
Appeal Decision

Site visit made on 27 March 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2019

Appeal Ref: APP/P4605/W/19/3220106

153 Allens Croft Road, Birmingham, B14 6RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adil Hussain against the decision of Birmingham City Council.
 - The application Ref 2017/08471/PA, dated 28 September 2017, was refused by notice dated 25 October 2018.
 - The development proposed is the erection of a two storey rear wing extension to an existing HMO comprising of nine additional bedrooms.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey rear wing extension to an existing HMO comprising of nine additional bedrooms at 153 Allens Croft Road, Birmingham, B14 6RP in accordance with the terms of the application, Ref 2017/08471/PA, dated 28 September 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers 101.E.01.001A, 101.P.01.100B, 101.P.01.101B, 101.P.01.102C, 101.P.01.104B, 101.P.03.300B, 101.P.03.301A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) A scheme for the provision of a network of closed circuit television cameras, including the proposed location of the cameras, mounting columns, proposals for the use and management of the system and proposals for its installation shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The CCTV system shall be installed in accordance with the approved details prior to first occupation and thereafter maintained.
 - 5) A scheme for the provision of an access control system with video monitoring and remote access control shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The access control system shall be installed in accordance with the approved details prior to first occupation and thereafter maintained.

- 6) No development (excluding demolition) shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed and thereafter maintained.
- 7) Provision for the secure and covered storage for 9 cycles shall be provided within the curtilage of the site prior to first occupation of the hereby approved development and maintained thereafter.

Procedural matter

2. The description of the proposed development has been taken from the appeal form as the scale of the proposed development was changed from 14no. bedsits indicated on the application form to 9 bedrooms during the consideration of the planning application.

Main Issues

3. The main issues in this appeal are, firstly, the effect of the intensification of the use of the site on the living conditions of the occupiers of neighbouring properties having particular regard to noise, and secondly, the effect of the intensification on a potential increase in the fear of crime and its potential to generate further crime and disorder.

Reasons

Living conditions

4. The appeal property is a two-storey detached building set back from the road and is currently in use as a House in Multiple Occupation (HMO) providing accommodation for nine bedsits with communal facilities. A large garden area exists to the rear. The surrounding area is predominantly residential in character with residential development to the north-eastern boundary and a Neighbourhood Office on the south-western boundary.
5. The proposed extension would project from the rear of the existing building on the south-western side of the site adjacent to the Neighbourhood Office and provide accommodation for three bedsits, a communal lounge/dining area and kitchen on the ground floor with a further six bedrooms at first floor level. The primary access to the bedsits would be from within the existing building.
6. Whilst the proposed extension would result in a 100% increase in HMO accommodation, the site is of a size where the scale of development can be accommodated. In terms of any impact on the living conditions of the occupiers of neighbouring properties, the extension would be set away from the boundary with existing residential properties on the north-eastern boundary. The Council acknowledge that the distance between windows of the proposed extension and the windows of neighbouring residential properties to the north-east is some 28 metres, exceeding their guideline minimum of 21 metres set out in the Council's Places for Living Supplementary Planning Guidance (2001). As such the proposed extension would not unduly impact on light or loss of privacy from overlooking. It would also be a sufficient distance away such that

any noise from use of the building should not be at a level to cause harm to the occupiers of these neighbouring residential properties.

7. The increase in the number of bedsits in the HMO is likely to increase activity to and from the premises throughout the day and night but such movements would be via the main entrance to the premises fronting Allens Croft Road. The Council's concern is that this would result in a significant increase in levels of noise and disturbance. I have been provided with no clear evidence as to how increased occupancy would result in excessive noise from the premises and note that the Council's Regulatory Environmental Health Services raised no objection to the proposed development.
8. Given this I do not consider that an increase in occupation of the HMO would equate to the generation of unacceptable levels of noise and disturbance. Access to the premises would be from a central position at the front of the site, some distance away from neighbouring residential properties. The appellant states that the premises are managed by a caretaker residing at the site providing a 24-hour presence and that a 24-hour CCTV system is in operation. These initiatives assist in managing the premises and dealing quickly with any excessive noise issues or unsociable behaviour by occupiers.
9. Taking the above into account, I conclude on this issue that the proposed development would not conflict with policy PG3 of the Birmingham Development Plan (BDP) (2017) that, amongst other things, supports sustainable neighbourhoods and the creation of safe environments, and saved paragraph 8.24 of the Birmingham Unitary Development Plan (2015) that, amongst other things, requires HMO's to consider the effect of development on the amenities of the surrounding area and adjoining premises. It would also meet the requirements of paragraph 91 b) of the Framework that seek to achieve healthy, inclusive and safe places.

Fear of crime

10. The fear of crime is a material consideration. The West Midlands Police (WMP) objected to the proposed development due to the number of incidents recorded in the locality. The Council say that the WMP received some 260 calls regarding incidents on Allens Croft Road since June 2016. No details of these incidents have been provided from the Council but the appellant points out that the change of use of the site from a Children's Care Home to a nine bed HMO use was granted in May 2017, just under a year after the incidents started to be recorded and that only six of the 260 calls related to matters at the appeal premises. The appellant informs that the six incidents were related to two occupants suffering from mental health issues and have subsequently been moved to more appropriate premises.
11. Given the number of calls received by WMP in the identified period, criminal activity is clearly an issue in the area so that concerns by existing residents over crime is understandable. However, I have no evidence before me to associate the existing use of the site to criminal activities. The site has on-site management from a live-in caretaker along with 24-hour CCTV and card entry into the premises. These initiatives are in place to provide a safe and secure environment.
12. I therefore conclude on this issue that the proposed development would not conflict with BDP policy PG3 and paragraph 91 b) of the Framework that,

amongst other things, seek to create safe environments where the fear of crime does not undermine the quality of life or community cohesion.

Other matters

13. Concerns have been expressed about the proposed development not being in keeping with the surrounding area, its impact on ecology and wildlife and drainage concerns. These are issues that have not been raised by the Council in refusing planning permission. As I have identified above, the extension would be to the rear of the existing property and is of a size and design that would be compatible to the host building and the scale of surrounding properties. A large part of the rear garden is to be retained. With regard to drainage, I have imposed a condition requiring the provision of sustainable drainage.

Conditions

14. As well as the standard time limit condition, I have imposed a condition relating to the submitted plans in order to provide certainty and a condition requiring the external materials to match those of the existing building to ensure a satisfactory appearance. I have also imposed a condition requiring the submission of a CCTV system scheme and access control system to ensure that the safety measures I have identified are adequate and secure. A pre-commencement condition is also necessary requiring the submission of a sustainable drainage scheme prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these. A condition requiring the provision of cycle storage is also necessary in order to support sustainable transport options for residents.

Conclusion

15. I therefore conclude that, subject to the above conditions, and having regard to all other matters raised, the appeal is allowed.

David Storrie

INSPECTOR