



Appeal Decision

Site visit made on 11 July 2025 by Mr F Bradford BA (Hons) MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26TH November 2025

Appeal Ref: APP/P4605/D/25/3364989

5 Aldgate Grove, Birmingham, B19 3XQ

- 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 Anwar Ali against the decision of Birmingham City Council.
 - The application Ref is 2025/01584/PA.
 - The development proposed is the erection of single storey rear extension (4m depth).
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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 Issue

3. The main issue is the effect of the proposed development on the living conditions of the neighbouring occupants of 7 Aldgate Grove (No 7) with particular regard to outlook and light.

Reasons for the Recommendation

4. The appeal dwelling is sited within a row of terraced dwellings to northern side of Aldgate Grove, and which largely remain unaltered. Where extensions have occurred, these are generally modest and single storey rear extensions that are limited in depth or are conservatories. I observed that although a fence panel on the boundary between the appeal dwelling and No 7 was missing, a full boundary fence is otherwise sited on this boundary. The occupants of No 7 currently enjoy a level of outlook to be expected of a terraced house with rear garden, with any sense of enclosure arising principally from the boundary fence.
5. The proposed development would introduce a substantial single storey bulk directly on the boundary next to the shared boundary with No 7. Whilst the difference in ground level between the garden of the appeal dwelling and No 7 would effectively reduce the actual height of the development experienced by the occupants of No 7, this would be limited to the section closest to the rear elevation. The remaining portion of the proposed development would project substantially along the length of the shared boundary and above the existing fence height, appearing as a dominant addition within close proximity to the shared boundary. Therefore, the proposal

would result in an overbearing impact and consequent loss of outlook from the rear ground floor windows of No 7.

6. Turning to the impact on light, the overall bulk of the proposal and its siting in close proximity to the boundary would result in overshadowing to the ground floor rear windows in No 7. Taking into account the orientation of the terrace, the effect of the loss of light would be experienced particularly during the morning hours, with the addition of the extension and its consequent bulk resulting in an unacceptable impact on the living conditions of the neighbouring occupiers.
7. For these reasons, I find the proposal would harm the living conditions of the occupants of No 7 by way of overbearing, loss of outlook, and light. I therefore find conflict with the local development plan with particular regard to policies DM2 (Amenity) and DM10 (Standards for residential development) of the Development Management in Birmingham Development Plan Document (2021) and PG3 (Place making) of the Birmingham Development Plan 2031 (2017). These seek, among other things, to ensure that development avoids unacceptable adverse impacts on the amenity of neighbours, including in terms of outlook and daylight.

Other Matters

8. The appellant suggests that the appeal be allowed subject to the imposition of a planning condition requiring amended plans or alternatively that revised drawings be submitted during the appeal process. However, I have determined the appeal based on the plans that were considered by the Council and no amended plans have been provided with the appeal to demonstrate an acceptable alternative form of development. Therefore, as I cannot be certain that the harm that I have found could be adequately mitigated by an alternate form of extension, this is not a matter that can be satisfactorily addressed by condition.
9. I also understand that the appellant is frustrated that they were not provided with the opportunity to amend the scheme during the processing of the planning application. However, this is not a matter that would weigh as a planning merit in support of the proposal.

Conclusion and Recommendation

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

Finlay Bradford

APPEAL PLANNING OFFICER

Inspector's Decision

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

Martin Seaton

INSPECTOR