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## 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.

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#### Appeal Ref: APP/P4605/W/25/3368854

#### 11 Plymouth Road, Birmingham B30 2PD

- 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 A, Class 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Karen Kimberley against the decision of Birmingham City Council.
  - The application Ref is 2025/02825/PA.
  - The development proposed is a rear extension to provide 2 additional bedrooms the external dimension are 6m deep from rear of property and 4m wide.
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### 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 9 Plymouth Road (No 9) with particular regard to outlook and light. This is the main issue of the appeal.

### Reasons for the Recommendation

4. The appeal site is a semi-detached dwelling which appears relatively unaltered. No 9 has been previously extended to the rear leaving a small unaltered gap of the rear elevation with a set of double doors between its own extension and side boundary. The appeal proposal would extend fully along the rear elevation of the building in width with some minor land level changes.
5. The proposal by virtue of its resultant height and length directly against the boundary of No 9 would result in a large and oppressive blank elevation which would be viewed both within the building and the garden. Moreover, due to the configuration of built form to No 9, the proposal would result in a tunnelling effect to the aforementioned double doors which would result in unacceptable harm to the

occupiers' outlook and perceived light. Additionally, the change in land levels would exacerbate this feeling when looking out of the double doors or standing directly in front of them, looking down the garden. The amount of natural light perceived to the property would be reduced irrespective of sun direction and surrounding site context. Users of the garden immediately to the rear would experience a poor level of outlook given the sheer height and oppressiveness of the proposal.

6. The proposal would therefore conflict with Paragraph A.4(7) 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. The matter in terms of the impact of the development on the character and appearance is not determinative in this type of appeal. The appeal proposal is on the matter of whether it would meet both the permitted development criteria and then the conditions alongside it. I have therefore not considered design 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