

Appeal Decision

Site visit made on 17 June 2025 by E Nutman BA (Hons)

Decision by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

Appeal Ref: APP/P4605/D/25/3364817

114 Stechford Road, Birmingham B34 6BJ

- 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 Asif Mustafa against the decision of Birmingham City Council.
 - The application Ref is 2024/07919/PA.
 - The development proposed is described as a 'Single storey side and rear first floor extension'.
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Decision

1. The appeal is allowed and planning permission is granted for 'Single storey side and rear first floor extension' at 114 Stechford Road, Birmingham B34 6BJ in accordance with the terms of the application, Ref 2024/07919/PA, 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 the following approved plans: Proposed Site Plan & OS Location Drawing No. 103-24-01 and Proposed Plans & Elevations Drawing No. 103-24-03.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing building.

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.

Main Issue

3. The main issue of the appeal is the effect the proposal would have on the living conditions of 116 Stechford Road, with particular regard to outlook and light.

Reasons for the Recommendation

4. 114 Stechford Road is a semi-detached property located in a predominantly residential area. The existing single storey side extension of No. 114 sits directly on the boundary that divides it from neighbouring property 116 Stechford Road. There is a gap between the two properties' side walls as a driveway runs along the side of the neighbouring property. No. 116 has a ground floor window which serves a kitchen, looking out towards the wall of No. 114.

5. The proposal seeks to construct a first floor side and rear extension that would sit over the footprint of the existing side and rear ground floor extensions, with a hipped roof to match the existing roof form.
6. The kitchen window of No. 116 already faces towards the appeal property's side elevation; I acknowledge that the proposed development would increase the existing built form in height. However, given the separation and depth of the existing building from this kitchen window at No. 116, any impacts associated with light or outlook from the proposal, would not be so adverse, when compared to the existing situation, as to result in any unacceptable impact on the living conditions at this neighbouring window.
7. The distances set out within the Birmingham Design Guide SPD 2022 under section LW-3 appear to relate more clearly to overlooking and loss of privacy issues. Therefore, the guidance set out within this SPD does not appear to be relevant to my assessment of the proposal. Even if it was, I have considered the proposed development on its own merits as set out above and any deviation from this guidance would not unacceptably reduce the level of light or outlook received by the kitchen window at No.116.
8. The proposed development would therefore have an acceptable effect upon the living conditions of No. 116 with particular regard to outlook and light. Therefore, the proposal accords with the relevant provisions of Policy DM2 of the DPD (2021) and Policy PG3 Birmingham Development Plan (2017) (DP). These, amongst other things, address the need for high quality design to protect the living conditions of existing buildings and their occupants.
9. The Council's decision also refers to Policy TP27 of the DP (2017). I have not assessed the proposed development against this policy as it primarily relates to new housing.

Conditions

10. In addition to the standard three-year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty, to define the plans with which the appeal scheme should accord. In order to protect the character and appearance of the surrounding area and the host dwelling, I am attaching a condition requiring materials used in the construction of the external surfaces of the development to match those used in the existing building.

Conclusion and Recommendation

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

E Nutman - APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

N Praine - INSPECTOR