
Appeal Decision

Site visit made on 14 October 2025 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2025

Appeal Ref: APP/P4605/D/25/3370724

88 Chinn Brook Road, Birmingham B13 0LZ

- 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 Hansa Begum against the decision of Birmingham City Council.
 - The application Ref is 2025/03504/PA.
 - The development proposed is a single storey rear extension with flat roof.
-

Decision

1. The appeal is dismissed.

Appeal Procedure, Preliminary Matters & Main Issue

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. The description on the application form differs to the decision notice. However, I am satisfied it is sufficiently accurate to be used above.
3. The above-mentioned legislation grants planning permission for the enlargement of a dwelling subject to limitations and conditions. The Council has not explicitly confirmed that the proposal would be development permitted thereunder, but I have no reason to find that it would not be compliant with the description of permitted development, and some prior approval matters as set out by the above class given the reason, they refused the original submission. With this and the above in mind, I have focussed on the effect of the scheme on the amenity (living conditions of occupiers) of Number 86 and No 90 Chinn Brook Road (No 86 and No 90), with particular regard to outlook and light. This is the main issue of the appeal.

Reasons for the Recommendation

4. The appeal building is an end terrace dwelling which sits within a row of six, all of which have a similar form and siting as well as being relatively unaltered or extended. The proposal would sit directly against the boundary of No 90 and span the width of the appeal property. There would be a gap between the extension and No 86 by virtue of the access pathways to both gardens.
5. The appeal proposal, by virtue of its height and length along with its positioning against the shared boundary of No 90, would result in an elongated blank elevation viewed from both within the building and the garden. Consequently, and notwithstanding the existing site conditions, the extension would result in an enclosing feel for occupiers. Unacceptably harming their outlook. As the rear elevation of the property faces northwards, the impact on the natural light

experienced to the occupiers of No 90 would be minimal and be relatively unchanged compared with the existing situation. The presence of such an extension against No 86 would have a sufficient separation distance in such that the effect of the proposal would not result in unacceptable harm.

6. The proposal would therefore conflict with Paragraph A.4(12) of Class A, Part 1 of the GPDO which relates to the impact on the amenity of any adjoining premises. The Council and third parties have drawn my attention to development plan policies and additional guidance that seeks to ensure proposals are of a high-quality design and amenity standards. Whilst these are a material consideration for permitted development schemes, they are not decisive. Albeit, for the above reasons, the appeal proposal would not sit squarely with their aims.

Other Matters

7. I have no details on the permissions cited by the appellant nor under what planning mechanism they were decided. Moreover, this scheme is to be considered on amenity only following a site-specific assessment thereof. Other examples may provide context but would not, in this particular case, change the outcome of the appeal. The need for increased space requirements for the incumbent family is understood but not something that can be given much weight in the circumstances of a submission within the prior approval/permitted development regime. The impact of development in terms of character and appearance is not determinative in this type of appeal either. I have not considered it any further.

Conclusion and Recommendation

8. For the reasons given, the scheme would not be granted prior approval as it would be assessed under the above-mentioned class of the legislation. I therefore recommend that the appeal should be dismissed.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

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

John Morrison

INSPECTOR