



Appeal Decision

Site visit made on 5 January 2026

by **D Marley BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2026.

Appeal Ref: APP/P4605/W/25/3373471

23 Marston Road, Woeley Castle, Birmingham B29 5NH

- 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 Oluwakemi Idowu Olushola of Elite Chase Investment Ltd against the decision of Birmingham City Council.
 - The application Ref is 2025/02516/PA.
 - The development proposed is conversion of two storey extension to create new dwelling (Use Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the decision notice, as this more accurately describes the site.
3. I have taken the description of development used in the banner heading above from the decision notice, as it more concisely describes the development to which the appeal relates. It does not fundamentally change the development subject of the appeal. I am therefore satisfied that neither party would be prejudiced by my use of it.
4. There is a discrepancy between the applicant's name as submitted in the planning application form and the appellant's name as submitted in the appeal form. Clarification has been sought during the course of the appeal and the correct details used above.
5. The appellant submitted additional plans and information during the course of the appeal which sought to demonstrate how private outdoor amenity space would be provided and proposing an additional window on the ground floor. These were not before the Council when it made its decision. The appeal process should not be used to evolve a scheme and the amendments proposed constitute a substantial change to the scheme determined by the Council. I also cannot be certain that those who should have been consulted on the revised proposals have had the opportunity to make representations. Accepting the revised information would therefore risk being prejudicial to interested parties. I have therefore determined the appeal against the plans considered by the Council when it made its decision.
6. The Council's decision notice refers to Policy T27 of the Birmingham Development Plan 2017. In the absence of supporting policy information I raised this matter with the Council, who provided a copy of Policy TP27 of the Birmingham Development

Plan 2017 to support their decision. The appellant was provided with an opportunity to comment on this, and I am satisfied that neither party would be prejudiced by my reference to Policy TP27 of the Birmingham Development Plan 2017 in this decision.

7. The development proposed entails the conversion of a previously consented extension to an existing dwelling. At my site visit I observed that the extension appeared to have been completed. I further observed that there was a close-boarded fence and gate that sectioned off part of the existing dwelling's outdoor space.

Main Issue

8. The main issue is whether the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to internal space and private outdoor amenity space.

Reasons

9. The proposed development would convert an existing 2-storey extension into a one bedroom, 2-storey dwelling. The plans considered by the Council do not identify an area for private outdoor amenity space. At my site visit, whilst the property was unfurnished I noted that the layout of the property was such that internal rooms appeared relatively narrow. As noted above I further observed that part of the existing outdoor space had been fenced off.
10. The Council identify that the proposed development would fall below the minimum gross internal floor area for a one bed, 2-person 2-storey dwelling set out in the Technical Housing Standards - Nationally Described Space Standards ('NDSS') and required by Policy DM10 of the Development Management in Birmingham Development Plan Document 2021. Whilst I note the appellant's reference to exceeding an internal space requirement of 50 square metres established by the NDSS, this quantum relates to a one-bed 2-person single storey dwelling, rather than the 2-storey dwelling that is proposed. Substantive evidence is not before me to demonstrate that the proposal would meet the space requirements for a one-bed 2-person 2-storey dwelling. On the evidence before me and following my site visit, I conclude that the proposed development would fall somewhat short of the internal space required by the NDSS.
11. The proposed development would thus provide an undersized internal space. As a result, future occupiers would likely have insufficient internal space to accommodate household items and undertake day-to-day activities such as cooking, dining or the private enjoyment of their home. This would conflict with the requirements of the Birmingham Design Guide Principles Document (2022) (the 'Design Guide') which requires proposals to result in the creation of quality internal environments and provide sufficient indoor space. Given this, and my observations at the site visit with regards internal layout, the proposed development would result in an unacceptably cramped internal layout which would not meet the needs of future occupiers, and would therefore be harmful to their living conditions.
12. The plans considered by the Council do not identify an area proposed for private outdoor amenity space. I acknowledge that an area of the current dwelling's outdoor space may be fenced off. However, on the evidence before me were this area to serve as the proposed dwelling's future outdoor space this would likely be

less than the minimum size for private outdoor amenity space set out in the Birmingham Design Guide Healthy Living and Working Places City Manual 2022. In any event, no mechanism has been proposed to secure the future provision of such a space for the proposed dwelling. I am not therefore satisfied that future occupiers would have access to an area of private outdoor amenity space for their own enjoyment. As a result of this, the proposals would conflict with the requirements of the Design Guide to provide sufficient outdoor space for all occupants. This would be harmful to their living conditions.

13. I note the appellant's statement that the proposals would represent a 'modern and efficient open-plan design'. However neither this, nor that the proposed dwelling would be acceptable with regards ventilation and natural light, would outweigh the harm to living conditions identified.
14. I therefore conclude that the proposed development would fail to provide satisfactory living conditions for future occupiers, with particular regard to internal space and private outdoor amenity space. The proposed development would conflict with Policies PG3 and TP27 of the Birmingham Development Plan 2017 and Policies DM2 and DM10 of the Development Management in Birmingham Development Plan Document 2021. Amongst other matters, these policies require consideration to be given to whether a development proposal provides access to high quality and useable amenity space, to ensure private external spaces are functional, to meet minimum space standards, and to provide a choice of housing suitable for all users.

Other Matters

15. Whilst the appellant has directed my attention to the condition set out in the Council's statement, the conditions within a Council's appeal submission are provided without prejudice to their wider statement. In any event I do not consider that the condition proposed would address the harm I have identified.
16. Whilst broad reference has been made to local precedent with regards the main issue, I have limited specific detail before me with regard this matter. I therefore cannot draw any direct comparison with the proposal that would weigh in its favour. Equally, whilst the appellant identifies that the proposed development would provide an affordable starter home that would offer an alternative to shared accommodation, there is not substantive evidence before me with regards the affordability of any future dwelling, nor does this matter outweigh the harm I have identified in any event.
17. I acknowledge the appellant's argument that the proposed development would not harm the living conditions of neighbouring occupiers. However, the lack of harm in this respect is effectively neutral in my determination of the appeal. I also acknowledge that the proposal would provide an additional dwelling, and support the provision of housing in the city. However, the contribution would be very limited by reason of the scale of the development proposed. I additionally acknowledge that the proposal would result in additional parking spaces and would utilise sustainable heating methods. These matters do not outweigh the harm identified and have not therefore led me to an alternative conclusion on the main issue.

Conclusion

18. The proposal would conflict with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

D Marley

INSPECTOR