



Appeal Decision

Site visit made on 26 August 2025

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Appeal Ref: APP/P4605/D/25/3369752
80 Arkley Road, Birmingham B28 9PL

- 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 Jaswant Singh Rooprai against the decision of Birmingham City Council.
 - The application Ref is 2025/01969/PA.
 - The development proposed is the enlargement of the ground floor at the rear of the property, including a double-storey extension to the rear and side, along with a single-storey forward extension.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The proposal would build up to both side boundaries of No 80, with the new roofs overhanging the neighbouring property 78 Arkley Road to one side and a narrow pedestrian alleyway on the other. These overhangs would extend outside of the application/appeal site as outlined in red on the submitted location/site plan. The Council accepted the appeal application as valid following the service of formal notices on the owners of 78 and 82 Arkley Road.
3. There are 2 matters here which bear on the validity of the appeal. Firstly, due to the overhangs the proposed built development appears to extend outside of the area identified on the relevant plan, in conflict with normal procedural requirements¹. Secondly, it is not clear that the required notice was served on the owner(s) of the alleyway. The amount of roof overhang would, however, be relatively minor and would not interfere with the use of the alleyway. I note that the Council considers that the correct notices were served and that the appeal application is valid. I also note that neighbours raised no objection other than a concern about the impact on a boundary fence. In these circumstances I find no procedural unfairness and accept the validity of the appeal.

Main Issues

4. The main issues are the effects of the proposal on:
 - i) The character and appearance of this part of Arkley Road; and
 - ii) Living conditions at 78 Arkley Road next door, in terms of impacts on light and outlook.

¹ Town and Country Planning (Development Management Procedures)(England) Order 2015 (as amended) article 7(1)(c)(i); Planning Practice Guidance Paragraph: 024 Reference ID: 14-024-20140306

Reasons

Character and appearance

5. 80 Arkley Road is an end of terrace, 2 storey house on a street of similar terraced and semi-detached houses. The proposal includes a single storey front extension across the whole frontage, connecting to a wrap around 2 storey side/rear extension plus a further single storey section at the back. The Council's concern in regard to this main issue, as explained in the officers' report, is that the size of the proposed front extension would detract from the appearance of the building and be an incongruous feature in the street scene.
6. There are, however, a number of other front extensions to properties on this part of Arkley Road, including a new extension at No 53 opposite that is comparable in terms of scale and visual impact. These break up the front building line and, in general terms, beneficially add to the variety of the street scene. No 80 is set back from the street behind frontage parking so that this fairly shallow forward extension would not crowd the street. The proposed front extension, with its simple, lean-to form, would not stand out as being unusual or objectionable in the street scene.
7. Neither the Council nor neighbours have raised any concerns about the visual impact of the other proposed extensions. I conclude that the proposal would not harm the character and appearance of this part of Arkley Road. In this respect it accords with Birmingham Plan 2031 (BP) policy PG3, Development Management in Birmingham Development Plan Document (DMB) policy DM2, the Birmingham Design Guide Supplementary Planning Document (BDG) Design Principle 16 and the National Planning Policy Framework (the Framework), which taken together aim to secure high quality design that reinforces or creates a positive sense of place and local distinctiveness.

Living conditions

8. At the back, the proposal includes a 2 storey/single storey extension that would sit right up to (and slightly overhang) the boundary with No 78 next door. The plans indicate that the combined depth of the extension would be around 5½m beyond the rear wall of No 78, which includes a window and door very close to the boundary - said to serve a kitchen/dining room. The SPD rightly confirms that such rooms are considered to be habitable rooms. Kitchens and dining rooms are important parts of a house, where occupiers should be able to expect reasonable light and outlook.
9. DMB policy DM10 states that development should not cross the line of a 45 degree angle drawn from the nearest window providing the main source of natural light to a habitable room, to protect neighbours' daylight and outlook. The proposal would extend well beyond that line, at a significant height. It would, however, sit to the north-east of No 78 so would not block much direct sunlight and would not block out enough of the sky to have a notable effect on general daylight.
10. The rear extension would, nevertheless, be a large structure, stretching well to the rear of No 78, right up to the boundary. It would be intrusive and dominant on the outlook from the rear of that property, as seen from the nearby rear ground floor glazing and the adjoining area of garden. The impact of this would be somewhat exacerbated by the drop in ground levels away from the houses, so that the end

section of the extension would rise substantially above the height of the current boundary fence.

11. A lean-to polycarbonate roof has been installed at the back of No 78, over the rear windows and doors. This lets light and even some views through, so has little effect on my assessment.
12. I conclude that the proposal would unacceptably harm living conditions at the next door property, 78 Arkley Road, due to the impact on outlook from the rear of that house. In this respect it conflicts with BP policy PG3, DMB policies DM2 and DM10, the SPD and the Framework, which aim to protect neighbours' amenity including in terms of outlook.

Conclusion

13. I recognise the reasonable desire of the appellant to improve this family home. Although this factor weighs in favour of the proposal and my findings on some of the issues are neutral, my concern in regard to neighbours' living conditions is sufficiently compelling for me to conclude that the proposal conflicts with the development plan, taken as a whole, and that the appeal should not succeed.

Les Greenwood

INSPECTOR