



---

# Appeal Decision

Site visit made on 15 January 2024

**by P Eggleton BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2 February 2024**

---

**Appeal Ref: APP/P4605/D/23/3334038**

**91 Chaffcombe Road, Birmingham B26 3YB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Sengul Elbir against the decision of Birmingham City Council.
  - The application Ref 2023/06373/PA, dated 19 September 2023, was refused by notice dated 15 November 2023.
  - The development proposed is a single storey side extension.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect on the character and appearance of the area.

## Reasons

3. The plans show that a lower and shorter side addition previously existed but has been removed. It sat behind a high hedge which bounded the side of the property. The hedge remains to the rear garden area but has been removed to the side of the house. In this area, a low brick wall has been built which appears to be the retaining wall for the floor slab of the proposed extension. The retaining wall is built very close to the pavement.
  4. The combined height of the retaining wall and the single storey extension would be significant when experienced from the pavement. The full depth of the extension, together with its overall height, would ensure that it would be a very prominent and dominant feature to the side of this property. The removal of the side boundary hedge and the former side addition has exposed the unrelieved two storey side elevation to direct view. Given its design and appearance, a new single storey side element would help to break up this expanse of development and soften its appearance. However, the scale of this proposal, its height so close to the pavement and its overall depth, although offering some relief from the view of the side elevation, would be overly dominant due to its height and depth. It would represent poor design in these particular circumstances.
  5. As the height and position of the proposed extension, in relation to the boundary, would result in it being overbearing and overly dominant, it would
-

be harmful to the character and appearance of the area and the street scene. It would be contrary to the requirement for high design quality set out in policy PG3 of the Birmingham Plan 2031 (2017). The *National Planning Policy Framework* 2023 is clear that development that is not well designed should be refused.

6. These design shortcomings conflict with the objectives of Design Principle 16 of the Birmingham Design Guide: Principles Document 2022 which requires that extensions respond to and complement the character of the host building and surroundings. The lack of a set back from the side boundary, the large area of blank wall, the poor design and the failure to acknowledge or enhance the surrounding area also conflicts with paragraphs 2.72, 2.83 and 2.84 of the supporting City Note LW-18 of the Birmingham Design Guide: Healthy Living and Working Places City Manual 2022. Whilst the slight set back from the front bay and the lack of properties to the rear and side ensure that there is no further conflict with the design guidance, these are not matters that outweigh the other design shortcomings.
7. Reference is made to the neighbouring property, 89 Chaffcombe Road, which occupies the corresponding corner plot. Although it has a similar side extension, it differs entirely with regard to the setting of the house. It is positioned away from the pavement beyond the side boundary fence which ensures that it is not prominent. It is also set at a lower level which reduces its prominence further.
8. I have had regard to the previous development that was on the site and the benefits that would result from both the construction of the extension and the use of the new accommodation by the appellant. Whilst these are matters that weigh in favour of allowing alterations to the property, they are not sufficient to outweigh my concerns. I therefore dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**