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## Appeal Decisions

Site visit made on 9 September 2025

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 November 2025

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### **Appeal A Ref: APP/P4605/W/25/3365689**

#### **56 Barker Street, Birmingham B19 1EP**

- 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 Ms Nazyia Bi against the decision of Birmingham City Council.
  - The application Ref is 2024/03180/PA.
  - The development proposed is a two storey rear extension.
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### **Appeal B Ref: APP/P4605/Y/25/3364340**

#### **56 Barker Street, Birmingham B19 1EP**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
  - The appeal is made by Ms Nazyia Bi against the decision of Birmingham City Council.
  - The application Ref is 2024/03183/PA.
  - The works proposed is a two storey rear extension.
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## **Decision**

### *Appeal A*

1. The appeal is dismissed.

### *Appeal B*

2. The appeal is dismissed and listed building consent is refused for a two storey rear extension.

## **Preliminary Matters**

3. As the appeal relates to a listed building within a conservation area, I have taken into account sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. The appeal form for Appeal A sets out that there is an error on the submitted plans and that it is instead intended that the bathroom is converted to a bedroom. However, the proposal was considered in its current form, and I have not been provided with amended plans correcting this error. I have, therefore considered these appeals as they have been provided before me.

## **Main Issue**

5. The main issue is the effect of the proposals on the architectural and historic interest of a Grade II listed building<sup>1</sup>.

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<sup>1</sup> 55, 56 and 57 Barker Street B19 (list entry number 1219891)

## Reasons

6. The listed building is formed of three, two-storey, dwellings that comprise part of the terrace extending along this side of Barker Street. Nos 55, 56 and 57 are largely similar in design and scale, although Nos 56 and 57 are modestly larger to accommodate a shared passage between them on the ground floor. The properties' front doors are served by arches while the fenestration is dressed with decorative pediments and, on the ground floor, mouldings. Although each of the three dwellings have outriggers, it appears that they have been altered and extended overtime. In particular, the appeal dwelling's outrigger has a two-storey portion and a single storey extension off of this. The significance of this listed building stems in part from its age, form and decorative frontage, as well as from the legibility of the building as part of a traditional terrace.

7. Although the front elevation of the building contributes most significantly to the building's interest, the material, form and appearance of the building as a whole is nevertheless of interest and is equally protected. As noted above, the host dwelling has been extended off the two-storey outrigger. This extension is a long narrow single-storey element that houses a bathroom and kitchen. Although the two-storey outrigger has been painted, due to its brickwork and appearance, it is still legible as being contemporary with the host building's construction. As a result of infilling the space between the rear of the building and outrigger, the proposal would erode this legibility along with that of the host building's historic L-shaped form. This form is an important part of the building's significance contributing towards its legibility and understanding as a Victorian terraced dwelling.

8. The proposal would further result in the loss of historic fabric on the ground floor through the removal of part of the outrigger's side wall, including a window, and the replacement of the rear living room window with a door. Further loss would occur on the first-floor by way of blocking up the existing bathroom window and the opening up of a new window on the rear elevation. Although the windows have been replaced with UPVC double-glazing, the openings and their layout nevertheless retain their contribution to the building as a whole. Moreover, I have not been provided with any design details or sections of the proposed windows and door. There is, therefore, a risk that any proposed replacement windows could result in additional harm to the listed building and its significance through the use of inappropriate materials, designs and proportions.

9. It has been submitted that neighbouring properties, including those also covered by the same listing as the appeal building have been extended or otherwise altered. I have not, however, been provided with any sufficient details to demonstrate the context or nature of any of these alterations, including what permissions were granted and why they were granted. Whilst other planning and appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers or Inspectors at the time. Therefore, I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.

10. In light of the above, and given the scale of the development, I find that a modest degree of less than substantial harm would occur to the significance of the designated heritage assets. Although less than substantial, the National Planning Policy Framework (the Framework) is clear that great weight should be given to any asset's

conservation. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.

11. I have had regard to the details submitted by the appellant concerning the medical needs of their children and that the proposal would allow for these needs to be more easily accommodated. I am also mindful that the appellant's children currently need to share a bedroom. It has not, however, been suitably demonstrated why the house, which contains two bathrooms and two living rooms, could not already meet these needs. Moreover, the works would be permanent, likely remaining long after any changes in personal circumstances. Whilst I have no doubt the proposal would be of benefit to the appellant, it does not amount to a public benefit.

12. The proposal would nevertheless result in some economic benefits during the construction phase and would also lead to an improvement to the local housing stock. However, given the small scale of the proposal these matters, while public benefits, would only carry modest weight. In the circumstances of this appeal, these public benefits do not outweigh the harm to the designated heritage asset identified above.

13. The proposal would result in harm to the significance of the grade II listed building, and no public benefits have been demonstrated that outweigh this harm. The proposal therefore conflicts with Policies PG3 and TP12 of the Birmingham Plan 2031 (the BP). These policies, amongst other matters, require proposals to be of a high design quality that value, respond to and protect any heritage assets and provide sufficient information to demonstrate how this would be done. The proposal also conflicts with Chapter 16 of the Framework, including Paragraphs 202, 208 and 215 which identify heritage assets as an irreplaceable resource whose significance should be accounted for and conserved.

14. The listed building also sits within the Lozells Conservation Area (the LCA). By way of its location and the fact that it is a heritage asset in its own right, the appeal building contributes to the significance and character of the LCA. I am mindful that the Council did not refuse the proposal on any effect to the LCA. However, should the development be carried out, it would also result in harm to the character of the LCA.

### **Other Matters**

15. I have found that the extension causes unacceptable harm to the Grade II listed building in conflict with the BP and Framework. On balance, I have found the harm outweighs the other considerations to the extent that planning permission and listed building consent should not be granted.

16. I have had regard to the rights of the appellant under Article 8 of the Human Rights Act 1998; the right to respect for private and family life and home, and the best interests of children. It is a qualified right, and interference may be justified where that is lawful and in the public interest.

17. Dismissing the appeal would interfere with the appellants' rights under Article 8, since the consequences would be the continued impact on the quality of accommodation and living conditions of the appellant's children. However, the interference would be in accordance with the law and in pursuance of a well-established and legitimate aim: the protection of the historic environment.

18. Given the circumstances overall, the refusal of permission would be proportionate and necessary. It would protect the significance of the listed building and there would

be no greater impact on the appellant's children. The protection of the public interest cannot be achieved by means that are less interfering with the appellant's family's rights under Article 8.

**Conclusion**

19. For the reasons given above, both appeals A and B should be dismissed.

*Samuel Watson*

INSPECTOR