



Appeal Decision

Site visit made on 13 November 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2025

Appeal Ref: APP/P4605/W/24/3345401

271 Soho Road, Birmingham B21 9SA

- 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 Dr Nikesh Farmah (Sohal Dental Practice) against the decision of Birmingham City Council.
 - The application Ref is 2023/07127/PA.
 - The development proposed is second floor extension to dental surgery.
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Decision

1. The appeal is allowed and planning permission is granted for second floor extension to dental surgery at 271 Soho Road, Birmingham B21 9SA in accordance with the terms of the application, Ref 2023/07127/PA, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing no 271SR/2 rev F.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing building.
 - 4) The second floor use hereby permitted shall be ancillary to the primary use of the site as a dental practice.

Main Issue

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

Reasons

3. The host building is a dental surgery within the Soho Local Centre. There is a mix of commercial uses with two or three storey buildings. A car park lies to the rear of the property, with residential development beyond it. A number of the properties in the vicinity of the proposal have extensions to the rear which are also a mix of heights and depths.
4. There has been a previous approval for a two-storey rear extension¹ which has not yet been constructed. The additional extension, the subject of this appeal would provide a lecture theatre, further office space and storage and would

¹ 2023/01049/PA

support the further expansion of the existing dental surgery as well as providing other community health care support.

5. The appeal building and the adjoining one are lower than the neighbouring properties. Whilst the proposed extension would be higher than that previously approved, due to the terraced form of the buildings on Soho Road, there would be little opportunity for it to be viewed from the street.
6. To the rear of the property, the back of 269 Soho Road is three storeys in height, with a taller industrial building beyond. The proposal would not therefore appear as a dominant and intrusive extension, when viewed in the context of the existing extensions.
7. Whilst the additional storey would be large, it would be the same depth and width as the previously approved two-storey extension. The additional scale and massing would reflect the prevailing heights and character of the surrounding buildings. It would therefore be appropriate in the area.
8. In light of the above the proposal would comply with Policy PG3 of the Birmingham Development Plan 2017 and Policy DM2 of the Development Management in Birmingham Development Plan Document 2021 which together and amongst other matters seek to ensure that development responds to site conditions and local area context and is appropriate to its location.

Conditions

9. I have considered the conditions recommended by the Council, having regard to the Planning Practice Guidance. To provide certainty I have included the standard time limit condition and specified that the development should be carried out in accordance with the approved plans. In addition, a condition requiring matching materials is necessary to ensure a suitably in keeping result to the development in the interests of the character and appearance of the area.
10. The condition requiring the proposed extension to be used only as ancillary to the primary use as a dental surgery is necessary to define the permission and protect the amenity of nearby occupiers. I have not included the second part of the condition as suggested by the Council. The extended elements would operate as a whole with the existing business and there is no compelling reason why it should cease should the business do so. In addition, most future uses would require planning permission in their own right and the wording I have used is largely self-governing in ensuring the space would not be used for anything other than described. The second part would therefore be unjustified and unnecessary.

Conclusion

11. The appeal scheme would comply with the development plan for the reasons I have set out. The appeal should therefore be allowed, subject to the above conditions.

H Senior

INSPECTOR