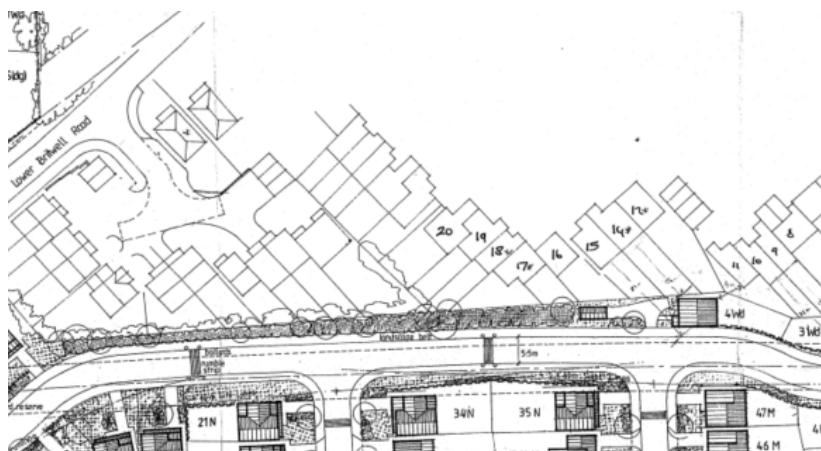


Figure 5: Extract of planning permission P/07610/003 dated 1989, drawing 1097/003 Rev F

5.12 This retrospective application has encroached on land which was not part of the existing residential garden and original dwelling's curtilage.

5.13 The previous applications that have been refused at Ramsey Court and St Michael's Court this year differ from the current planning application. The application in question is set back 1m from the public highway and proposes replacement landscaping within the green verge which the previously refused applications did not show.

5.14 The change of use has resulted in the loss of a public green space for private use. Although the site was owned by a private developer, its use was retained as open to the public as breathing space for the development to the south at Portland Close. The supporting text of Policy OSC8 specifically refers to informal open space having important value, whether privately or publicly owned. The applicant has demonstrated the reinsertion of the amenity value of the green space by the set back of the fence by 1m which would enhance the visual impacts of the development. A set back of 1m has been requested to ensure that if any other properties at St Michael's Close and Ramsey Court apply for a similar part proposed part retrospective application, a consistent approach would be taken,

given that this previous verge is wider towards the rear of St Michael's Court and more narrow at Ramsey Court.

- 5.15 Whilst it is noted that the development has resulted in an increase in private amenity space, in accordance with Policy H14, the dwelling as pre-existing accords with adopted standards and therefore policy compliant.
- 5.16 Therefore, the development would retain some of the informal green space and have replacement planting, which would accord conflict with Policy OSC8 of the Local Plan 2004.

Design and impact upon the character and appearance of the area

- 5.17 The National Planning Policy Framework 2024 encourages new buildings to be of a high-quality design that should be compatible with their site and surroundings. This is reflected in Core Policy 8 of the Core Strategy, and H15 and EN1 of the Local Plan 2004 (see above for full wording).
- 5.18 The drawings suggest that the fence has been erected as existing 1.8m in height. The unauthorised works undertaken has resulted in the removal of the hedged boundary, which appeared to be previously over 2m in height. This resulted in a change from a soft pleasant, visually attractive green feature to hard landscaping, which has created a more austere and harsh appearance to the detriment of the wider visual amenities and character of the area.
- 5.19 The application has been revised from the previous submission, which sought to retain the unauthorised works with the close boarded fence sited at the back edge of the footpath, and now shows a 1m set back from the public highway and additional landscaping planting to replace that lost. Officers have requested that the fences are set back 1m from the boundary to ensure that this is consistent along the whole extent of Portland Close, where the pre-existing green verge narrows in some places. The part proposed development of the fenced boundary, with regards to its positioning and siting, will now reintroduce an element of the breathing space that has been lost as existing from the public footpath. The replacement planting would soften the impact to the street scene at Portland Close.

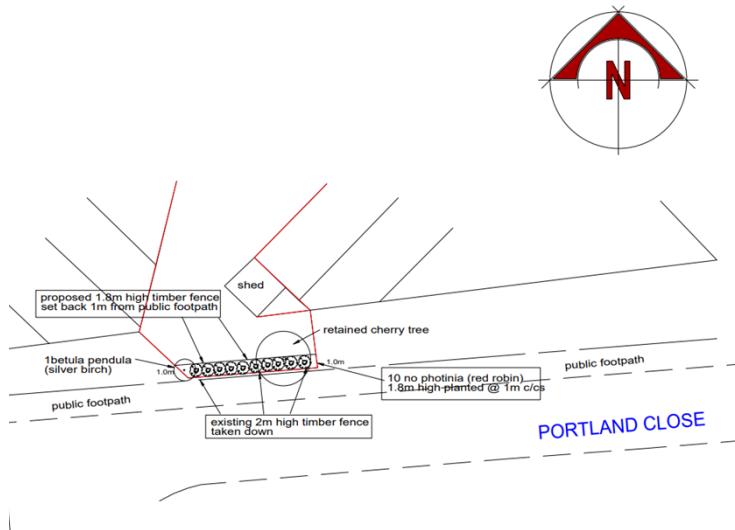


Figure 5: P/09288/002 Extract of site plan, drawing 3103/25/06 rev D

5.20 The 1m set back has been requested as the pre-existing grass verge to the rear of properties across Ramsey Court and St Michael's Court vary in length, with those at the east end of St Michael's Court at the widest (approximately 6m) and those at the west end of Ramsey Court being at the most narrow (approximately 2m). Therefore, a 1m set back would cater for the variation to ensure that should other dwellings submit a similar application, this would allow for a consistent fence line when viewed from Portland Close. In addition, there are a number of appeals that have been submitted for other applications (see site history above). Officers have requested that should the appeal be successful, the Inspector should include a condition that all fences should be set back 1m and replacement planting with details to be provided to the Local Planning Authority.

5.21 The repositioning of the fenced boundary set back 1m from the public footpath and replacement planting, whilst not considered to revert back to the pre-existing situation, is now acceptable with regards to design and visual amenity and broadly in accordance with Core Policy 8 of the Core Strategy 2008, policies H15 and EN1 of the Local Plan 2004 and the NPPF 2024.

Impact upon on amenity of neighbouring occupiers

5.22 DP6 and DP7 of the REGSPD 2010 states that extensions should not be overbearing on neighbouring properties or result in loss of outlook, overshadowing, loss of sunlight or daylight. DP8 of the REGSPD 2010 states that window positions should avoid direct overlooking of neighbouring properties including gardens. Whilst it is noted this guidance is for extensions to existing dwellings, these principles are inherent in achieving good design in relation to neighbouring dwellings.

5.23 The site levels are higher where the host dwelling is sited and drops within the rear gardens where the fence is proposed at Portland Close. However, the nearest property at Portland Close is no. 35, which is over 15m from the rear elevation of the application site dwelling and is sited with a flank wall to the development. In addition, the replacement planting and set back of the fence to 1m would add an extra buffer from these properties. Therefore, it is considered that there would be no harmful overlooking to the properties at Portland Close.

5.24 There would be no detrimental impact to the property to the east at 18 St Michael's Court as the changes to the fence do not affect the site. There would be no detrimental impact to the neighbouring occupier at no. 10 Ramsey Court as they have extended their rear gardens to the same effect and no detrimental impact to no. 12 Ramsey Court as there is no change to their boundary fence.

5.25 It is therefore considered that the development would not result in a detrimental impact to the amenity of neighbouring occupiers and complies with Saved Policies H15, EN1 and EN2 of the Slough Local Plan 2004 and the Slough Local Development Framework, Residential Extensions Guidelines, Supplementary Planning Document, adopted January 2010, and Core Policy 8 of the Slough Core Strategy (2008).

Highways and Access

5.26 The NPPF 2024 Section 9 relates to promoting sustainable transport and states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

5.27 This is reflected in Core Policy 7 of the Core Strategy 2008 and Policy T2 of the Local Plan 2004. Policy T2 of The Adopted Local Plan for Slough 2004 relates to parking restraint, and requires additional on-site car parking only be where this is needed to overcome road safety problems, protect the amenities and operational requirements of adjoining users, and ensure that access can be obtained for deliveries and emergency vehicles. Residential development will be required to provide a level of parking appropriate to its location and which will overcome road safety problems, protect the amenities of adjoining residents, and not result in an adverse visual impact upon the environment. The Council's Developer's Guide, part 3 (Transport and Highways Guidance) establishes car and cycle parking standards.

5.28 Under permitted development rights, any gate, fence, wall or other means of enclosure constructed or erected adjacent to a highway used by vehicular traffic must not exceed 1 metre in height. This includes situations where the end of the structure or means of enclosure abuts the highway (i.e. is perpendicular to the highway). However, it is considered that given the siting of the fencing and that it does not serve any vehicular access, a 1.8m height fence would be acceptable, provided it is set back from the public footpath to allow for an adequate buffer. Condition 2 has been recommended to ensure the fence is relocated and the landscape replanting is provided to this effect.

5.29 Officers note that some of the objections received raise concerns that some parts of the fence along the wider Ramsey Court/ St Michael's Court length have gates, which would result in increased parking to the rear of the properties and conflict with the pedestrian footpath. However, there are no gates included within the newly erected fence. Furthermore, there is a parking restriction on Portland Close, with single yellow line that do not allow parking at peak school times given the close proximity of Priory School and Burnham Grammar school, which restricts parking 8am – 9am and 3pm – 4pm Monday to Friday.

5.30 Therefore, as a result of the fences, there is no detrimental impact to the public footpath and highway at Portland Close and the proposal would remain in accordance with Core Policy 7 of the Core Strategy 2008, Policy T2 of the Local Plan 2004 and the NPPF 2024.

Designing Out Crime

5.31 Policy EN5 (Design and Crime Prevention) states the following:

All development schemes should be designed so as to reduce the potential for criminal activity and anti-social behaviour. Planning permission will not be granted unless all the following criteria have been adequately considered in drawing up a scheme:

- a) limited number of access points;
- b) provision of secure boundaries such as fences, walls or landscaping around private and public spaces;
- c) well lit external areas subject to maximum natural surveillance without any potential hiding areas;
- d) use of suitably robust materials; and
- e) use of defensive landscaping to deter intruders

5.32 The fencing complies with the above criteria of EN5, as it is made of suitably robust materials with concrete foundations and although has removed the more mature defensive landscaped barrier, with replacement landscaping, this has somewhat increased visibility and surveillance to the road at Portland Close.

5.33 It is considered that the proposal would not result in safety concerns and therefore would be in accordance with Policy EN5 of the Local Plan 2004.

Landscaping and Ecology

5.34 Policy EN3 (Landscaping Requirements) states the following:

Comprehensive landscaping schemes will be required for all new development proposals. Where there are existing mature trees, or other features such as watercourses, which make a significant contribution to the landscape, these should be retained and incorporated into the new scheme.

Landscaping should be carried out in the first planting season following the completion of the proposed development and a scheme for the subsequent maintenance and retention of the existing and proposed planting should be established. Off-site planting may be required for development proposals where there is a substantial loss of landscaping on site or where there is the opportunity to enhance existing landscaping in the vicinity of the development.

In addition, landscaping schemes must have regard to all of the following:

- a) impact upon the street scene;
- b) screening effect of the proposed landscaping;
- c) use of both hard and soft landscaping to soften the built form;
- d) variety of plant and tree species and their appropriateness for the location;
- e) the extent to which landscaping can act as a means of enclosure;
- f) improvements to visual amenity; and
- g) opportunities for creating new wildlife habitats.

In some cases, it will be more appropriate for landscaping schemes to be initiated prior to construction.

5.35 Whilst the application is a full application and would therefore normally be required to provide a Biodiversity Net Gain Assessment, the application form states that the development is exempt as it is retrospective. Whilst it is true that legislation states that a Biodiversity Net Gain Assessment is not required for retrospective applications, the application form also states that there is no loss of biodiversity. The submitted plans demonstrate that the cherry tree to the rear is to be retained.

5.36 The proposals demonstrate replanting including 10no. red robin (Photinia) shrubs which are a vigorous evergreen shrub, with glossy, bright red leaves in the spring and summer months. This hedge can reach a mature height of 3-5 meters. This would be planted at 1m

high and although this would not be mature enough to cover the fencing, over time this could grow up to 1.8m and potentially more. Officers consider this would be an improvement from the existing and over time, would adequately replace the existing hedge that had been lost. A condition is recommended to ensure that this replanting is carried out within 6 months of the date of permission and shall be retained and maintained thereafter.

- 5.37 In addition, the Cherry tree which is as existing would remain and would be sited to the grass verge area, rather than part of the private amenity of the garden. The proposed plans also demonstrate planting of a new single silver birch tree (*Betula Pendula*), which would add positively to the landscaping to the grass verge.
- 5.38 As above, Officers consider that the proposal demonstrate through the submitted landscaping scheme adequate replanting and retention of the existing tree that would be in accordance with Policy EN3 of the Local Plan 2004.

6.0 **RECOMMENDED CONDITIONS**

1. The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:
 - (a) Fencing Details, Drawing No. 3103/25/01 rev D, Received 05/09/2025
 - (b) Site Plan, Drawing No. 3103/25/06 rev D, Received 05/09/2025
 - (c) Design and Access Statement, Received 20/06/2025

REASON To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with the Policies in the Development Plan.

2. Within 6 months of the date of this permission, the applicants shall complete the replacement landscaping including 10no. red robin bushes a 1no. silver birch tree, retention of the cherry tree and set back the fence 1m from the highway, in accordance with Fencing Details, Drawing No. 3103/25/01 rev D, Received 05/09/2025. These shall be retained and maintained thereafter for the lifetime of the development.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenities of the locality in accordance with EN1 and EN3 of the Local Plan 2004.

INFORMATIVE(S):

1. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.