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## Appeal Decision

Site visit made on 26 November 2025

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 24 December 2025**

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**Appeal Ref: APP/G4620/D/25/3374462**

**31 Hallam Street, West Bromwich, Sandwell B71 4HF**

- 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 Sajahd Khan against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref is DC/25/70623.
  - The development proposed is described as retention of first floor rear/side extension, and loft conversion including raising of roof to the rear wing to include dormer to rear, as well as adjoining outbuilding to the ground floor.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. On my site visit I observed that development had commenced. The development was at an advanced stage with the external walls and the roofs appearing largely complete. The appeal site benefits from two previous planning permissions<sup>1</sup> for developments to the rear and to the roof.
3. However, the development which has been carried out to date is not in accordance with either of those planning permissions. The appeal proposals seek to regularise the development and therefore permission is sought retrospectively.
4. Notwithstanding this, my observations on site would suggest that the plans which have been submitted do not fully correspond with the development on the ground. The main discrepancy is the height/design of the single storey rear extension(s). The submitted plans show the height of the single storey extension being set lower than the rearmost "gym room" element. However, on the ground the height of the single storey element is taller than the gym room. As such the roof design of the single storey additions, together, appear to be incorrect.
5. Therefore, I do not have plans which accurately reflect the development which has been constructed to date. Noting that the development is not yet fully complete, I have considered the appeal based on the plans before me.

### Main Issues

6. The main issues are the effect of the development on:

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<sup>1</sup> DC/18/62389 and DC/21/65924

- a) the character and appearance of the dwelling and surrounding area, and
- b) the living conditions of the occupiers of a neighbouring dwelling with particular regard to overbearing, loss of light and outlook.

## Reasons

### *Character and appearance*

7. The appeal site is a two-storey, mid-terraced property of brick and tile construction. To the side of the property is an attached single storey garage building. The garage is an anomaly in the street and, consequently, the appeal dwelling sits in a wider plot than the other dwellings in the terraced row (Nos.19 to 47 Hallam Street). The wider terraced row is the immediate visual context of the site, and consists of dwellings which are similar in scale and form. To the rear, these dwellings generally have single storey outriggers. The rear roof scape of the group remains largely unaltered with the exception of a limited number of small scale interventions and original chimney stacks.
8. The appeal relates to various extensions to the rear, as an amendment to previously approved additions. The connection of the single storey rear extension with the previously approved detached outbuilding only adds limited additional footprint and mass to the building. Due to the limited additional footprint created I am satisfied, in this respect, that the development does not result in an overdevelopment of this comparatively spacious plot as it would retain a generous garden area.
9. The scheme includes a flat roofed dormer to the rear roof slope. This occupies the original rear roof slope almost in its entirety. The scheme also includes a rear extension which provides accommodation over three storeys. The rear extension is attached to the roof dormer, creating an “L-shaped” dormer. This projects beyond the original rear elevation of the dwelling by some distance. The rear extension is flat roofed with a height which is almost identical to that of the roof dormer. The scale of the additions over three storeys are significant, and add considerable bulk and mass to the rear of the property. Furthermore, the flat roof design of the extensions result in a significant visual contrast with the traditional roof form of the original dwelling and the wider terraced row. While I note that the second floor would be set back to one side from the eaves of the outrigger, this does little to mitigate visual impact arising from the overall bulk of the development.
10. Development above ground floor level to the rear of the wider terraced row is limited. Furthermore, there are no significant alterations to the rear roof slope of the wider terrace. The development therefore appears as a standalone development which relates poorly to the modest scale of adjacent built form, and largely unaltered surroundings. The rear siting means that the extension is not prominent from the Hallam Street. However, the development is visible from Slaithwaite Road. From here, the blank brickwork of the side façade is seen projecting significantly above the garden boundaries. The development appears as an uncharacteristic addition which contrasts markedly with the adjacent properties.
11. I note the extensions in the area which have been cited by the appellant. I also note the variety of development form within the wider area. However, these do not fall

within the immediate visual context of the rear elevations and roofscape of this part of Hallam Street. In any event, I have considered the appeal on its individual merits.

12. I also note the previous approvals for development at this site and accept that these are a material consideration. These provide a genuine fall-back position. Nonetheless, while similar, these approvals include an extent of built form which is not as significant as that which is now proposed over three storeys. Clearly, that quantum of development was determined to be acceptable to the Council. However, the scale of additional development is not insignificant, particularly in the context of the close relationship with adjacent properties and the largely unaltered roofscape. Therefore, these approvals do not alter my conclusions on this main issue.
13. For the above reasons, the development has a harmful effect on the character and appearance of the dwelling and surrounding area. Therefore, the development conflicts with ENV3 of the Black Country Core Strategy 2011 (the CS) and SAD EOS9 of the Site Allocations and Delivery Development Plan Document 2012 (the DPD). Together, amongst other things, these seek to deliver high quality design, confirming that development which is of poor design, and which is out of scale with its surroundings, will be rejected.

#### *Living Conditions*

14. No.29 Hallam Street is an adjoining neighbour. To the rear of No.29 are windows at both ground and first floor. These are positioned close to the boundary with the appeal site. The external private space for No.29 is also provided to the rear. The development is constructed along the side boundary with this property. The three-storey height of the development, along with its significant rearward projection results in a substantial mass of built form on the boundary. This, together the extent of single storey development results in the side façade of the development dominating the boundary. The overall mass is significant and gives rise to a substantial degree of overbearing to the adjacent private amenity space of No.29. Furthermore, the scale and mass of the development would appear as a prominent and oppressive development, leading to significant enclosure when viewed from adjacent windows. As such, the development significantly erodes the outlook from, and light to, windows serving internal spaces of No.29. The lack of an objection from the existing occupiers of No.29 does not alter my conclusions on this matter.
15. Again, as noted above, the previous approvals are acknowledged. My interpretation of the notes for DC/21/65924 was that the scheme was amended to make the development acceptable with regard to the overbearing effects to the neighbouring property. The development before me is of greater mass across three storeys adjacent to No.29. In my opinion, the scale of the development is now unneighbourly and gives rise to significant adverse effects on the living conditions of neighbours. Therefore, I find the fall back to be less harmful in respect of this main issue also.
16. Therefore, for the above reasons, the development has a harmful effect on the living conditions of the occupiers of No.29 with particular regard to overbearing, light and outlook. The Council have not cited any development plan policies within their reason for refusal on this matter. I therefore rely on the National Planning Policy Framework which, at paragraph 135, seeks to ensure that decisions for

development should create places with a high standard of amenity for existing users.

### **Other Matters**

17. I note the comments raised by a third party. In addition to matters considered in the main issues, concerns have been raised with regard to loss of privacy. The side facing windows at first and second floor level would serve bathrooms and any concerns with regard to loss of privacy could be addressed through obscure glazing. If I were minded to allow the appeal, a condition could be attached to this effect. The Council have raised no concern with regard to privacy and I have no reason to disagree with their conclusions on this matter.

### **Conclusion**

18. For the reasons given above the appeal should be dismissed.

*D Cleary*

INSPECTOR