



Appeal Decision

Site visit made on 10 July 2025 by Mr F Bradford BA (Hons)

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2026

Appeal Ref: APP/P4605/D/25/3365604

195 Severne Road, Birmingham, B27 7HP

- 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 Toni Hogan against the decision of Birmingham City Council.
 - The application reference is 2024/06218/PA.
 - The development proposed is the erection of a single and two storey side and rear extensions.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues are:
 - the effect on the character and appearance of the host dwelling and street scene; and,
 - the effect of the proposed development on the living conditions of the occupants of 1 Overton Road (No. 1), having regard to outlook and light; and 193 Severne Road (No. 193) having regard to privacy.

Reasons for the Recommendation

Character and Appearance

4. The appeal site is occupied by a semi-detached, two-storey dwelling located on a corner plot at the junction between Severne Road and Overton Road. The appeal dwelling and its neighbour have not been altered or extended, appearing as a balanced pair that contribute to the uniform character of the immediate area.
5. I acknowledge that a number of other dwellings have either been previously altered or extended in the wider area. Nevertheless, part of the streetscape's character and appearance is defined by the uniformity of scale between dwellings within either terraces or semi-detached pairings. Many of the semi-detached dwellings on corner plots have undergone extensions, which has reduced the pervading sense of

- spaciousness in the wider area, which had been partially afforded by the gaps between buildings.
6. The proposed scheme introduces development to the side and rear of the dwelling that together form a substantial extension. The two-storey extension spans over half the width of the original property, projecting from its side elevation. The single-storey element appears of similar width to the host dwelling, and projects to the established front elevation building line.
 7. Taken together with the rear extensions, the proposed development would appear to almost double the size of the original dwellinghouse. The accumulation of extensions would fail to maintain a sense of subservience to the character and layout of the host dwelling, instead competing in terms of the established visual hierarchy on site. While the lowered roof ridges and setback from the front elevation slightly reduce the development's affect, its overall bulk and prominence results in a dominant addition to the host dwelling to the detriment of its character and appearance.
 8. Turning to the impact on the area, the irregular splayed shape of the plot would create an awkwardly shaped development in terms of its overall appearance and massing that, when taken with its variation in height, would appear as an incongruous addition to the appeal dwelling and within the street scene. The dominant and incongruous nature of the proposed development is significantly emphasised by the prominence of the side elevation of the appeal dwelling within the streetscene, which exposes the full extent and design of the proposed development.
 9. Whilst I have found that the proposed development would cause harm to the character and appearance of the area for the reasons set out above, I do not consider that the extensions and the resultant partial closure of the gap would be a contributing factor to this harm. Overall, a sufficient degree of openness would be preserved maintaining an existing gap to the neighbouring property and a general sense of spaciousness within the street scene.
 10. Overall, the resultant development would appear disproportionately large in its relationship to No. 1 and would create an incongruous and prominent addition within the street scene which would serve to both disrupt the established uniformity of the semi-detached dwellings and wider street scene.
 11. For the reasons above, I find that the proposed development would result in harm to character and appearance of the appeal dwelling and streetscape. The proposal would conflict with the development plan with particular regard to policy PG3 (Place Making) of the Birmingham Development Plan 2017, which among other things, aims to ensure that new development contributes to a strong sense of place and responds to site conditions the local area context.
 12. The council references Policy DM2 (Amenity) of the Development Management in Birmingham Development Plan Document 2012 within their reason for refusal, stating harm to character and appearance is found against this policy. However, DM2 primarily addresses impacts to amenity (by way of living conditions), not character and appearance. I have therefore not given the policy any significant weight in assessing character and appearance, albeit that the proposed development nevertheless conflicts with development plan as set out.

Living Conditions

13. The garden of No. 1 is splayed, narrowing from the front of the plot to the rear. As such, the area immediately outside of the kitchen window benefits from being of a generous width. Furthermore, as a corner plot occupied by a semi-detached dwelling, the garden offers a generous separation distance between the side elevations of No. 1 and No. 5 Overton Road.
14. The proposed development would introduce a two-storey mass to the rear of the host dwelling, set back from the boundary with No. 1 by about 1.75 metres. By virtue of its setback from the boundary and its modest width, in cumulation with the width of the garden, I am satisfied that the proposed development would result in only a limited adverse impact on the outlook available to the occupants of No. 1 from their ground floor kitchen window. Whilst the development would undoubtedly be visible from this window, it would neither be overbearing, nor would it result in an unacceptable loss of light, by virtue of the plot shape and width of the garden.
15. The appellant and Council contest whether the rear extension would breach the 45-degree angle principle as set out within Policy DM10, Section 5. I have reviewed the evidence before me presented by both parties and whilst the appellant's plans suggest compliance, the council asserts it would be breached by approximately 0.6 metres.
16. Despite the contrary positions and the proposed development's accordance or lack thereof with the 45-degree principle would not be determinative in this instance. However, I am satisfied that the proposed development would accord with the overarching objectives of Policy DM10, with regards to outlook and light. The policy, amongst other things, aims to ensure that development ensures the availability of adequate outlook and daylight to existing houses.
17. Turning to the issue of privacy, I note that the existing conditions on site mean that the garden of No. 193 is already overlooked through the rear first floor windows of the appeal dwelling. Whilst this overlooking is somewhat extensive, the cumulative effect of the window's distance from the garden and boundary fence, which partially obscures views into the garden, offers some relief to the occupants of No. 193.
18. The proposed development would result in the re-alignment of the existing window within Bedroom 3 closer to the boundary fence (to form the window of the proposed Bedroom 4) along with a Juliette balcony, and the addition of a rear facing window within the proposed Bedroom 3. These changes would reduce the effectiveness of the current mitigating factors and increase the extent of overlooking into the rear garden of No. 193 at much closer quarters. In particular, the re-aligned rear window would create additional, direct downward views into the neighbouring garden. Furthermore, the proposed window within Bedroom 3 would introduce additional long views down No. 193's garden, to include the area immediately to the rear of the dwelling, of which a patio area suggests frequent use by its occupants. Therefore, the proposed development would result in an unacceptable additional loss of privacy to the occupants of No. 193 when using their rear garden.
19. I acknowledge that the obscuring of the rear window of Bedroom 3 could prevent direct overlooking, although I recognise that it would not mitigate the harm arising from the occupants of No. 193's through a perception of being overlooked. Nor would it mitigate the actual overlooking created by the proposed development as a whole.

20. For these reasons above, whilst I am satisfied that there would not be an adverse impact on outlook or light, I find the proposed development would result in harm to the living conditions of the occupants of No. 193 Severne Road with regard to overlooking and loss of privacy. As such, I find conflict with policies PG3 (Place making) of the Birmingham Development Plan 2017, as well as DM2 (Amenity) and DM10 (Standards for residential development) of the Development Management Birmingham Development Plan Document 2021. These policies, among other things, seek to ensure high design quality and that development does not adversely affect the amenity of neighbours in terms of visual privacy and overlooking.
21. The council has also referred to policy TP27 (Sustainable neighbourhoods) of the Birmingham Development Plan 2017 within their reason for refusal, stating harm to living conditions is found against it. However, TP27 primarily addresses, among other things, the sustainability of development. Whilst I have given the policy very limited weight in assessing living conditions, the proposed development nevertheless conflicts with other policies contained within the local development plan.

Other Matters

22. The appellant argues that the proposed development would contribute to the economic, social and environmental objectives of sustainable development, as outlined in the National Planning Policy Framework.
23. I accept that economic benefits would include local employment opportunities during construction and the potential increase of payable council tax. Whilst this may be the case, its benefits would either be temporary in nature, or limited by reason of the scale of development, or both. Social benefits would include the provision of a larger dwelling to meet the needs of the occupiers albeit that this benefit would be largely private in nature. Environmentally, a more efficient use of previously developed land would arise.
24. I have had due regard to these matters however, the benefits associated with the development, would overall be limited and would not outweigh the harm as identified above.
25. The appellant has drawn my attention to other matters in support of this appeal including other extensions in the area. Whilst I acknowledge the presence of extensions at 16 Overton Road, 1 Chisholm Grove, 89, 95 and 248 Gospel Farm Road, 65, 89, 152, 210 and 227 Severne Road, I do not find that these act to form a precedent for the proposed development. These extensions, however, do not set or represent a prevailing characteristic of development within the area. Without prejudice to the planning merits of the extensions listed above, I have found that the proposed development would result in harm to the character and appearance of the host dwelling and wider area, harm of which is not outweighed by the presence of existing development.
26. I acknowledge that no objections have been submitted in relation to the proposed development. However, the absence of objection can only be a neutral factor in balancing the planning merits of the proposed development.

Conclusion and Recommendation

27. For the reasons given above and having had regard to all other matters raised, the benefits of the proposed development do not outweigh the harm, and overall there is conflict with the development plan, taken as a whole. I recommend that the appeal should be dismissed.

Finlay Bradford

APPEAL PLANNING OFFICER

Inspector's Decision

28. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR