



Appeal Decision

Site visit made on 18 February 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2025

Appeal Ref: APP/P4605/D/24/3349892

72 Copthall Road, Handsworth B21 8JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Singh against the decision of Birmingham City Council.
 - The application Ref is 2024/03392/pa.
 - The development proposed is a GF Rear Extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g), paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development.
4. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.
5. An objection was received from the occupier of the adjoining property. The Council therefore proceeded to consider the impact of the proposal on the amenity of any adjoining premises. It subsequently refused the application on grounds relating to the effects of the proposal on the occupiers at 74 Copthall Road. In refusing the application, the Council cited policies from the Birmingham Development Plan 2017 (BDP), Birmingham Design Guide Supplementary Planning Document 2022 (BDG), the Development Management in Birmingham Development Plan Document 2021 (BDPD) and the National Planning Policy Framework (the Framework).
6. However, since the principle of the development is already established by the GPDO, I can only have regard to the policies of the development plan insofar as they are material to the matters for which prior approval is sought.

Main Issue

7. The main issue is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO and the impact of the proposed development on the amenity of adjoining premises with regard to outlook and light.

Reasons

8. The appeal site comprises a semi-detached home addressing Copthall Road. The proposal would introduce a sizable single storey rear extension with a maximum depth of 6 metres.
9. Both neighbouring properties at 70 and 74 have rear ground floor openings including windows and doors with number 70 featuring a modest conservatory extension. It is likely given the proximity of these to the boundary, where the proposed extension would be sited and due to its height and depth, would result in overshadowing leading to the loss of light to these openings particularly in the daytime to the rooms they serve. This would result in an adverse impact and cause harm to the living conditions of these neighbouring occupiers.
10. The height and depth of the proposed extension would appear on each of the side elevations as a stark overbearing blank wall and would be quite imposing when viewed by neighbouring occupiers. The extension would be positioned very close to the shared boundaries and, notwithstanding the details shown on the proposed plans, would be exacerbated by the slope of the land to the rear. Therefore, it would significantly impact on neighbours living conditions in terms of outlook, and to the detriment of what these neighbours presently can enjoy from within their garden areas and views from existing ground floor windows and doors.
11. For these reasons, I conclude that the proposal would cause significant and demonstrable harm to the living conditions of neighbouring occupiers with regard to outlook and light. This would conflict with policy PG3 of the BDP, the intent of the BDG, policies DM2 and DM10 of the BDPD and provisions of the Framework insofar as it would not demonstrate high quality design and would breach the “45 degree code”.
12. I have noted references to extensions at 5 and 7 Copthall Road but have not been provided with any detail or context of these cases that would allow me to draw any comparison. Whilst I appreciate the enlargement of the property would no doubt be beneficial to the occupants, this should not be to the detriment of neighbouring occupiers.

Conclusion

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

N Bowden

INSPECTOR