
Appeal Decision

Site visit made on 17 June 2025

by **A Oyebade MSc, FCILT**

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

Appeal Ref: APP/P4605/W/25/3359992

54 Southgate Road, Birmingham B44 9AT

- 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 Vishal Gohil against Birmingham City Council.
 - The application Ref is PP-13146765.
 - The development proposed is rear extension and dormer conversion/extension.
-

Decision

1. The appeal is dismissed and planning permission for rear extension and dormer conversion/extension is refused.

Procedural matter and main issues

2. The Council did not issue a decision in relation to this development and did not present any statement at the appeal stage. On request, the Council did provide the Policies within the development plan that it considers are most relevant to this development and the appellant has had an opportunity to comment on these. I determined the appeal based on this submitted information.
3. Having regard to the above, the main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the neighbouring properties.

Reasons

Character and appearance of the area

4. The appeal site is a semi-detached dormer bungalow. There are a few other pairs of similar bungalows in between the mainly large 2-storey semi-detached houses mixed with several terrace dwellings, on this road.
5. The rear of this property and those of the adjacent properties along this side of Southgate Road are predominantly filled with soft landscaping, immediately after the high boundary wall at the northern perimeter of the dwelling at No 58. These characteristics, alongside the generally wide gardens, combine to give the rear of these properties a strong green vegetation rhythm and rather spacious and open feel.
6. While the building at No 58 has a small rear ground floor extension that projects slightly upwards above its concrete fence, given its scale it is not prominent.

However, the rear ground floor extension element of the development proposal would substantially project into the garden area of the host property and beyond the depth of the small rear extension at No 58. It would also stretch across the entire width of this property. This additional mass at ground floor level would form a bulky structure behind this property when viewed from the north and not reflect the character and appearance of the neighbouring properties.

7. The proposed dormer window would occupy the full width of the main rear roof area of this building and have a flat roof, the height of which would be lower than that of the original house. I have observed similar expansion behind the attached semi-detached bungalow at No 56.
8. The next semi-detached buildings numbered 58 and 60 in the southerly direction, beyond which Southgate Road slopes downwards, appear to be taller than the appeal property but the end of their rear first floor level aligns with that of No 56, as it would be with the appeal site's dormer window. The triangular end of the dormer from the side elevation would be the same as that of the linked bungalow at No 56 and its view from the north would appear to replace or be like that of No 56.
9. Although the dormer window would be visible facing south from the rear of the adjacent properties at Nos 44 to 50, the residents of these dwellings would have been accustomed to the view of the existing rear extension of the adjoining bungalow at No 56. Hence, this segment of the development would not create any harm to the character and appearance of the buildings in this area. Nevertheless, this lack of harm would not mitigate or minimise the harm resulting from the rear ground floor extension.
10. For these reasons, the proposed development would be harmful to the character and appearance of the wider area. Therefore, in this regard, it would conflict with Policy PG3 of the Birmingham Development Plan (Adopted January 2017), which expects all new development to demonstrate high design quality, contributing to a strong sense of place that reinforces local distinctiveness and responds to site conditions and the local area context.

Living conditions of the neighbouring dwelling at No 56

11. The proposed rear ground floor extension would be built very close to the low boundary fence of the dwelling at No 56. Its sheer size would dominate the existing open area which currently provides relatively open views and daylight to the ground floor of No 56. The extension would result in a harmful degree of overshadowing and an overbearing impact. This would harmfully affect the outlook for the occupants of this neighbouring dwelling from the inside of the rear of the property and the garden.
12. The dormer window would be sited in a similar position to the dormer on the attached neighbouring roof slope. It would not result in any substantive overbearing impacts and overlooking from the windows would be consistent with that experienced from other neighbouring properties. This element of the development would not result in harm to the living conditions of neighbouring occupiers. This lack of harm would not mitigate or minimise the harm that would arise from the rear ground floor extension.
13. For the above reasons, I conclude that the proposed rear ground floor extension would have a harmful effect on the living conditions of the neighbouring dwelling at

No 56. Consequently, the development proposal would be contrary to Policy DM2 Development Management in Birmingham Development Plan Document (December 2021), which states that development must be appropriate to its location and not result in unacceptable adverse impacts on the amenity of occupiers and neighbours.

14. Moreover, it is against Policy DM10 Development Management in Birmingham Development Plan Document (December 2021) which directs that separation distances between buildings and surrounding uses should protect residents' privacy and outlook, ensure appropriate levels of daylight to internal and external living spaces and prevent undue enclosure and overshadowing.

Conclusion

15. For the reasons given above the appeal should be dismissed.

A Oyebade
INSPECTOR