



Appeal Decision

Site visit made on 21 October 2025

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2025

Appeal Ref: APP/P4605/D/25/3373138

834 Walsall Road, Perry Barr, Birmingham B42 1ES

- 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 Masawar Iqbal against the decision of Birmingham City Council.
 - The application Ref is 2025/02999/PA.
 - The development proposed is described as a 'two storey side and rear extension with single storey porch and rear extension, along with outbuilding'.
-

Decision

1. The appeal is allowed and planning permission is granted for a two storey side and rear extension, with a single storey porch and a rear extension, and outbuilding at 834 Walsall Road, Perry Barr, Birmingham B42 1ES in accordance with the terms of the application, Ref 2025/02999/PA, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 834/WR/001, 834/WR/002, 834/WR/003, 834/WR/004, 834/WR/005, 834/WR/006 and 834/WR/007.
 - 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.
 - 4) The outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling at 834 Walsall Road.

Procedural Matter

2. I have taken the description of the proposal from the application form, but I have considered the scheme as a whole as depicted on the submitted drawings, which includes additional elements as set out on the Council's decision notice and on the cover page of the appellant's statement ('AS').

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the host property and the area; and
 - The living conditions of adjacent occupiers, with particular regard to the availability of natural light to, and the outlook from, 832A and 836 Walsall Road ('No 832A' and 'No 836').

Reasons

Character and appearance

4. The Birmingham Design Guide Supplementary Planning Document 2022 ('SPD') states, amongst other things, that the design of an extension must consider the style of the host property and the character of the area; and that its size should be smaller than the main part of the house, and should not dominate its appearance.
5. The host comprises a detached, mainly two storey house, with a gabled roof, which sits on a wide and very deep plot. It has a single storey attached garage which abuts the boundary with the hipped roofed bungalow at 'No 836', and a single storey flat-roofed rear extension which includes a very narrow and long rear projection. That projection, whose form is markedly at odds with the original building, is set in from the boundary with the semi-detached, hipped roofed house at No 832A.
6. Nearby buildings on this side of Walsall Road are similarly set back from the tree-lined highway on very deep plots, but are varied in terms of their style, scale and proportions. As well as the contrasting neighbours either side of the host, they include a three storey apartment block at Graham House, and the single storey St Paul's Community Centre. Consequently, it is the siting, and spacious, landscaped setting of the buildings, rather than their form and appearance, which contributes most to the area's locally distinctive character.
7. The scheme would include single storey extensions to the rear, two storey side and rear extensions in place of existing single storey additions, and raising the host's roof to provide accommodation in the loft with rear facing dormers. Cumulatively, those alterations would be substantial, and they would significantly increase the host's size and bulk.
8. However, the single storey rear extension would be shorter than the projection it would replace, and although wider and taller, its sloping roof would better reflect the style of the original building. The porch extension would be relatively modest in scale, and the set down of the side extension relative to the main roof, along with the retained bay window, would continue to ensure some articulation on the building's prominent front elevation. The host is not architecturally noteworthy, and the extensions, which would be faced in matching materials and with similar fenestration, would give the building a cohesive appearance, which would broadly reflect its original design. Neither the extensions, nor the proposed outbuilding, would appear cramped on this spacious plot.
9. Thus, in the context of the diverse range of nearby properties, the resultant building would not appear incongruous or out of place in the streetscene. I conclude that the character and appearance of the host property and the area would not be harmed.
10. Although the scheme would not fully accord with the advice in the SPD, it would not conflict with the requirements in Policy PG3 of the Birmingham Development Plan 2017 ('BDP'), and paragraph 2.19 of Policy DM2 of the Development Management in Birmingham DPD 2021 ('DMB'), for high quality design, which contributes to a strong sense of place; nor with the similar National Planning Policy Framework ('Framework') stance on high quality design which contributes to making places better for people.

Living conditions

11. DMB Policy DM2 also sets out that development must not result in unacceptable adverse impacts on neighbours, having regard to matters including privacy, overlooking, daylight, overshadowing, aspect and outlook. The SPD provides further guidance on these matters, and its 45 Degree Code ('the Code') states that extensions which interrupt a 45 degree line drawn from the nearest front and rear facing neighbouring habitable room windows will not be supported.
12. That said, the SPD continues that existing structures may justify a breach of the Code, and that the distance between a new extension and neighbouring property may be taken into account. I have considered the impact on the neighbouring occupiers' living conditions, having regard to the Code, and by reference to the window numbering as set out in AS Figure 11.
13. Starting with No 836, as depicted in AS Figure 11, the proposal would not conflict with the Code drawn from its windows 1 and 4, but there would be a conflict from window 2, and from side-facing window 3, both of which I understand provide the only outlook from, and source of natural light to, bedrooms.
14. However, the existing outlook from windows 2 and 3 is already heavily constrained by the tall boundary wall and by a tree in that property's side garden. Moreover, as depicted in AS Figure 9, existing structures on the appeal site already breach the Code as drawn from those windows - albeit only marginally in the case of window 2 - and the separation distance from them to adjacent development would not change as a result of the scheme. No 836's other habitable room windows are further from the proposed development, and the outlook from them would be largely unaffected.
15. In that context, and given that the rear projecting parts of the proposal closest to No 836 would be single storey and not much taller than the existing wall, the scheme would not have a significant overbearing or enclosing impact on those occupiers, and it would not result in a significant loss of natural light within the property.
16. Turning to No 832A, its ground floor window 1 in AS Figure 11 comprises a glazed door and adjacent window which I understand serve a kitchen, and I understand that its first floor window 2 serves a bedroom. The scheme would breach the Code when drawn from both those windows. That said, as depicted in AS Figure 9, the existing structures on the appeal site also breach the Code.
17. Whilst the proposed single storey rear projection would be taller than the flat-roofed structure it would replace, compared to it, and as depicted in AS Figure 11, it would be set in a similar distance of around 3.7 metres from the side boundary, and it would project less far to the rear. Its hipped roof would help to limit its mass. The upper floors of the scheme would also be set in around 3.7 metres from the side boundary and would project much less far to the rear compared to the single storey extension.
18. In that context, and given No 832A's spacious rear garden, and that its side-facing conservatory is set well away from the boundary with No 834, the scheme would not significantly impact the outlook from, or availability of natural light to, that property.

19. The scheme would not include any upper floor side facing windows, and the principal outlook from No 834, including the proposed dormer windows, would continue to be over the highway, or straight down the host's own spacious garden. It would not therefore result in significant overlooking of, or loss of privacy to, the adjacent occupiers; nor, having regard to the sun's trajectory, cause significant overshadowing.
20. The adjacent occupiers' living conditions would not be affected to a harmful degree. The scheme would not therefore conflict with DMB Policy DM2, or with the high-quality design standards in BDP Policies PG3 and TP27. Neither would it conflict with the Framework's requirement to ensure a good standard of amenity for all users. Although the scheme would breach the Code, which is referred to in DMB Policy DM10, for the above reasons it would not conflict with the SPD or with the development plan when considered as a whole.

Other matters

21. Whilst I observed some trees towards the end of the host's garden, close to the proposed outbuilding, the Council's Tree Officer has not objected to the scheme, and I am not persuaded that high quality trees which make a significant contribution to the area's character would be harmed. Neither do I have cogent evidence that the scheme would harmfully impact wildlife or ecology.
22. The outbuilding would be single storey, relatively modest in scale, and set in from the edges of the host's long garden. Whilst its internal layout is not depicted on the drawings, the Design and Access Statement says that it would be used to house garden furniture, bikes and household goods. As such uses would be incidental to the enjoyment of the dwelling, they would not give rise to harmful impacts on neighbouring occupiers' living conditions.
23. Given the host's large forecourt and side vehicular access, I do not consider that the scheme would lead to significant on-street parking pressures or congestion. Finally, whilst building works inevitably cause some disruption, those impacts are temporary, and do not constitute grounds to withhold planning permission.

Conditions and Conclusion

24. I have considered suggested conditions against the tests in the Framework. As well as the standard time limit, in the interests of certainty, I have imposed a condition requiring that the development be carried out in accordance with the approved plans. In the interests of good design, a condition is necessary requiring that it be faced with matching materials. In the interests of clarity, and for the reason set out in my decision, a condition is also necessary requiring that the outbuilding is used for purposes incidental to the dwelling.
25. To safeguard neighbouring occupiers' privacy, the Council's officer report refers to a condition requiring that the Juliette balconies are fitted with inward opening doors with no external standing room. However, as that is what is depicted on drawing No 834/WR/005, to which my condition No 2 refers, that condition is unnecessary.
26. For these reasons, and having regard to all other matters raised, including representations by interested parties, the appeal is allowed.

Chris Couper INSPECTOR