



Appeal Decision

Site visit made on 17 June 2025

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2025

Appeal Ref: APP/P4605/D/25/3365562

47 Tysoe Road, Birmingham B44 8JT

- 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 Mustafa against the decision of Birmingham City Council.
 - The application Ref is 2024/04603/PA.
 - The development is described as a proposed loft conversion to an existing dwelling, and a roof light to the front roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and the area; and
 - the living conditions of adjacent occupiers, with particular regard to overlooking of 45 Tysoe Road ('No 45').

Reasons

Character and appearance

3. The Birmingham Design Guide Supplementary Planning Document 2022 ('SPD') sets out, amongst other things, that extensions shall balance the desires of residents, with the need to create a design that complements or enhances the host building and the area, whilst not unacceptably impacting the amenity of neighbours. It advises at 2.116 that the design must be of a form that complements, and integrates with, the host, and does not over-dominate, or substantially alter, its appearance, scale or mass.
4. The properties in Tysoe Road are arranged in two storey semi-detached pairs or short terraces, typically with hipped roofs, although No 40 has a large dormer which has significantly changed its roof form. Many of the properties have been altered or extended, including No 51 which has a gabled, set back, two storey side extension, and No 55 which has had side and roof level extensions resulting in an asymmetric roof.
5. The front face of the host property broadly reflects the prevailing form and grain of development in the road. However, viewed from the rear, it has been significantly altered with a two storey hipped roofed side extension which wraps around, and

- projects some distance from, the building's original rear wall; and which adjoins a ground floor extension on the boundary with the attached neighbour at No 45.
6. Viewed from the road, the proposed extension would respect the host's existing hipped roof. Although the resultant property would have a greater roof level mass, it would not appear out of place in the streetscene, given the extension's matching form and materials, and the alterations to nearby properties including No 55.
 7. However, whilst the proposed flat-roofed rear dormer would be set down from the host's ridge, there would be barely any set up from its eaves, and it would span from the boundary with No 45 to the extended roofline. It would therefore have a considerable bulk and, having regard to cumulative impacts as a result of previous extensions, this half of the pair would have an overly complex appearance, with very little of its original scale, simple form, and proportions, still legible.
 8. Although some nearby properties have had rear extensions and other alterations, rear dormers are not a characteristic feature on this side of the road. Having regard to figure 23 of the statement of case and my own observations, none of the nearby houses have had extensions that dominate and overwhelm the original building to the same extent as would be the case here.
 9. As the harm that I have identified would only be visible from nearby properties and their gardens, and not in the streetscene, the scheme would be moderately detrimental to the character and appearance of the host property and the area. Nevertheless, it would conflict with that part of Policy PG3 of the Birmingham Development Plan 2017 ('BDP') which requires high design quality, that responds to the site and local context. It would also conflict with the similar stance on good design which is sympathetic to local character in the National Planning Policy Framework 2024 ('Framework'), and with the advice in the SPD.

Living conditions

10. The host property has a slightly unusual relationship with its attached neighbour at No 45 given that its rear face is angled towards that property's garden. At present the host's only upper floor window close to the common boundary serves a bathroom, which is not a habitable space.
11. However, as a result of this scheme, there would be a larger window at roof level serving a bedroom. Given the siting of these dwellings, there would be direct views looking straight down from there into No 45's rear garden. Thus, whilst a degree of overlooking is commonplace in urban areas, and No 45's garden is already partly overlooked, the proposal would result in a material deterioration in those occupants' privacy, and would cause moderate harm to their living conditions.
12. Given that BDP Policy TP27 addresses requirements for new housing, it is of little, if any, relevance on this issue; and whether the SPD's separation guide of 5 metres set back per storey for primary windows overlooking private amenity space can be applied to the slightly offset layout here, is debateable.
13. However, for the above reasons, the scheme would conflict with the general stance on high design quality in BDP Policy PG3, and with the more specific requirement in Policy DM2 of the Development Management in Birmingham DPD 2021 that schemes shall not have unacceptable adverse impacts on the amenity of neighbours with regard to matters such as privacy and overlooking.

14. It would also conflict with the general advice in the SPD, including, having regard to the specific circumstances here, its Design Principle 13; along with the Framework's stance at paragraph 135 f) on creating places with a high standard of amenity.

Other matters and considerations

15. I note that this scheme included amendments in response to the Council's refusal of a previous planning application on the site. However, I have dealt with it on its planning merits. Whilst the appellant says that the proposed rear dormer is not dissimilar in scale and character to that which could be undertaken as permitted development, I have no details of such a scheme before me in order to make any meaningful comparison.
16. The appellant states that his family has outgrown the existing accommodation, but that they wish to stay in the area where they have long-established local connections. In its favour, this scheme would enable them to do that.

Planning Balance and Conclusion

17. I have found that the scheme would cause moderate harm to the character and appearance of the host property and the area, and moderate harm to the living conditions at No 45. The private benefits to the appellant and his family would not outweigh the totality of the harms that the scheme would cause. Consequently, and having regard to all other matters raised, including a representation by an interested party, the appeal is dismissed.

Chris Couper

INSPECTOR