



Appeal Decision

Site visit made on 10 November 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Appeal Ref: APP/P4605/D/25/3374907

23 Maurice Road, Birmingham, B14 6DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Waheed Rehman against the decision of Birmingham City Council.
 - The application reference is 2025/04011/PA.
 - The development proposed is single storey rear, first floor front and two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the proposal upon i) the character of the existing house and street scene and ii) residential amenity with regard to loss of light and outlook.

Reasons

Character of the existing house and street scene

3. The first three refusal reasons are concerned with the impact of the proposal upon the existing character of the street scene as well as the existing house itself in relation to the proposed front extension and the proposed two storey rear extension, respectively. I have, for ease of reference put these reasons together in the context of the first main issue due to some inevitable overlap in terms of the key issues and relevant policies.
4. The appeal site comprises a semi-detached property with a hipped roof, and gable projection, located within a residential street where it forms one half of a pair of semi-detached properties. The neighbouring (attached) property 21 Maurice Road (no. 21) is the same design and scale as the appeal property. The symmetry between the pair of properties (in terms of bulk, scale and massing) is notable with them having retained their original design features. The proposed first floor front extension would have a flat roof which would be out of keeping with the main roof design of the host property. It would unacceptably alter the symmetrical features of the pair of dwellings and would result in a prominent and dominant addition within the street scene as result of its unsuitability.
5. I note, from the appellant's statement of case, that comment is made with regard to a street scape with a variety of architectural details as well as alterations to existing properties. The street scene comprises properties which are of a mixed design and scale creating varied visual interest within the street scene, however, the pairs of dwellings, albeit varied in terms of character in the general street scene, have

generally retained symmetry and their character and appearance as pairs. To extend to the front of the appeal site, and unbalance the pair of dwellings, would be uncharacteristic and detrimental to the street scene. I find that an extension, within this location, would unacceptably alter the centralised setback above the garages. The design of the proposed front extension would be out of keeping with the existing character of the design/character/appearance of the existing house and the street scene.

6. The host dwelling is set back from the road benefitting from a front garden which continues to the side of the property and occupies a larger plot than many of the dwellings along Maurice Road as a result of ownership, denoted by the blue line on the location plan, of the garden area to the side of the property between the host dwelling and no. 27. As a result of the open space to the side of the appeal site it is highly visible within views along the street scene with clear views of the side elevation being available as well as views through and over the rear garden. I do not find that the siting of the extension, to the rear of the host dwelling, would in this case significantly limit its visibility from the public highway.
7. The two-storey rear extension would be in the region of 4.5 metres from the rear elevation of the host dwelling and would create a large, blank, expanse of wall to the side elevation. The scale and depth, of the proposed two storey element of the rear extension would not be subservient in appearance and would be located in a highly prominent location which would be clear in views from within the street scene due to the open nature of the plot to the side of the property. The scale of the extension would appear out of character and inappropriate for the host dwelling itself and would impact upon the openness and clear views through the appeal site within the general street scene.
8. Whilst the ridge height of the proposal would be lower than the overall ridge height on the host dwelling, the eave height would, for example, match that of the host dwelling which combined with the overall bulk, scale and massing means the proposal would not reasonably present as subservient in clear views of the appeal site within the street scene. The size of the two-storey rear extension would be out of scale with the existing house and would dominate its appearance/the street scene.
9. The appellant makes reference to other examples of sites where the Council are stated to have granted planning permission, however, it would appear that this has not been submitted as part of the appeal documentation. The appeal form confirms, in terms of uploaded documents, that the planning appeal statement was uploaded which is the document I have taken into account, however, this document only has four pages and one appendix (appendix A), no appendix B has been provided. Notwithstanding this, each case should be considered on its own merits, and the Council do not object to the principle of a two-storey rear extension but rather that the scale of the proposed rear extension would be inappropriate.
10. The examples of other dwellings, within appendix A of the appellant's statement of case, are acknowledged but it is notable that, for example, that such examples clearly retain the bulk scale and massing in terms of symmetry of the pairs of semi-detached dwellings in those cases. The proposed front extension would fail to retain that symmetry meaning I place limited weight upon the photographic evidence provided within appendix A. The proposal would be contrary to Birmingham Development Plan 2017 (DP) Policy PG3 which requires proposals to

contribute to a strong sense of place and seeks to reinforce or create a positive sense of place and local distinctiveness with design that responds to site conditions and the local area context and Development Management in Birmingham Development Plan Document 2021 (DPD) Policy DM2 which requires development to be appropriate to its location.

11. The proposal would be contrary to Birmingham Design Guide Supplementary Planning Document 2022 (SPD) which, in terms of overarching objectives, advises that development should respect the appearance of the local area, new roofs should match those on the existing property and that extensions should be smaller than the main part of the house and not dominate its appearance and paragraph 135 of the National Planning Policy Framework 2024 (the Framework) which seeks to ensure developments function well and add to the overall quality of the area and are sympathetic to local character and the surrounding built environment.

Residential Amenity

12. The proposed rear extensions (single and two storey respectively) would breach the 45-degree code relating to the windows of no. 21. The submitted plans do not differentiate between the application of 45-degree code to single and two storey extensions, respectively with the lines drawn being from the centre of the window only. The point from which the line (45-degree line) is drawn is dependent on the nature of the proposed extension. In the case of single storey extensions, the measurement is taken, and the line should be drawn, from the midpoint of the nearest ground floor window whereas if the extension is to be two storey, the measurement is taken from the quarter point of the nearest ground floor window.
13. Based upon the evidence before me the proposal would breach the 45-degree line and, in a similar manner to the commentary regarding appendix B above, the appellant makes reference to appendix C, however, this does not appear to have been uploaded or submitted as part of the appeal documentation. A 45-degree line is shown on the submitted drawings, however, as outlined this does not differentiate between the measurement points for single and two storey rear extensions as appropriate and as noted in third party comments. Based upon the site characteristics, the proposal would cumulatively lead to a loss of outlook and light to no. 21 which would be sufficient to warrant refusal. Even if I had agreed with the appellant, that the separation distance between the extension and the boundary would be sufficient to safeguard the amenity of the neighbour, the appeal would still have failed due to my findings with regard to the first main issue.
14. The proposal would be contrary to DP Policy PG3 which requires proposals to demonstrate high design quality and DPD Policy DM2 requires proposals to not result in unacceptable adverse impacts on the amenity of occupiers and neighbours with regard to sunlight, daylight, and overshadowing as well as aspect and outlook. DPD Policy DM10 also requires development to ensure adequate outlook and daylight to dwellings in line with the approach of the 45-degree code which includes potential impacts on existing houses where development should not cross the line from an angle of 45-degrees from the nearest window providing the main source of natural light to a habitable room of dwellings that could be affected.
15. The proposal would be contrary to the guidance set out within the SPD which requires that the trajectory of the measurement should create a clear line of site, which any development proposal must not break, or interrupt. Proposals that

exceed this trajectory will not be supported. The proposal would also be contrary to paragraph 35, of the Framework, which seeks to create places with a high standard of amenity for existing and future users.

Other Matters

16. I note that there have been submissions by third parties in objection to the proposal. I have no evidence before me within this appeal to suggest that the proposal should be considered as a non-designated heritage asset. I have dealt with matters relating to design (in relation to both the rear extension and the proposed front extension) within the main issues for this appeal as I have those relating to residential amenity. The Council's delegated report outlines that concerns have been raised regarding impact on traffic and parking as well as subdivision of the appeal site, however, I cannot see anything relating to such matters within the third-party correspondence which has been provided as part of this appeal.
17. Despite this, and for completeness, the proposal would result in the creation of one additional bedroom, which combined with onsite parking, and unrestricted on street parking (with me finding no issues parking at the time of my site visit), means I have no reason to consider the proposal should fail on the basis of traffic and/or parking. Similarly, as the Council have outlined, concerns relating to the subdivision of the plot would be subject to a separate planning application and would not therefore form part of the assessment of this appeal.

Conclusion

18. Overall, I find that the proposal is not well considered or proportionate as an extension to the host building. Whilst the first three refusal reasons are, in part, overlapping in their reasoning, I find that the proposal when considered against the two main issues which I have outlined within this appeal to be unacceptable. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR