



Appeal Decision

Site visit made on 29 October 2025

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

Appeal Ref: APP/P1805/C/24/3341175

24 Fiery Hill Road, Barnt Green, Birmingham B45 8LG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr & Mrs W Tracey against an enforcement notice issued by Bromsgrove District Council.
 - The notice was issued on 19 February 2024.
 - The breach of planning control as alleged in the notice is the erection of an additional storey shown crossed hatched red on the plan over the existing single storey section of the annexe ("the annexe") shown edged blue on the Plan ("the unauthorised development").
 - The requirements of the notice are:
 - a. Demolish the unauthorised development.
 - b. Restore the annexe to its former state as shown on proposed elevations drawing no 03A of planning permission reference 16/1022
 - c. Remove from the land all materials and debris resulting from compliance with requirements 5a and 5b above.
 - The periods for compliance with the requirements are:
 - a) Requirement 5a within 12 months from the date on which this notice takes effect.
 - b) Requirement 5b within 14 months from the date on which this notice takes effect.
 - c) Requirement 5c within 16 months from the date on which this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). 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 Act.
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. Since the appeal was lodged, a revised version of the National Planning Policy Framework ("the Framework") was published in December 2024. I have considered the changes and as they are not material to the appeal development, further comments were not sought. I have, however, determined the appeal having regard to the revised Framework.

Ground (a) and the deemed planning application

Main Issue

3. The main issue is the effect of the development on the character and appearance of the annexe and host dwelling, and whether the development preserves or enhances the character or appearance of the Barnt Green Conservation Area (CA).

Reasons

4. The appeal site is located at the end of a private road which provides access to several large detached dwellings that sit within substantial plots. No. 24 is a large detached dwelling of Georgian style which is set back from the road by a long driveway and sits in spacious gardens that are bound by mature trees and hedgerows.
5. As noted in previous appeal decisions, the significance of the CA stems from the substantial residential plots surrounding large dwellings of a traditional standard of design. The pattern of development within the CA varies with larger three storey palatial dwellings set out in a low-density pattern to the west, with higher density two-storey twentieth century dwellings set within a more formal layout to the east. The appeal site and the surrounding area is characterised by more generous plots than other dwellings to the north, giving it a lower density which is more comparable to that of Linthurst Road further to the west.
6. Whilst No. 24 is a modern replacement dwelling, it nevertheless is an attractive dwelling set within a spacious plot which is reflective of the wider character of the CA. The overall composition of the dwelling therefore contributes positively to the character and appearance of the CA.
7. The appeal relates to a detached annexe building which is set down at a lower level and located a short distance to the east of No. 24. The annexe was subject to a previous planning permission¹ for a single storey extension to provide a garage, and the enforcement notice relates to an additional storey which has been built above the approved garage extension.
8. The development is materially similar to the scheme before the Inspector in a previous appeal² made under section 78 of the 1990 Act. The most pertinent differences between what has been built, and the previous scheme are the roof ridge and eaves of the extension not being set lower than the existing, and the insertion of 2no. dormer windows and 1no. additional window on the west elevation. In dismissing the previous planning appeal, the Inspector concluded that the development would cause harm to the character and appearance of the CA. This appeal decision is a material consideration. Although not bound by the decision, there would have to be very clear reasons for me to conclude differently.
9. It is clear from both the previous appeal decisions, drawings, and from my own observations on site that prior to the erection of the additional storey, due to its scale and position, the detached annexe building would have appeared as an ancillary structure that was subservient to the main dwelling.
10. However, the Inspector in the previous appeal set out at paragraphs 10 and 11 of the decision letter:

“Whilst the lower ridge height would create a visual break between the two elements of the building, the scale of the extension would still be fundamentally the same as the dismissed scheme. The proposed extension would only be slightly shorter than the taller element of the annexe and because of this it would be visible from the roadside. Furthermore, the removal of the two windows would not substantially reduce the visual scale of the extended annexe to such a degree to

¹ Council Ref: 16/1022

² APP/P1805/D/20/3265220

make it appear subservient. The slight reduction in the height of the annexe and the removal of the windows would not address the disproportionate scale of the proposed extension.

Furthermore, the extension would bring the more prominent two-storey element of the annexe beyond the principal elevation of the host dwelling and the two and a half storey element of the building would be deeper than the main dwelling itself. The classical façade of the main house is one of its key features and the projection beyond the front elevation would further detract from the subservient appearance of the annexe.”

11. The appellants contend that the previous Inspectors did not have the advantage of seeing the development physically built on site. Whilst I was of course able to view the development as built, I saw nothing that leads me to conclude differently. Indeed, what has been built on site is even more visually prominent than the scheme before the previous Inspector, given the increase in ridge height and the additional presence of two dormer windows.
12. Upon entering the appeal site from the private road, the annexe building immediately draws the eye. Whilst it is correct that the existing annexe building protruded forward of the principal elevation of the host dwelling, the additional storey results in a large mass of brickwork on the northern gable end elevation, and the annexe building appearing as an overly dominant feature. Its position forward of the host dwelling only serves to further exacerbate its visual dominance which detracts from the classical façade of the main dwelling.
13. Although I agree with the appellants that the development does not adversely impact upon the “density” of the area, overall, I find that due to its scale, height, and massing, the additional storey represents a discordant and disproportionate addition to the annexe building. Consequently, the annexe building itself can no longer be described as appearing subservient to the host dwelling.
14. I acknowledge that the development is not widely visible in the surrounding area and is in fact only partially visible from a small number of neighbouring properties and part of the private road. However, it is still within the CA and because the development causes harm to the character and appearance of the host dwelling, which contributes positively to the significance of the CA, the development fails to preserve the character and appearance of the CA.
15. The appellants have drawn my attention to the Council’s High Quality Design Supplementary Planning Document (adopted June 2019) (SPD) and refer to the Council incorrectly stating that the SPD sets out that outbuildings should not be set forward of the principal elevation. The appellants are correct that the SPD instead says that outbuildings set forward of the principal elevation “*will not usually be appropriate as it may harm the character of the street scene*”. Nevertheless, the SPD also sets out at paragraph 3.6.1 that outbuildings “*should be of an appropriate scale*” so that they “*do not compete with or detract from the dwelling they serve*”. For the reasons set out above, the development does not achieve these aims.
16. Having regard to the Framework which advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. While the harm caused to the significance of the CA is less than substantial, it is a matter of considerable weight

and importance. Paragraph 215 of the Framework requires such harm to be weighed against the public benefits of the development. In this case, I have little evidence before me to demonstrate that any public benefits arising from the development exist in this case to justify the harm identified.

17. I therefore conclude that the development conflicts with Policies BDP19 and BDP20 of the Bromsgrove District Plan 2011-2030 (adopted January 2017) which seek, amongst other things, to ensure that new development is of high-quality design, complements local character, and sustains and enhances the significance of heritage assets, including their setting. Furthermore, the development fails to comply with guidance contained within the SPD.

Conclusion

18. For the reasons given above, I conclude that the appeal does not succeed. I have upheld the enforcement notice and refuse to grant planning permission on the deemed application.

David Jones

INSPECTOR