



Appeal Decision

Site visit made on 26 January 2026

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2026

Appeal Ref: APP/P4605/W/25/3375720

2278 Coventry Road, Sheldon, Birmingham B26 3JR

- 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 A Athik against the decision of Birmingham City Council.
 - The application Ref is 2025/03897/PA.
 - The development proposed is change of use of the rear parts of the first floor accommodation of the premises into a first floor self-contained flat, comprising of a lounge/ kitchen diner, bathroom and bedroom. the works include the introduction of new windows.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide an acceptable living environment for future occupiers with particular regard to noise and disturbance, outlook, privacy and safety.

Reasons

3. 2278 Coventry Road is a restaurant with residential use to the upper floors. The site is located in the Sheldon District Centre, and the surrounding buildings are predominantly in commercial use with residential units to the upper floors. To the rear of the site is a part-single, part 2-storey flat roof extension which comprises part of the restaurant and kitchen to the ground floor and an office and store to the first floor. The first floor of the extension is separated from the host building by a walkway which provides access to the upper floor flats above the commercial buildings on Coventry Road. The extension includes an extract flue which exits above the building's roof. The extension borders the service yard and rear accesses to the commercial units on Coventry Road.
4. The proposal seeks to change the use of the first floor of the extension to a one-bed flat within an area which it is stated is underutilised and surplus to requirements due to weakened demand for the restaurant. Amenity space is proposed on the roof of the single storey part of the extension which would be enclosed by a 1.8m fence.
5. Access to the flat is proposed from an entrance door created at ground floor level within the side elevation. At my site visit I observed that this area benefited from natural surveillance from the walkway and the residential units to the upper floors of the commercial properties on Coventry Road, and, given the open aspect to the east, there would be clear views of the entrance door for residents accessing the

flat. Given this, there is no compelling reason to find that this access would feel unsafe and unwelcoming or that it would pose a security risk to future occupiers. I also note that West Midlands Police did not object to the proposal.

6. The flat would border the rear accesses and service yard to the commercial units on Coventry Road, which includes areas of parking and refuse storage. It is proposed to insert window openings and rooflights within the first floor of the extension. The window openings would be elevated above this service area and there is no compelling reason to find that outlook from them would be particularly harmful to the flat's occupiers. The flat would receive adequate levels of natural light and would meet the minimum floor space for a one-bedroom unit as set down in the Government's nationally described space standards.
7. In support of the proposal the appellant states that the existing nearby commercial activity does not include any heavy industrial operations, is limited to the daytime and that the use of the service yard is largely confined to restaurant deliveries and waste collection. Be that as it may, the proposal is not supported by a noise survey which establishes the noise generated by the operations of surrounding land uses, which includes restaurants which appear to trade into the evening. Given this, it has not been adequately demonstrated that the noise from the surrounding commercial activity, including from associated extract flues, would not be audible from inside the flat and the amenity space. In the absence of detailed calculations of the noise levels, it is not possible to know whether the mitigation proposed would be successful in achieving an acceptable noise environment within the unit and its amenity space.
8. The Birmingham Design Guide Supplementary Planning Document (2022) (SPD) states that residents should be able to access private outdoor amenity space of sufficient size and quality to serve the occupants of the dwelling. It also states that to effectively protect resident amenity and privacy, a 5m setback per residential storey is required where primary windows overlook private amenity space. It states that this standard should be applied to all new development adjacent to an existing residential use.
9. The Council states that there is a separation of approximately 5m between the proposed flat and the upper floor residential accommodation over the host building. Based on the information before me I see no reason to find otherwise. Given this, assessed against the SPD, there would be a shortfall of approximately 5 metres between the flat and the windowed elevations to the second floor of the host building. This is a significant shortfall which would result in opportunities for overlooking of the proposed flat and its private amenity space.
10. The appellant has sought to address this shortfall through the inclusion of a fence around the amenity space and a pergola/ canopy roof over the kitchen/ lounge window. However, given the limited separation between the amenity space and the windows in the host building, there would still be clear and direct views of the amenity space from second-floor windows over the boundary treatment. Given this, whilst the amenity space would be of sufficient size to serve its occupants, it would experience direct overlooking at close range. Whilst a certain amount of overlooking can be expected in urban locations such as this, this would go beyond reasonable levels. This overlooking, combined with the potential noise and disturbance from surrounding land uses, would combine to create an amenity space with a harmful lack of privacy within which it would be oppressive to spend

time. This would fail to meet the SPD's overall aims of effectively protecting resident amenity and privacy.

11. In support of the proposal the appellant references other mixed-use and converted buildings in Birmingham and above shop conversions in Acocks Green and Erdington. However, specific examples have not been referenced to give substantial credence to, and I cannot therefore be assured that these developments are comparable to the proposal before me.
12. The proposal would fail to provide an acceptable living environment for future occupiers with particular regard to levels of noise and disturbance and privacy. Conflict therefore arises with those aims of policy PG3 of the Birmingham Development Plan (2017) and policies DM2 and DM12 of the Development Management in Birmingham Development Plan Document (2021) which seek to ensure that development demonstrate high design quality and not result in unacceptable adverse impacts on the amenity of occupiers. I also find conflict with the SPD as set out above.

Other Matters

13. The proposal would deliver one dwelling in a location which is highly accessible to facilities, services and public transport within an underutilised part of an existing building. This would contribute to boosting the supply of new housing. Additionally, there would be some economic benefits during the construction and occupancy phases. However, these benefits would be limited given the scale of the development and would fail to outweigh the harm I have identified in relation to the standard of living accommodation proposed.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

N Robinson

INSPECTOR