



Appeal Decision

Site visit made on 10 December 2025

by Timothy Parton BA(Hons) MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2026

Appeal Ref: APP/P4605/D/25/3374000

9 Dorset Road, Harborne, Birmingham B17 8EN

- 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 Dawud Iqbal against the decision of Birmingham City Council.
 - The application Ref is 2025/02180/PA.
 - The development proposed was originally described as a new garage to store personal vehicles. Strictly personal use. New gate to stop fly tipping (common occurrence).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey detached garage to rear and installation of new access gate to rear at 9 Dorset Road, Birmingham, B17 8EN in accordance with the terms of the application, Ref 2025/02180/PA and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with Drawing No.101 REV.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. I have used the Council's description of the development as presented within the decision notice in the formal decision above as it more concisely describes the development.

Main Issue(s)

3. The main issue is the effect of the proposed garage on the character and appearance of the area, with particular regard to the scale and appearance.

Reasons

4. The appeal property is one of a row of terraced houses with front gardens and off-street parking facing onto Dorset Road. Dorset Road predominantly contains residential dwellings which vary considerably in size, type, design, character and appearance. All the houses within the terrace row containing the appeal site have long rear gardens of similar width, with pedestrian and vehicular access available

to the rear gardens accessed by a pedestrian gate and separate vehicular gate off Poplar Avenue. Most gardens connected to this rear access have outbuildings and garages which utilise this access and vary significantly in size and appearance. Where there is an outbuilding or garage, it is common for these to utilise the entire available width of the property.

5. The rear of 9 Dorset Road contains a long garden with a garage at the end facing onto the rear pedestrian and vehicular access. The area beyond the existing garage is the location of the proposed garage and associated gate and landscaping features. The proposed garage is considerably larger than an average sized double garage, and has a footprint significantly larger than that of the existing main dwelling.
6. City Note LW-21 of the Birmingham Design Guide Supplementary Planning Document 2022 (SPD) seeks to manage the appearance of garages when viewed alongside the main dwelling. As the proposed garage is located at the rear and at a distance from the main dwelling, it would not be seen in that street facing context and would be both physically and visually separate from the main dwelling. Furthermore, the proposed garage would be seen in context with the ad-hoc positioning of other structures to the rear of Dorset and Selsey Roads together with existing vegetation. Consequently it would not appear prominent or harm the character of the area. The proposal therefore does not conflict with LW-21.
7. The Council suggests that approving a garage of this size could set a precedent. While the garage would be larger than others nearby, this reflects the size of the appeal site which includes land to the rear of both Nos 9 and 11. Garages and other outbuilding structures in the immediate area do vary depending upon the size of the land available. Where others use the full width of plots, this proposal follows that approach. Any other proposals would be assessed on their own merits and site-specific circumstances, so this decision would not create an easily repeatable precedent.
8. Policy PG3 of the Birmingham Development Plan 2017 (the Plan) outlines the need to protect and enhance the environment and to not allow proposals which would have an adverse effect on the quality of the built environment. The proposed garage has a simple and functional design which is similar to the design of other garages and outbuildings in the area. Where the appeal site would be visible, it would be viewed in the context of an area surrounded by outbuildings and garages of various sizes and designs. The positioning and visibility of the garage from the surrounding area would result in the proposed development having a neutral effect on the quality of the built environment of the area. On this basis, the proposals do not conflict with Policy PG3 of the Plan.
9. Development Management in Birmingham Development Plan Document 2021 (DPD) Policy DM2 predominantly addresses amenity impacts of new developments, and the Council has confirmed that it has no concerns regarding these matters. The principal conflict with Policy DM2 identified by the Council therefore relates to the design and location of new development. In addition, the Council's reasons for refusal also refer to the proposal being contrary to the National Planning Policy Framework (the Framework), and the Officer Report specifically refers to conflicts with paragraph 131, 135, and 139 of the Framework relating to the achievement of high-quality design. Expectations for high-quality design should be led by the type of development and the particular circumstances

of the site. As addressed above regarding Policy PG3 of the Plan, the functional design and proposed location of the garage to the rear of the property would have a neutral effect on the quality of the built environment of the area. On this basis, the proposals do not conflict with DPD Policy DM2 and the Framework.

10. The proposed development would not harm the character and appearance of the area, with particular regard to the scale and appearance. The proposal therefore does not conflict with Policy PG3 of the Plan, DPD Policy DM2, City Note LW-21 of the SPD, and paragraphs 131, 135, and 139 of the Framework.

Other Matters

11. In relation to concerns regarding the potential loss of light and privacy to nearby occupiers, I am satisfied that the height, positioning, and design of the development would ensure that there would be no detrimental impacts on neighbouring properties regarding these matters. The proposed development would likely increase activity on the site in comparison to the current situation as a vacant piece of land. However, any increases in vehicle movements, noise and pollution would be at a level associated with normal residential use, and therefore consistent with the use of other garages and outbuildings in the surrounding area.
12. The use of the site for a garage would not present any additional fire risks or security issues for surrounding properties. I note that the Council has no concerns regarding these matters.

Conditions

13. The Council's appeal questionnaire indicates that standard conditions for householder development could be used and no further conditions have been suggested. The standard time limit for implementation is necessary to provide certainty. The submitted plans which are the approved plans are set out in a condition in order to define the permission which is necessary for precision and enforceability. A condition relating to materials used in the construction of external surfaces is included to ensure a satisfactory appearance of the development.

Conclusion

14. The proposal would not conflict with the development plan when taken as a whole. Therefore, for the reasons given above the appeal should be allowed.

Timothy Parton

INSPECTOR