



Appeal Decision

Site visit made on 6 July 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

Appeal Ref: APP/P4605/D/25/3366546

62 Hamilton Avenue, Birmingham, B17 8AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Hardeep Sohal against the decision of Birmingham City Council.
 - The application reference is 2024/07833/PA.
 - The development proposed is erection of single storey rear and front extensions and first floor front and side extension over existing garage, alterations to rear elevation and hipped roof revised to gable end.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the proposal as I find it more concisely describes the proposal.

Main Issues

3. The main issues are the impact of the proposal on the host dwelling and the street scene.

Reasons

4. The appeal site is a detached dwelling with a hipped roof design and front gable feature which is located within a residential area. The host dwelling has an existing porch, single storey forward/side garage structure and additional single storey side elements as well as a two-storey bay projection to the rear. The existing front elevation is dominated by an existing front gable which is a notable design feature which I find to form part of the character and appearance of the host dwelling.
5. The width of the proposed first floor front/side gable extension would be in the region of 6 metres wide and 2 metres forward from the original front elevation wall. This would result in the new gable extension being notably wider, and deeper, than the existing front gable of the property. I find that the first-floor front/side gable extension would dominate the front elevation of the property and detract from the architectural character and appearance of the existing front gable in a manner which would be unacceptable. The new gable extension would unacceptably subsume the front elevation, failing to be a subservient addition. The original front gable, as previously outlined, forms a key part of the character of the host dwelling with a number of properties within the street scene having central original gables where those which have been extended have done so in a manner which maintained the original gable as a key feature in terms of scaling and massing.

6. The proposed scale, mass and design of the proposed first floor front/side extension and overall cumulative proposals would be unacceptable and would not improve the appearance of the property. The proposed single storey forward extension would also result in detrimental impact as a result of cumulative projection on the basis that the garage is already forward from the main building line by in the region of 2 metres. The proposal before me would result in a projection in the region of 3.1 metres which would result in excessive scale. The proposal would, therefore, result in a bulky and prominent forward extension. Whilst there are examples of forward garage projections within the street scene none that I saw at the time of my site visit are of a comparable scale to the proposal that is before me.
7. Notably, the proposal would result in the removal of the original hipped roof design for a gable roof end which would result in a significant deviation from the existing, original, roof design of the host dwelling. It is acknowledged that there are gable end roof designs within the street scene, however, in the case of the host dwelling the original roof is hipped and the removal of this would be an erosion of its original character and appearance contrary to the Birmingham Design Guide 2022. Whilst this document is noted to be guidance, it is clear that extensions that seek to change the style of an existing roof (from hipped to gable) will not be supported, due to the impact it will have on the character of the surrounding area.
8. In this case, in considering the impacts and overarching objectives of both the Local Plan and relevant guidance, I find that the proposal would result in cumulative extensions that would dominate the existing building and fail to match the existing property as a result of removal of original features. Extensions should generally be designed to be visually subservient to the existing building. Overall, given the level of proposed change the alterations to the front of the property in particular are unacceptable as they would fail to improve the external appearance of the host dwelling and would result in a dominant extension which would alter the original character and features of the host dwelling when viewed within the street scene.
9. I note, from my site visit, that a number of properties in Hamilton Road have been extended and altered, however, each case should be considered on its own merits and in the case of this appeal for the reasons set out I have found the proposal to be unacceptable in its impact as a result of the cumulative elements of the proposal which would be unacceptable in the context of the character and appearance of the host dwelling as a result of design, forward projection and alterations to the roof form as set out. The appellant notes a property opposite as having been extended in a manner which alters the style of the building; however, no further details have been submitted (for example as to the original dwelling and what was approved) in order for me to consider this.
10. The proposal would be out of keeping with the design, character and appearance of the existing dwelling and street scene and would be contrary to Birmingham Development Plan 2017 Policy PG3 which requires all new development to demonstrate high design quality and reinforce or create a positive sense of place and local distinctiveness with design that responds to the site conditions and the local area context. The proposal would also be contrary to Development Management in Birmingham Development Plan Document 2021 Policy DM2 which requires development to be appropriate to its location and consider the individual and cumulative impacts to the development proposals in the vicinity on amenity.

11. The proposal would also be contrary to Birmingham Design Guide 2022, City Note LW-18 (Location of Extensions), which confirms that extensions to seek to change the style of an existing roof will not be supported, due to the impact it will have on the character of the surrounding area. I acknowledge that exceptions may be considered within this guidance if the appellant can demonstrate there would be no character harm, or it would enable the creation of a high quality, exemplar design, however, I do not find that this is the case nor that this has been evidenced by the appellant in the context of this appeal.
12. The proposal would also be contrary to paragraph 135 of the National Planning Policy Framework 2024 which seeks to ensure that developments will function well and add to the overall quality of the area as well as being sympathetic to local character including the surrounding built environment. Permission should be refused for developments of poor design that fail to take the opportunities available for improving the character and quality of an area and the way it functions. Good design is a key aspect of sustainable development as an overarching objective of the Framework and the Local Plan.

Other Matters

13. I note from the appellant's appeal statement that there were delays before the application was registered and that concern has been raised over a lack of engagement between the Council and the then applicant during the determination of the application. I also note the appellant's comments with regard to planning fees for domestic extensions and the Council's performance. Whilst I sympathise with the appellant's frustration and concern as to how the application has been handled this is not within the scope of this appeal which I have considered based upon its own merits, the evidence before me as well as a site visit. I understand the appellant's willingness to make potential changes to the proposal in order to achieve a positive outcome, however, it is not the place of an appeal to evolve or amend a scheme and I can only consider the proposal upon the basis the Council issued their refusal as part of this appeal's determination.
14. I note that the property falls within the Calthorpe Estates area of Birmingham and that an application is stated to have been submitted to Calthorpe Estates, however, this is in addition to/separate to planning permission. Approval/permission under a scheme of management from Calthorpe Estates does not, and should not, infer a grant of planning permission which needs to be determined in accordance with the Local Plan and taking into account all material considerations as I have done for the reasons set out above.

Conclusion

15. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR