



Appeal Decision

Site visit made on 26 February 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 March 2025

Appeal Ref: APP/P4605/W/24/3352496

1 Nately Grove, Selly Oak, Birmingham, B29 6TD

- 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 Kamor Kareem against the decision of Birmingham City Council.
 - The application Ref is 2023/08701/PA.
 - The development proposed is the erection of a two storey and single storey side extension and single storey rear extension and subdivision of existing dwellinghouse to 3no. self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal was revised during the planning application from four to three self-contained flats. In my heading above, I have used the description on the decision notice that reflects this rather than the original description on the planning application form.
3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties were provided with an opportunity to comment. I have had regard to the 2024 version of the Framework in my decision.

Main Issues

4. The main issues are:
 - The effect of the proposed extension on the character and appearance of the area; and
 - The effect of the proposed development on the housing mix.

Reasons

Character and Appearance

5. The appeal site is a corner plot on the junction of Reservoir Road and the cul-de-sac of Nately Grove. The site is occupied by an end of terrace two storey dwelling. Surrounding development includes two-storey terraced and semi-detached dwellings. The layout of development within the cul-de-sac is very ordered, with plots set back from the highway. The corner plots at either side of the entrance to Nately Grove, including the appeal site, are spacious, with larger gardens and an absence of built form towards the entrance. This contributes to a sense of

spaciousness as you enter the cul-de-sac and contributes to the suburban character of the area.

6. The proposed side extensions would substantially extend the width of the dwelling which would span across most of the width of the plot. The resultant building would be substantially larger than other dwellings within the cul-de-sac and more than double the width of the existing dwelling. Although the plot is larger than most other plots in the cul-de-sac, the overall amount of plot coverage would be excessive and out of keeping with surrounding development. The extensions would also result in a loss of spaciousness and greenery towards the entrance to the Grove, which as outlined previously, contributes to the suburban character of the area.
7. The set back of the two-storey extension is minimal and does not successfully mitigate the scale of the proposed development. Furthermore, the ridge of the two-storey extension would sit in line with the existing front projection. I am therefore not convinced that the proposed extensions would be subservient or proportionate to the existing dwelling.
8. The proposed extensions would lead to the creation of a crown roof to the main part of the building, which is not a characteristic of surrounding development and exacerbates the dominance of the proposed extensions. The appellant argues that other properties in the area demonstrate evolving architectural style, therefore supporting the proposal. However, on my site visit residential development within the immediate surrounding area was generally of a similar style and design.
9. The proposed development would include four car parking spaces to the front of the site. This would lead to a substantial increase in hardstanding across the front of the site, following the removal of an existing tree and soft landscaping. As such, the parking would dominate the frontage of the property and the visual impact of this would be exacerbated given the site's prominent corner position.
10. The appellant has stated that amendments could be made to reduce parking provision, retain a balance between built form and open space and to incorporate additional landscaping. Nevertheless, I must determine the scheme on the basis of the evidence and plans before me.
11. For the reasons given above, I therefore conclude that the proposed development would result in significant harm to the character and appearance of the existing dwelling and the surrounding area. It would be contrary to policies PG3 and TP27 of the Birmingham Development Plan 2031 (2017). Collectively these policies seek to ensure high quality development that is in keeping with the character of surrounding areas. It would also conflict with Design Principles 11, 14 and 16 of the supplementary planning document, Birmingham Design Guide Principles Document (SPD) (2022) and the aims and objectives of the Framework in this regard.

Housing mix

12. The Council argue that insufficient evidence has been provided to justify the loss of the family sized dwelling and to determine if the conversion of three flats (two one bedroom, and one two bedroom) would make best use of the property. Firstly, it is important to consider whether the existing dwelling can be considered a family sized dwelling. Based on the plans it can reasonably be assumed that the dwelling

comprises of three bedrooms. The Birmingham Housing and Economic Development Needs Assessment 2022 (HEDNA) identifies family sized dwellings as a dwelling with three or more bedrooms. As outlined, the existing dwelling has three bedrooms and a spacious garden. It would therefore be appropriate for a family and can be considered a family sized dwelling. The proposed flats comprise of one or two bedrooms and would not have private access to a garden. Given the number of bedrooms, the proposed flats could not be considered family sized dwellings under the HEDNA.

13. The appellant argues that the HEDNA identifies a significant local demand for smaller units, particularly in urban areas such as Selly Oak. They also state that the HEDNA identifies a shortfall in affordable one and two bedroom flats. However, table 8.26 of the HEDNA outlines the modelled size requirement by sub-area for market housing in Selly Oak (the application form states that the flats will be market housing). These figures indicate that the largest requirement within Selly Oak are three bed dwellings, with the lowest requirement being one bed properties. The total modelled size requirement for market housing in all areas similarly indicates that the largest requirement is for three bedroom dwellings, with the smallest requirement being one bed dwellings. The report also explains in paragraph 8.11 that recent delivery has been focussed on 1 and 2 bedroom homes which combined contributed to 69% of housing delivery in 2011/12 and 2019/20.
14. The appellant argues that the proposal aligns with the city's objectives of providing housing that meets the needs of smaller householders, young professionals and downsizers. Whilst I accept that there is a general housing need for all types of properties in the area, the evidence highlights an acute need for family houses, particularly three bed dwellings. Moreover, paragraph 1.11 of the HEDNA explains that the main reason for wanting to move home was the current property being too small (24.4%) whilst only 6.8% of those surveyed wanted to move to downsize.
15. The appellant refers to affordable housing and that the dwelling is vacant and underutilized. However, the application form indicates that the proposed housing would be market housing and so, it is not shown that it would constitute affordable housing as defined in the Framework. Moreover, no marketing or other information has been forwarded to explain why the property has been vacant. I have therefore attached little weight to these factors, and they do not alter my findings in relation to this issue.
16. The evidence provided illustrates that the largest requirement for housing in the area is for three bed properties, with the smallest requirement being for one-bedroom properties. The proposal would displace a family sized dwelling for which there is a greater local need with a housing mix less equipped to do so. The proposal is therefore contrary to policies PG3, TP27, TP30 and TP35 of the Birmingham Development Plan 2031 (2017). Collectively, these policies seek to ensure that new housing delivers a range of dwellings in order to meet local needs, and best use is made of the existing housing stock.

Other Matters

17. I acknowledge the appellant's concerns over the Council's handling of the application. However, this is not a matter that I can consider under a

Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

18. As outlined above, the development would provide four car parking spaces. The appellant argues that the parking has been designed in line with the Birmingham Parking Standards Supplementary Planning Document (SPD) (2021) however this document outlines how in Zone C (where the site is located) one bed and two bed dwelling houses would require one space per dwelling. This equates to three spaces in total. The proposed development is not in accordance with the standards as set out in the Birmingham Parking Standards SPD (2021).
19. The proposal would deliver a net gain of two housing units. Each of the units would provide an acceptable standard of accommodation using energy efficiency measures. The scheme would make more efficient use of the land in an accessible location. There would also be temporary and ongoing economic benefits arising from the development. This would support the Government's aims of boosting the supply of homes, the more efficient use of land and improve the current shortfall in the Council's housing land supply. Overall, whilst these are important benefits, given the modest scale of the development I attribute minor positive weight to them.
20. The absence of harm in relation to neighbouring amenity and living standards are not benefits that weigh in favour of the scheme, but rather are neutral factors.

Planning Balance and Conclusion

21. The evidence provided states the Council have a 4.38 year supply of deliverable housing sites. In these circumstances paragraph 11d) of the Framework is engaged. There is nothing before me to suggest that there are any policies in the Framework that protect areas or assets of particular importance that provide a strong reason for refusing the development under paragraph 11d)(i).
22. Therefore, the balance in paragraph 11d(ii) applies such that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to specified key policies.
23. Amongst the key policies highlighted are paragraphs 129 and 135 of the Framework. Paragraph 129 supports development that makes efficient use of land but indicates this should take into account the identified need for different types of housing and the desirability of maintaining and area's prevailing character, including residential gardens. Paragraph 135 states that planning decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture and layout, and are sympathetic to local character and history. It will be seen from my findings above that the appeal proposal would fall short in these respects.
24. Accordingly, I find that the adverse impacts arising from the development would significantly and demonstrably outweigh the minor weight attributed to the benefits. The presumption in favour of sustainable development does not apply in these circumstances.
25. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate

otherwise. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

S Burch

INSPECTOR