
Appeal Decision

Site visit made on 09 December 2025

by **N Robinson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: APP/P4605/W/25/3371117

110 Bordesley Green, Nechells, Birmingham B9 4TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)(the GPDO).
 - The appeal is made by Mr Yahya Khan against the decision of Birmingham City Council.
 - The application Ref is 2025/03088/PA.
 - The development proposed is dormer roof to existing second floor bedroom to create proposed studio apartment to rear of property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application sought prior approval of a proposed development under the provisions of Schedule 2, Part 20, Class AB (Class AB) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO). These provisions grant planning permission for new dwellinghouses on terrace buildings in commercial or mixed use, subject to certain limitations and conditions.

Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 20, Class AB of the GPDO.

Reasons

4. The permitted development right set out under Class AB allows for the construction of up to 2 additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a terrace building in commercial or mixed use. The extension would extend the second floor of the building, which currently contains a bedroom, to create a studio flat. The extension would not extend above the existing topmost residential storey of the building. Therefore, the proposal is not permitted development under Class AB.

Conclusion

5. For the reasons given above, the appeal is dismissed.

N Robinson INSPECTOR