



Appeal Decision

Site visit made on 2 November 2023 by T Bennett BA(Hons) MSc MRTPI

Decision by Chris Forrett MRTPI, DipTP, BSc (Hons)

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

Appeal Ref: APP/P4605/D/23/3326912

26 Sedgemere Road, Birmingham, B26 2AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Mohammad Hussain against the decision of Birmingham City Council.
 - The application Ref 2023/03075/PA, dated 07 May 2023, was refused by notice dated 14 June 2023.
 - The development proposed is for a single storey rear extension off existing rear house wall.
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for a single storey rear extension off existing rear house wall, at 26 Sedgemere Road, Birmingham, B26 2AT in accordance with the application ref. 2023/03075/PA, made on 07 May 2023, and the details submitted with it (including Proposed Block Plan), pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2) of the GPDO.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The above description of development is taken from the application form. It is referred to differently elsewhere, but as I can see no agreement between the main parties, I must use the description as set out on the application form.
4. The neighbours at 28 Sedgemere Road, 58 Amanda Drive and 60 Amanda Drive, Yardley were consulted on the application and no objections were received. On the basis that the Council have carried out the correct consultation and no objections have been received; I need not consider the impact of the proposal on the amenity of adjoining occupiers.

Main Issue

5. The main issue is whether the proposal would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.

Reasons for the Recommendation

6. The appeal site comprises a two-storey semi-detached dwelling in a residential area with existing extensions to the rear. The proposed development would replace the existing rear extensions with one that would extend 6 metres in length beyond the rear wall of the property, with a maximum height of 3.8 metres and 2.8 metres to the eaves.
7. The basis of the Council's reason for refusal of the application is that the proposal would result in a development which would be greater than half the width of the original dwelling. Schedule 2, Part 1, Class A, paragraph A.1(j) sets out that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, or have a width greater than half the width of the original dwellinghouse.
8. At my site visit I saw a two-storey side projection towards the rear of the property, together with another two-storey projection set further forward. I also observed several similar side two-storey projections towards the rear of neighbouring properties, albeit these were not identical to the appeal property. However, the appeal property differs from others as it has a much wider plot.
9. From what I observed on site, I could see no evidence that the two-storey side projection was not part of the original dwellinghouse, with no visible joins or changes in the age, type or pattern of brickwork. Furthermore, I have been presented with limited information on the planning history of the appeal property which provides very little evidence that a two-storey side projection has been constructed.
10. Taking the above points together, leads me to conclude that the two-storey side projection is in fact part of the original dwellinghouse. As noted above, the properties to the west of the appeal site have a two-storey side projection very similar to what I observed on the appeal property, which adds further weight to my conclusion.
11. Based on the above, the evidence indicates that the rear elevation of the dwellinghouse where the extension is proposed is original. For this reason, the proposed single-storey rear extension would not project past a wall which did not form part of the original side elevation of the dwelling. It would therefore comply with the conditions, limitations and restrictions in Schedule 2, Part 1, Class A.1 (j) of the GPDO. It also follows that the proposal would also accord with the limitations set out in paragraph A.1(g). As such, the proposal would be permitted development.

Conditions

12. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the requirement for the exterior materials to be similar to those used in the construction of the exterior of the existing dwellinghouse and that the development is carried out in accordance with the details and plans submitted as part of the application to the local planning authority. In my view, no further conditions are necessary.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence, and my representative's recommendation, and on that basis the appeal is allowed.

Chris Forrett

INSPECTOR