



Appeal Decision

Site visit made on 1 October 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2025

Appeal Ref: APP/P4605/D/25/3371374

221 Balden Road, Quinton, Birmingham, B32 2ES

- 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 Daniel Ketema against the decision of Birmingham City Council.
 - The application reference is 2025/02265/PA.
 - The development proposed is proposed two storey side and rear extension, single storey rear extension and single storey front extension including internal alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the proposal upon i) residential amenity with regard to loss of outlook and light and ii) the design, character and appearance of the existing house.

Reasons

Residential Amenity

3. The appeal site is a semi-detached property located in a residential area which comprises of properties that are similar in character and appearance with that side of the road typically characterised by pairs of semi-detached dwellings which maintain clear spacing between the respective pairs. The proposed single storey rear extension would breach the 45-degree code to the nearest habitable window of the adjacent (unattached) property, 219 Balden Road (no. 219) at in the region of 1.35m to the ground floor. The appellant acknowledges the breach of the 45-degree code when measured from a rear facing window at no. 219 and refers to the potential for a fallback position and the implications of this.
4. The 45-degree code is a basis for assessment of proposals of this nature, and a breach does not necessarily or automatically warrant refusal subject to further consideration as to the actual impact of that breach in terms of residential amenity, more specifically loss of light and outlook. I note that the proposal would retain an acceptable garden depth which would be appropriate for the residential amenity of occupiers of the appeal site but, based upon the proposed floorplan I do not find that the proposal could reasonably be described as having been designed to step in from the boundary.
5. The proposal would run parallel with the boundary and would result in loss of outlook from the affected window as well as loss of light which would be exacerbated by the length of this element of the proposals with the Council having

requested/suggested a reduction in length to 3m to mitigate such impact. Even if I had agreed with the appellant and placed additional weight on the affected window at no. 219 being not the only light source to that room (albeit this is not evidenced) this would not overcome the issue with regard to overbearing impact from the window in question and the appeal would still, in any case, have been dismissed due to the issues which I have identified with regard to character and appearance as outlined below. The Council have not raised any concern with regard to privacy, and I have no evidence before me to conclude differently on this.

6. The appellant makes reference to the ability to apply for a larger single storey rear extension under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A (GDPO), however, extensions of this scale (exceeding 3m for a semi-detached dwelling) are required to go through a prior approval process which is acknowledged by the appellant within their statement of case. The GDPO allows that where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the Local Planning Authority is then required as to the impact of the proposed development on the amenity of any adjoining premises.
7. There is, therefore, still potential for such a proposal to be considered and assessed in terms of impact to neighbouring residential amenity and the ability to construct extensions of this nature are still subject to some form of control and at the point of determination I have no evidence before me to support that such a route would be a genuine fallback position for the appellant. This, in turn, limits the weight which I can apply to this as a fallback position – there would still be potential for, for example, the appellant to apply for such a route and an objection to require assessment as to amenity which could still prevent such a route being approved and thus relied on as a fallback in the context of this appeal.
8. The proposal would be inconsistent with Birmingham Development Plan 2017 (DP) Policy PG3 which requires proposals to demonstrate high design quality and Development Management in Birmingham Development Plan Document 2021 (DMB) Policy DM2 which requires development to not result in unacceptable adverse impacts on the amenity of occupiers and neighbours with regard to light and outlook and DMB Policy DM10 which requires development to ensure adequate outlook and daylight in line with the approach of the 45 degree code.
9. The proposal would also be contrary to the guidance contained within the Birmingham Design Guide Supplementary Planning Document 2022 (SPD) which advises that new development should not unacceptably impact on those of existing residents. The proposal would also be inconsistent with paragraph 135 of the National Planning Policy Framework 2024 (the Framework) which requires developments to create places with a high standard of amenity for existing and future users.

Character and appearance

10. I note that a number of properties have been altered and extended including to the side, up to their respective boundary lines, but I find that such extensions still clearly maintain the clear open space and visual gap between the pairs of semi-detached dwellings. As outlined above I acknowledge that there are similar extensions visible within the immediate locality of the appeal site and whilst there are examples of properties within the area that do not, for example, benefit from a

set-back the extensions in question were approved a number of years ago which, as the Council outline, would be prior to the adoption and utilisation of the current Local Plan documents as well as the relevant SPD. The starting point for determination of the application is the Local Plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 taking into account all material considerations with, in this case, the material consideration including the SPD/Design Code as guidance as to the acceptable design of proposals.

11. The appeal proposal would not provide a set-back from the front elevation, at first floor level, nor a set down from the roof ridge which would be contrary to City Note LW-18 which seeks to ensure that side extensions, particularly at two storeys, do not reduce the spaces between dwellings which can create the impression of a continuous frontage i.e. a terracing effect. This would be combined with the fact that the adjacent property to the appeal site is noted to have undertaken a similar extension which means, cumulatively, the presence of the appeal proposal would entirely remove the existing visual gap between the two properties and would result in the two pairs of semi-detached dwellings presenting as a terraced row.
12. The terracing effect, combined with the existing extension at 223 Balden Road would be out of keeping with the surrounding area and would be out of keeping with the design, character and appearance of the existing house resulting in creating an appearance of a continuous frontage which would also be inappropriate within the immediate locality and street scene. The proposal would be contrary to DP Policy PG3 which requires proposals to demonstrate high design quality and reinforce a positive sense of place and local distinctiveness with design that responds to site conditions and the local area context as well as DMB Policy DM2 which requires development to be appropriate to its location including a consideration of the individual and cumulative impacts of development proposals in the vicinity on amenity.
13. The proposal would also be contrary to the SPD guidance which requires the design of household extensions to respond to and complement the character of the host building and its surroundings and paragraph 135 of the Framework which requires that developments be sympathetic to local character as well as adding to the overall quality of the area. Good design is a key aspect of sustainable development.

Other Matters

14. I note that there has been an objection to the proposal with the main concerns being that an adequate gap should be left between the properties as well as impact upon natural light and privacy. I have dealt with such matters in the context of the main issues above. Comment is noted regarding property values, however, this is not a material planning consideration.
15. I note that the property falls within the Calthorpe Estates area of Birmingham, however, the scheme of management process of Calthorpe Estates, is a separate process to determination of a planning application 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.
16. The appellant has noted procedural concerns with regard to how the Council have managed the determination process, however, the appeal is not accompanied by an application for costs, and whilst I note correspondence regarding a formal

complaint having been made to the Council such matters are outside the scope of consideration for this appeal. I have considered the proposal on its own merits based upon the plans that are before me and for the reasons set out, I have found them to be unacceptable. If the appellant wished to reapply along with the amendments suggested by the Council in their email of 29 May 2025 – this would be the subject of a resubmission.

Conclusion

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

Eleni Marshall

INSPECTOR