



Appeal Decisions

Site visit made on 9 December 2025

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal A Ref: APP/P4605/C/24/3354692

1257-1259 Pershore Road, Stirchley, Birmingham B30 2YT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr N Hussain of NSH Properties Limited against an enforcement notice ("EN") issued by Birmingham City Council.
 - The EN was issued on 10 October 2024.
 - The breach of planning control as alleged in the EN is: Without planning permission, the unauthorised erection of a rear roof dormer in the approximate position marked in green on the attached plan.
 - The requirements of the EN are to:
 - i. Demolish the unauthorised rear roof dormer in its entirety and reinstate the rear elevation of the Premises to its condition immediately prior to the breach taking place; and
 - ii. Remove all demolished building materials and rubble from the Premises arising from compliance with requirement (i) above;
 - Or
 - iii. Undertake remedial works to the unauthorised rear roof dormer so that the unauthorised development strictly accords with planning approval 2023/00855/PA dated 28 March 2023 and all attached conditions.
 - The period for compliance with the requirements is: 3 months after this EN takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the 1990 Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.
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Appeal B Ref: APP/P4605/W/24/3354694

Flat 1257-1259 Pershore Road, Bournville, Birmingham B30 2YT

- The appeal is made under section 78 of the 1990 Act against a refusal to grant planning permission.
 - The appeal is made by I Hussain against the decision of Birmingham City Council.
 - The application Ref is 2024/04441/PA.
 - The development proposed is the erection of rear roof extension.
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Decision

1. **Appeal A:** It is directed that the EN is varied by:
 - the deletion of 3 months and its substitution with 6 months as the period for compliance.

Subject to the variation, the EN is upheld.

2. **Appeal B:** The appeal is dismissed.

Preliminary Matter

3. The appellant or a representative acting on their behalf failed to attend the pre-arranged site visit. In their absence, I undertook an unaccompanied site visit. I was

able to see everything I needed to make an informed decision and therefore, it was not necessary for me to re-arrange the site visit. I informed the parties of this.

Appeal A on Ground (a) and the Deemed Planning Permission, and Appeal B

4. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The matter alleged in Appeal A and the description of development in Appeal B both involve the same development, albeit the roof extension in Appeal B is reduced in scale. The main issue is also the same. Therefore, while I shall consider each appeal on its individual merits, to avoid duplication, I will deal with the appeals together.
5. The **main issue** in both appeals is the effect of the development on the character and appearance of the surrounding area.

Reasons

6. The appeal site forms the end two properties in a short two-storey terrace. The terrace has a pitched roof with gables to each end. To the rear of the terrace are two, two-storey outriggers with a shallow pitched roof whose eaves and ridge height are lower than the roof of the main terrace. A single storey extension has been constructed to the side/rear of the appeal site's outrigger. The terrace consists of ground floor commercial uses with residential accommodation above.
7. The eaves of the two-storey outrigger at the appeal properties have been increased in height to match the eaves height of the main terrace. A "T-shaped" dormer with a very shallow mono-pitch roof has been constructed to the rear roof slope of both 1257 and 1259 Pershore Road and above the existing outrigger. The dormer extends directly from the side gable of No 1257 with a brick wall that is lighter than the original brickwork. The remainder of the dormer is clad in horizontal boarding that matches the colour of the slate roof.
8. City Note LW-18 of the Birmingham Design Guide, Healthy Living and Working Places City Manual, adopted 2022 states that dormers should not dominate the roof; and should have a design and proportions that are in-keeping with the house, with details such as the roof and windows aligning with the lower floors.
9. The dormer has a ridge height that is lower than the ridge of the main terrace. However, it significantly exceeds the height of the outrigger's pitched roof, completely enveloping it. The dormer occupies almost the whole of the rear roof slope across both properties and therefore it dominates the roofscape. Furthermore, some of the windows within the dormer are out-of-character as they are wider than the windows in the property's original rear elevation. Consequently, the dormer is out of proportion and harms the character of the existing properties.
10. The surrounding area has a varied character and appearance with a mix of building heights and roof designs. However, I was unable to identify any other dormers within the vicinity of the appeal site that were of a similar scale and design. Furthermore, the dormer was visible from Pershore Road, where its significant scale and massing was evident. Consequently, the dormer appears incongruous from the street.
11. Appeal B seeks to reduce the depth of the dormer above the outrigger by 2m. However, the reduction in depth would make limited difference to the scale, dominance and visibility of the dormer. As such, the amendment would not

overcome the harm I have identified.

12. The appellant asserts that the Appeal B dormer would be similar in scale to other roof extensions found elsewhere in Stirchley, Selly Park, Selly Oak and Bournville that have been constructed pursuant to permitted development rights and the grant of planning permission. However, I have not been directed to any specific examples or planning permissions. Furthermore, the properties are flats and therefore householder permitted development rights are not applicable. In any event, I must determine each case on its own merits.
13. The appellant asserts that the dormer creates an improved standard of accommodation for future residents by providing a larger bedroom not constrained by roof slopes. However, I have nothing before me to suggest that the living accommodation granted planning permission was substandard.
14. For these reasons, the rear roof dormer (either existing or proposed) harms the character and appearance of the surrounding area. It conflicts with Policy PG3 of the Birmingham Development Plan, adopted 2017 that seeks to ensure that all new development demonstrates high design quality; and reinforces or creates a positive sense of place and local distinctiveness with design that responds to site conditions and the local area context.
15. The Council's decision notice and EN refer to Policy DM2 of the Development Management in Birmingham Development Plan Document, adopted 2021. However, this policy refers to the effect of development on the living conditions of existing occupiers and neighbours. It is therefore not applicable to either appeal.

Conclusion: Appeal A on Ground (a) and the Deemed Planning Permission and Appeal B

16. **Appeal A** - For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal on ground (a) should be dismissed, and the deemed planning permission should be refused.
17. **Appeal B** - For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

Appeal A on Ground (g)

18. An appeal under ground (g) is that the period specified for compliance with the EN falls short of what should reasonably be allowed. The period for compliance specified in the EN is three months.
19. The appellant states that there are tenants living in the flats and therefore, time is required for them to find alternative accommodation before work can commence. The appellant asserts that it would be for the tenants to determine how quickly suitable alternative accommodation can be found. A builder would then need to be appointed to undertake the requirements. The appellant therefore requests a compliance period of 12 months.
20. In determining this appeal, I appreciate that the occupiers of the flats may have to move out while the requirements are complied with and therefore, they could lose

their homes. Consequently, I am mindful of the rights of parties under the Human Rights Act 1998, and I must have due regard to the Public Sector Equality Duty.

21. I have not been provided with tenancy agreements to demonstrate the tenants' notice period. However, I agree with the appellant that three months would not be reasonable for tenants to be served notice and find alternative living accommodation, a contractor appointed, and for the EN's requirements to be completed. Notwithstanding this, a period of 12 months proposed by the appellant, is a lengthy period for the harm identified in the EN to persist.
22. I consider that extending the time for compliance to six calendar months would strike a more appropriate balance between remedying the planning harm identified in the EN as soon as practicable; allowing the tenants a reasonable timeframe to find alternative living accommodation; and the appellant a more appropriate timeframe in which to undertake the requirements of the EN.
23. Appeal A on ground (g) therefore succeeds to this limited extent and I will vary the EN accordingly.

Overall Conclusions

24. **Appeal A** - For the reasons given above, I conclude that the period for compliance with the EN falls short of what is reasonable. I shall vary the EN prior to upholding it. The appeal on ground (g) succeeds to that extent.
25. **Appeal B** - For the reasons given above the appeal should be dismissed.

A Berry

INSPECTOR