



Appeal Decision

Site visit made on 8 July 2025 by M Jones

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25TH July 2025

Appeal Ref: APP/P4605/D/25/3361286

12 Grace Road, Birmingham B11 1ED

- 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 Akmal Hussian against the decision of Birmingham City Council.
 - The application Ref is 2025/00002/PA.
 - The development proposed is erection of 6 metre deep single storey rear extension. Maximum height 3.99 metres, eaves height 2.99 metres.
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of 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) for erection of 6 metre deep single storey rear extension. Maximum height 3.99 metres, eaves height 2.99 metres at 12 Grace Road, Birmingham, B11 1ED in accordance with the terms of the application, Ref 2025/00002/PA, and the plans submitted with it, including the plans numbered MC/0035/02 and MC/0035/03, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2) of the GPDO.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The description of development included in the banner heading is taken from the Council's decision notice, as it more accurately and concisely reflects the appeal proposal than the description on the application form.

Main Issue

4. The main issue in this appeal is whether the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 1, Class A of the GPDO.

Reasons for the Recommendation

5. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement of a dwellinghouse, subject to conditions, limitations and restrictions.

6. Where an application is made for prior approval for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply (or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies) with the conditions, limitations or restrictions that are applicable to such permitted development.
7. Further, Paragraph A.4(7) to Part 1 requires that where any owner or occupier of adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises, taking into account any representations received.
8. Where an application is made for prior approval, Article 3(4) of the GPDO provides that development shall not be permitted contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Town and Country Planning Act 1990 otherwise than by being expressly permitted by the GPDO.
9. The Council refused prior approval for the proposed development because it considered that permitted development rights for extensions had been removed by a condition attached to a planning permission granted in 1984 (reference number 46019002). However, the Council has since clarified that the appeal dwelling was built under a 2008 planning permission (reference number S/02579/08/FUL, now stylised as 2008/02579/PA) and that this planning permission does not contain any condition removing permitted development rights for extensions. I have been provided with a copy of the 2008 planning permission and can confirm that there is no such condition attached to it.
10. Consequently, based on the evidence before me, the appeal dwelling does benefit from permitted development rights for extensions. I therefore must consider whether the proposal complies with the relevant conditions, limitations and restrictions as set out under Schedule 2, Part 1, Class A of the GPDO.
11. There is no dispute between the parties that the proposal would comply with the limitations and conditions set out in paragraphs A.1, A.2, A.3 and A.4 of Schedule 2, Part 1, Class A of the GPDO. From the evidence before me, I see no reason to disagree.
12. Further, in this case, there has not been any objection to the proposed development from any neighbour. As a result, the prior approval matter of amenity is not engaged and there is no requirement for prior approval.
13. Consequently, the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 1, Class A of the GPDO subject to the conditions set out in Class A.

Conditions

14. The GPDO grants planning permission subject to several conditions including a condition relating to the materials to be used and a condition requiring that the development be carried out in accordance with the approved details. The GPDO also allows for prior approval to be granted subject to conditions reasonably related

to the subject matter of the prior approval. In this case, prior approval is not required so no additional conditions are necessary.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

M Jones

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis the appeal is allowed.

L McKay

INSPECTOR