



Appeal Decision

Site visit made on 4 November 2025

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal Ref: APP/P4605/W/25/3372477

Land to the rear of 16-26 Springcroft Road and 11-23 Lyncroft Road, Tyseley, Birmingham B11 3EJ

- 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 M Khan against the decision of Birmingham City Council.
 - The application reference is 2025/01261/PA.
 - The development proposed is the conversion of existing building into 6 x 1-bed apartments with associated works (resubmission of application 2024/04271/PA).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character of the local area; whether the proposal would provide satisfactory living conditions for future occupiers with regard to privacy, outlook, fear of crime and the potential for anti-social behaviour; thirdly, the effect of the proposal on the living conditions of existing occupiers with reference to private garden space, potential noise and general disturbance, privacy and outlook; and fourthly, the effect of the proposal on highway safety, with particular regard to access and vehicle parking.

Reasons

Character

3. The proposal is to convert and alter the existing single storey outbuilding that stands between the rears of 3-storey residential terraces on Springcroft Road and Lyncroft Road to create 6 self-contained 1-bedroom flats. The appellant has emphasised that these neighbouring terraces contain flats rather than family houses and has provided Council Tax records and third-party correspondence in support of this view.
4. Regardless of the internal subdivision of these adjacent buildings, their built form and relationship with the street continue to reflect the established pattern of traditional residential terraces. The predominant character within the local area is of 2 and 3-storey buildings that directly face the road. From what I saw, back-land residential development, where a dwelling is sited behind another building, away from the road, was not a strong characteristic of the locality. In that context, self-contained flats within a single storey building nestled into an area just beyond the

rears of existing properties, with back gardens on 2 sides, as proposed, would be incompatible with the prevailing pattern of existing development locally.

5. Although the outbuilding exists, its lawful ancillary use is significantly different from the introduction of 6 independent residential units. An outbuilding is typically used for storage or as a home office as part of a single residential unit and is commonly found to the rear of residential properties. In contrast, the character of the site here would be transformed to one where people would independently live and visit. When seen from the upper rear windows of the properties on either side of the outbuilding, the proposal would attract attention as a discordant and an uncharacteristic addition to the local area.
6. On the first main issue, I conclude that the proposed development would cause significant harm to the character of the local area. Accordingly, it conflicts with Policy PG3 of the Birmingham Development Plan (BDP), which states that new development should respond to its local context. It is also at odds with the National Planning Policy Framework (the Framework), which states that development should be sympathetic to local character and add to the overall qualities of the area.

Living conditions – future occupiers

7. Each of the proposed flats would include a garden to the front and rear that would serve future occupiers as private amenity space (PAS). Although the amount of space available as PAS would be adequate, its value to residents would be severely diminished by the potential for overlooking from the upper rear windows of the properties at 16-26 (even) Springcroft Road and 11-23 (odd) Lyncroft Road.
8. In my experience, some overlooking of this type is a characteristic of the relationship between residential properties in tightly knit built-up areas, such as this. However, in this case, views from the rears of Nos 16-26 and 11-23 towards the gardens of the new flats would be from an elevated position, direct and at close range. Even with boundary fencing in place around each of the individual plots, the extent of overlooking possible would be considerable. It would unduly impinge on the enjoyment of the garden space to each flat because future occupiers of the appeal scheme would experience an unacceptable loss of privacy. That the separation distance between the primary living space of existing properties and the proposal would fall well short of the minimum threshold recommended in the Birmingham Design Guide (BDG) reinforces my concern.
9. In addition, the front and rear windows of each new flat would directly face a solid close boarded fence at close range. Consequently, the outlook from the rooms served by these windows, within which future occupiers would spend most of their time, would be unacceptably poor.
10. Access to the flats would be along an existing driveway from Springfield Road together with gated pedestrian accesses. Most future occupiers would also need to walk along a narrow alley enclosed by fences. Views of these routes from the windows of neighbouring buildings would be limited. Although the appellant has proposed secure gates and notes the absence of an objection from West Midlands Police, the prospect of approaching the new flats through narrow, partly enclosed corridors away from the road with limited natural surveillance would feel uninviting for most people especially after dark. It could feel intimidating especially for visitors unfamiliar with the local area although there is no firm evidence before me to

indicate that the proposed arrangements would unduly heighten a fear of crime or cause anti-social behaviour.

11. Even so, I conclude on the second main issue that the proposed development would not provide satisfactory living conditions for future occupiers. As such, it conflicts with BDP Policy PG3, Policies DM2 and DM10 of the Development Management in Birmingham Development Plan Document (DPD) and the BDG insofar as they aim to safeguard residential amenity. It is also contrary to the Framework, which states that development should aim to achieve a high standard of amenity.

Living conditions – existing occupiers

12. The introduction of 6 independent flats in a back-land location would increase the comings and goings of residents and visitors compared to the ancillary use of the outbuilding as part of a single residential unit. While the appellant states that the building is currently used (albeit unlawfully) as 12 flats, the weight that can be attributed to an unauthorised use is negligible. The relevant baseline remains that of an ancillary outbuilding. In that context, the introduction of 6 self-contained flats would represent a significant intensification of use. The proximity of entrances, amenity areas and circulation routes to the rear of existing properties would give rise to perceptible noise and general disturbance, beyond what would reasonably be expected in a rear-garden environment.
13. The proposal would reduce the private garden areas for several existing properties on either side of the outbuilding. The appellant argues that these properties contain self-contained flats rather than family sized dwellings, and therefore existing occupiers require less outdoor space. However, the lawful status of these properties as flats is unclear and this not a matter for me to determine in this appeal. The development sought would significantly reduce the established garden areas of these properties, thereby diminishing the quality and usability of outdoor space for existing residents.
14. The quality of the outlook from the rear windows of existing properties would not significantly change with the proposal given that the outbuilding is in place and few significant changes are proposed to its outward appearance. The modest size of the front and rear windows to each new flat and the tight angle of view would also diminish the intervisibility between rooms of the existing and proposed properties that face each other.
15. Nevertheless, I conclude on the third main issue that the proposed development would cause significant harm to the living conditions of existing occupiers. Accordingly, it conflicts with the planning policies and guidance cited by the Council insofar as they aim to safeguard residential amenity.

Highway safety

16. The Council raises concern that insufficient information has been provided to demonstrate that the site can be accessed safely with adequate parking and driver visibility. Given the lack of appropriate vehicle tracking plans, absence of continuous vehicle manoeuvring in the photographic evidence and details to indicate that motorists would see oncoming footway users in good time at the proposed access off Springfield Road, I share that concern.

17. From what I saw, the restricted width of the access driveway and the confined space available within the site would make the task of drivers entering, turning within, and exiting the site in forward gear safely, difficult. Consequently, motorists may choose to alternatively park on nearby streets that at the time of the site visit were very well used for this purpose. That outcome may also arise due to the lack of vehicle parking available on site given that the 4 spaces proposed would fall short of the 6 spaces required to meet the Council's standards set out in the Birmingham Parking Supplementary Planning Document (SPD). There is no convincing evidence before me that the extra demand for on-street parking that could arise from the proposal can be safely accommodated on local roads.
18. The appellant accepts at least some of these criticisms and concludes that the use of the access and the parking arrangements for vehicles, as shown, are not appropriate. Instead, the appeal scheme is promulgated on the grounds that the site is accessible by means other than the private car and that not all future occupiers would be car users. As the site is within convenient walking distance of public transport and local shops and facilities, and secure cycle parking would be provided, I agree that future occupiers would have a genuine choice of transport.
19. Nevertheless, a range of travel options does not on its own guarantee that future occupiers would not want to use a vehicle. While the appellant has described the proposal as 'car free' there is no mechanism before me to achieve this outcome. Therefore, I cannot rule out that some occupiers of the appeal scheme would use a private vehicle and require access to the site to park it. As it stands, there is insufficient information before me to conclude that the site could be accessed safely with adequate driver visibility and space for vehicle parking.
20. Therefore, I conclude on the fourth main issue that the proposed development would be prejudicial to highway safety. It fails to comply with BDP Policies PG3 and TP44, DPD Policies DM14 and DM15, the SPD and the Framework. Together, these policies and guidance aim to ensure that development does not have a detrimental impact on highway safety.

Other matters

21. The proposal would boost the supply of housing and make efficient use of the site, which are encouraged in policy terms. The site is in an accessible location within the built-up area and outside a designated flood risk area. The accommodation provided within each new flat would exceed minimum space standards. The local Member of Parliament supports the proposal. However, these considerations do not outweigh the significant harm that I have identified.

Conclusion

22. Overall, the proposed development would conflict with the development plan, when read as a whole. There are no material considerations, including the policies of the Framework, which indicate that the decision should be taken other than in accordance with the development plan. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR