



Appeal Decision

Site visit made on 2 September 2025 by J Reed MPlan

Decision by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 12 November 2025

Appeal Ref: APP/P4605/D/25/3369591

41 Deakin Road, Erdington, Birmingham B24 9AL

- 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 Mirza Qaisar Baig against the decision of Birmingham City Council.
 - The application Ref is 2025/02763/PA.
 - The development proposed is described as 'construction of a single-storey garden lodge to the rear of the property, positioned parallel to the recently developed four bungalows. The lodge will match the height of the adjacent bungalows and include one off-street parking space at the front. The design will complement surrounding developments and maintain appropriate access and amenity.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

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.

Preliminary Matters

3. The appellant has submitted amended plans as part of the appeal which include a reduction in size of the appeal scheme and an amended floor plan. The Planning Appeals Procedural Guide is clear that the appeal process should not be used to evolve a scheme, and what is considered by the Inspector at appeal should essentially be the same scheme as was considered by the Council and interested parties at the application stage.
4. No publicity has taken place with respect to these plans, and the Householder Appeal Service does not afford the local planning authority or third parties a chance to comment on the changes. To accept these plans would potentially cause injustice to other parties. Therefore, I have not taken these amended plans into consideration but have determined the appeal on the basis of the plans originally submitted to the Council.

Main Issue

5. The main issue is the effect of the proposal on the character of the area.

Reasons for the Recommendation

6. The appeal scheme proposes the erection of a detached garden lodge to the rear of 41 Deakin Road, a two storey detached dwelling situated on a residential street of other similar dwellings with long gardens to the rear. The rear gardens of the properties feature various detached outbuildings. A recently approved scheme for 4 bungalows¹ has been constructed to the rear of the appeal site which is clearly distinct from the existing rear gardens and the existing outbuildings.
7. The appellant has made numerous references to case law². The distinctive characteristic of a dwellinghouse is its ability to afford to those who used it, the facilities required for day-to-day private domestic existence. However, even if the accommodation provides facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling, this a matter of fact and degree.
8. The lodge is capable of independent occupation through the provision of cooking, bathroom, sleeping and living facilities. Moreover, independent access and parking would be provided via the rear lane. Whilst the appellant asserts that the lodge would not be used as a self-contained residential unit, I have no evidence before me to indicate a functional relationship between the lodge and the host dwelling.
9. The parties agree that the scale and materiality of the proposal would be in keeping with the other detached outbuildings visible in the area and as such are satisfied with the design of the lodge in isolation. Nevertheless, the introduction of a separate, identifiable dwelling, would encroach on the rear garden environment. Notwithstanding the bungalows to the rear, the proposal would appear incongruous when viewed amongst the nearby functionally subordinate structures.
10. As a result of the above I consider that the lodge would harm the character of the area. The development would be contrary to Policies PG3 and TP27 of the Birmingham Development Plan (2017) and Policy DM2 of the Development Management in Birmingham DPD (2021) which seek amongst other things to protect and enhance the environment and to not allow proposals which would have an adverse effect on the quality of the built environment.

Other Matters

11. The proposal would not harm the living conditions of neighbouring residents, however this would be expected of any well-design scheme and as such forms a neutral consideration. The appellant has referred to other appeal decisions for detached outbuildings in residential gardens. However, I do not consider these to be sufficiently similar to the case that is before me due to their layouts and the facilities they provide. Ultimately, I have considered the proposal on its own merits and against the planning policies and guidance in force.

¹ Application Reference: 2023/07230/PA

² Wallington v Secretary of State for Wales [1990], Gravesham BC v SSE & O'Brien [1983] JPL 306, Jennings v. SSETR [1997]

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Allen

INSPECTOR