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# Appeal Decision

Site visit made on 23 April 2024

**by F Rafiq BSc (Hons) MCD MRTPI**

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

**Decision date: 9 May 2024**

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**Appeal Ref: APP/P4605/W/24/3338103**

**375 City Road, Harborne, Birmingham B17 8LD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr I Hussain against the decision of Birmingham City Council.
  - The application Ref is 2023/07759/PA.
  - The development proposed is to retain rear ground floor extension.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. A single storey rear extension had been constructed at the appeal property at the time of my visit. The proposed development seeks permission for a reduced sized extension. For clarity, this decision relates to the proposed development as shown on the submitted plans.

## Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the host property and the area, and (ii) on the living conditions of the occupiers of 377 City Road with regard to outlook, daylight and sunlight.

## Reasons

### *Character and Appearance*

4. The appeal site comprises of a large semi-detached property that is set back from the road behind a forecourt parking area. The regular building lines, along with the presence of bay windows and front gable features gives the area a cohesive character.
5. The rear extension would have a L-shaped form and project, at its maximum extent, around 10m from the two-storey part of the appeal building. Although the appeal development would leave an appropriately sized garden, its long projection would dominate the existing property. Although concerns have been raised that the Council has sought to extend its reason for refusal, the Council Officer's report<sup>1</sup> identified concerns about the size of the extension in relation to the existing property.

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<sup>1</sup> Delegated Date: 8 January 2024

6. Reference has been made to other large extensions in the area, and whilst these have altered the original built form to the rear of buildings along City Road, I have not been made aware of any that would be as large as that proposed by this appeal development. The extension would be visible from Portland Road, despite the screening afforded by boundary treatment, as well as from nearby properties, where its size and mass would harm the character and appearance of the host property and the area.
7. I therefore conclude that the appeal development would have an unacceptable adverse impact on the character and appearance of the host property and the area. As such, it would conflict with Policy PG3 of the Birmingham Development Plan (BDP), which requires, amongst other matters, all new development to demonstrate high design quality and for development to respond to site conditions and the local area context. The proposal would also be contrary to Paragraph 135 of the National Planning Policy Framework (Framework) and the Birmingham Design Guide Healthy Living and Working Places City Manual (BDG).

### *Living Conditions*

8. Both main parties have referenced the planning history of the neighbouring property, 377 City Road and more specifically a 6m rear extension<sup>2</sup>. Although partially constructed, the wall along the boundary with the appeal site and part of the return on the northern side were in place outlining the extent of the structure at the neighbouring property. Whilst some concerns have been raised on whether this neighbouring extension was undertaken with the property owner's knowledge, I have not been provided with any evidence on this and nor are there any third-party representations before me from the owner/occupier of No. 377.
9. Part of the proposed extension would be along the shared boundary with No. 377, but the neighbouring property's extension would project past this, and the proposal would not therefore conflict with the 45 Degree Code set out at LW-4 of the BDG. Whilst the remainder of the appeal extension would be longer, it would also be set away from the boundary with No. 377. As such, I do not consider the proposal would create an overbearing sense of enclosure to occupiers of the neighbouring property or result in the harmful loss of light.
10. Given the above, I conclude that the appeal proposal would not have an unacceptable detrimental impact on the living conditions of the occupiers of 377 City Road with regard to outlook, daylight or sunlight. As such, it would comply with Policies DM2 and DM10 of the Development Management in Birmingham Development Plan Document, which seek to ensure that there are no unacceptable adverse impacts on the amenity of occupiers and neighbours. It would also be compliant with Paragraph 135 of the Framework and the BDG. Although reference is made to BDP Policy PG3, this is not relevant to living condition matters.

### **Other Matters**

11. Reference has been made to a previous approval<sup>3</sup> at the appeal site which is said to have established the principle of a L-shaped extension. From the information provided, this previous approval was however of a considerably

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<sup>2</sup> LPA Ref: 2023/05232/PA

<sup>3</sup> LPA Ref: 2021/10867/PA

smaller scale than the appeal development and it therefore does not justify the proposal before me.

12. The appeal proposal seeks to extend a flat in order to meet nationally described space standards. This would ensure an appropriate standard of accommodation for future occupiers which is a matter that weighs in favour of the development. It would not however outweigh the harm that I have identified in respect of the first main issue.

### **Conclusion**

13. The proposed development would not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.

*F Rafiq*

INSPECTOR