



Appeal Decision

Site visit made on 24 April 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2025

Appeal Ref: APP/P4605/W/25/3358618

10 Ashcroft Grove, Birmingham B20 3WG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Pushkar Patel against Birmingham City Council.
 - The application Ref is 2024/05301/PA.
 - The development proposed is: Erection of a single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey side extension at 10 Ashcroft Grove, Birmingham B20 3WG in accordance with the terms of the application, Ref 2024/05301/PA, and the plans submitted with it, 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 nos: Location Existing Site and Floor Plans (TP/671/01); Existing Elevations (TP/671/01); Proposed Site and Floor Plans and Section (TP/671/03); Proposed Elevations (TP/671/04); and Proposed Block Plan (TP/671/05).

Preliminary Matters

2. The appeal relates to a planning application which was not determined by the Council within the prescribed period. From the submissions, it is unclear what decision the Council would have made had it been able to do so. However, I have been provided with Policy PG3 of the Birmingham Development Plan (2017) (BDP), the Development Management in Birmingham Development Plan Document (2021) and the Birmingham Design Guide: Healthy Living and Working Manual and Principles Document (2022) (BDG) considered by the Council to be relevant to the appeal. I have therefore determined this appeal on the basis of the information available to me, and my observations on site.

Main Issues

3. Having regard to the above, the main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of No 6 Ashcroft Grove (No 6).

Reasons

Character and appearance

4. 10 Ashcroft Grove (No 10) is a two-storey dwelling at the end of an L-shaped terrace located on one side of Ashcroft Grove. The terrace is uniform in its overall appearance, constructed in a red brick with a simple pitched roof form and fenestration details, and canopies over paired front doors. Adjoining No 10 is a semi-detached pair of dwellings (4 and 6 Ashcroft Grove) which are contemporary in design, forming part of a wider, recent development along Ashcroft Grove.
5. The guidance in the BDG is that to avoid a change in character, side extensions must appear secondary to the house with the ground floor elements set back at least 500mm from the building line. The proposed extension would continue the front elevation of No 10, in conflict with this guidance. However, it would have a flat roof with relatively low eaves and, in combination with its minimal width, it would be a modest and proportionate addition to its host.
6. Further, the existing front elevation of No 10 is set well behind the neighbouring semi-detached pair and as a result the proposed extension would not be particularly visible when travelling along Ashcroft Grove from the east. It would be visible from the communal parking area to the front, but it would appear smaller than the main part of the dwelling and would not dominate its appearance or noticeably change its character. Although the flat roof design would not align with the pitched form of the main roof, the proposed extension would nonetheless complement the scale and overall style of No 10 and its surroundings. In this regard, it would be consistent with BDG City Note LW-16 and Design Principle 16.
7. I therefore conclude that the proposed development would not cause harm to the character and appearance of the area. It would accord with BDP Policy PG3 which requires, amongst other things, all new development to demonstrate high quality design, contributing to a strong sense of place and reinforcing local distinctiveness.

Living conditions

8. The extension would project almost up to the common boundary, and it would extend well beyond the rear elevation of the neighbouring dwelling at No 6 because of its stepped siting. The garden of No 6 wraps around the rear of No 10 and there is a relatively high close boarded timber fence on its side boundary and a slightly higher brick wall to the rear. The proposed extension would be less than 3m in height (with a flat roof) but it would nonetheless be visible from the rear windows and garden of No 6, above the existing boundary fence.
9. The ground floor patio doors of No 6 are located centrally within the rear elevation, so they are offset a reasonable distance from the common boundary with No 10. This separation would ensure the extension does not appear overbearing from the patio doors. Furthermore, the development would not dominate the garden of No 6, which is relatively generous in size and as there is a shed which already encloses the garden along its boundary with No 10.
10. No 10 is set at a slightly higher ground level, such that the boundary fence is broadly the height of the header of the patio doors of No 6. This fence, and the shed in the garden of No 6, already cast shadow over part of the garden and patio

doors. Due to its modest height and siting away from the patio doors, the proposed extension would not significantly alter the existing situation or result in a loss of light. No windows are proposed on either the flank or rear elevation of the proposed extension so it would not cause overlooking toward No 6.

11. I therefore conclude that the proposed development would not cause harm to the living conditions of the neighbours at No 6. Consequently, it would accord with BDP Policy PG3 in so far as it requires all new development to respond to site conditions and the local area context.

Conditions

12. In addition to the standard time limit condition for implementation of the planning permission, a condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of certainty.

Conclusion

13. For the reasons given above, the proposal accords with the development plan, when read as a whole. Material considerations do not indicate a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

R Gravett

INSPECTOR