
Appeal Decision

Site visit made on 16 September 2025 by S Jamieson BA (Hons) MPlan

Decision by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/P4605/D/25/3371627

24 Ellesboro Road, Birmingham B17 8PT

- 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 Shailesh Nakeshree against the decision of Birmingham City Council.
 - The application Ref is 2025/02938/PA.
 - The development proposed is amendments to previously granted scheme ref 2024/06497/PA. Erection of two storey side and rear extensions, Juliette balcony to rear, single storey rear extension, outbuilding to rear, dormer window to rear and front rooflights and alterations to front.
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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.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the area; and
 - b) the living conditions of occupiers of No 22 Ellesboro Road, with particular regard to outlook and light.

Reasons for the Recommendation

Character and Appearance

4. Ellesboro Road is an established residential street characterised by a mix of two-storey detached and semi-detached dwellings, with generous rear gardens. There is some variation in the architectural style of properties in the vicinity of the appeal site. However, in the main, properties are of a similar age and display many of the same period features, including red brick and rendered facades, large bay windows, curved porches, attached garages, hipped roofs and projecting gables with decorative or Mock Tudor detailing.
5. Where properties have been extended, these are typically set back from, or on occasion flush with, the principal façade of the property thereby ensuring the dwelling's original form remains legible. Overall, these characteristics contribute positively to the suburban qualities of the street scene.

6. The Council's reason for refusal under the first main issue relates solely to the two-storey side extension. The officer's report confirms that other elements of the scheme are considered to have an acceptable effect on the character and appearance of the area. From my own observations, I see no reason to disagree. My assessment therefore focuses on the proposed side extension.
7. The Birmingham Design Guide - Principles Document (Design Guide Principles) (2022) provides guidance on residential extensions. Supporting Paragraph 2.116 of Design Principle 16 requires the form and design of extensions to complement the host building, and not over-dominate or substantially alter its overall appearance, scale or mass. This is echoed in City Note LW-18 of the Birmingham Design Guide - Healthy Living and Working Places City Manual (Design Guide Manual) (2022), supporting paragraph 2.72 of which requires side extensions to appear secondary to the house.
8. The proposed side extension, by virtue of its two-storey height and forward projection beyond the principal elevation of the appeal property, would not appear as a subordinate addition to its host. Rather, it would present as an unduly dominant and disproportionate addition which would compete with the original form of the property, undermining its legibility. The introduction of a secondary gable projection would also be a discordant feature that would fail to respond to the prevailing design of neighbouring properties and the wider street scene.
9. In view of the above, the proposed extension would unduly harm the character and appearance of the area. It would therefore be contrary to Policy PG3 of the Birmingham Development Plan (2017) which seeks to ensure developments are of high-quality design and contribute to a strong sense of place. For the same reasons, there would also be conflict with the guidance contained in the Design Guide Principles (2022), the Design Guide Manual (2022) and the National Planning Policy Framework (2024).
10. The Council has identified conflict with Policies DM2 and DM10 of the Development Management in Birmingham Development Plan Document (DPD) (2021). However, these policies relate to residential standards and amenity and therefore have not been determinative in the consideration of the first main issue.

Living Conditions

11. The Council's reason for refusal with regard to the second main issue relates to the proposed rear extension. Given the siting and design of the other elements of the appeal scheme, I concur with the Council that these aspects would have an acceptable effect on the living conditions of neighbouring occupiers. My assessment therefore relates to the proposed rear extension.
12. The proposal would slightly increase the mass of the side elevation of the host dwelling closest to 22 Ellesboro Road (No 22), when compared with the existing situation. Even so, given its limited projection and off set siting from the shared boundary combined with No 22's slightly elevated position in the relation to No 24, the rear extension would not appear unduly close or dominant when viewed from No 22's French doors or rear garden. Whilst there would be some additional built form in their outlook, the spacious nature of No 22's rear garden, together with the wide bi-fold doors which serve their ground floor extension, would ensure a satisfactory level of outlook for neighbouring occupiers would be maintained.

13. From the evidence before me, the proposal would be unlikely to cause any material loss of light to the internal rooms or rear garden of No 22. Taking into account the orientation of the two properties and the path of the sun, the extension would also not result in significant overshadowing or a harmful reduction in daylight.
14. Whilst the rear extension would technically breach the 45 Degree Code, when measured from the nearest habitable room of the neighbouring property, given the existing situation on site compared to the development proposed, I am satisfied that, in this particular instance, the residential amenity of the neighbouring occupiers would not be significantly diminished.
15. Consequently, the proposal would have an acceptable effect on the living conditions of neighbouring occupiers, with particular regard to outlook and light. It would therefore accord with the requirements in Policies DM2 and DM10 of the Development Management in Birmingham Development Plan Document (DPD) (2021) which require new developments to protect residential amenity. For the same reason, it would also comply with the guidance contained in the Design Guide Principles (2022) and Design Guide Manual (2022), as well as the National Planning Policy Framework (2024).
16. I have not referred to Policy PG3 of the Birmingham Development Plan (2017), as this relates to placemaking and is not directly relevant to the matter of residential amenity.

Other Matters

17. I note there is a side extension at No 12 Ellesboro Road which is referred to by the appellant as being similar to the appeal scheme. However, from the evidence before me it would appear that this approval predates the adoption of the Council's Design Guide Manual (2022) and is inconsistent with current guidance for side extensions. In any event, this example does not define the prevailing characteristics of the street, nor does it justify the appeal scheme which, for the reasons set out above, would appear incongruous amongst its immediate surroundings.
18. The appellant also refers to an extant planning permission for the appeal property, which they consider to be almost identical to the proposed development. Whilst I accept that the policy context has not changed, based on the evidence provided, there appear to be clear differences between the two schemes, most notably in terms of the forward projection of the appeal proposal. Even accounting for any revisions to the design of the rear roof, for the reasons given above, the differences in this case are material. The fallback position would therefore in this instance be preferable and consequently receives limited weight in the determination of this appeal.
19. I acknowledge the appellant's desire to improve natural surveillance and security at the property, provide additional living space to accommodate their multi-generational family and provide appropriate space for working from home. Given the personal circumstances of some family members this would be a significant benefit. However, there is no compelling evidence to suggest that the property could not be extended in a manner that would have an acceptable effect on the character and appearance of the area. Indeed, planning permission has already been granted for an appropriate extension.

Conclusion and Recommendation

20. I have found that the proposal would not harm neighbouring living conditions. However, it would harm the character and appearance of the area and would conflict with the development plan in that regard.
21. I have had due regard to the Public Sector Equality Duty (PSED) set out under s149 of the Equality Act 2010 but given the clear public interest in protecting the character and appearance of the area, I am satisfied that the dismissal of the appeal is necessary and proportionate. As there are no material considerations that would outweigh the conflict with the development plan, I therefore recommend that the appeal should be dismissed.

S Jamieson

APPEAL PLANNING OFFICER

Inspector's Decision

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

Zoe Raygen

INSPECTOR