
Appeal Decision

Site visit made on 21 January 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2020

Appeal Ref: APP/P4605/W/19/3240783

61 Gravelly Hill North, Birmingham B23 6BP

- 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 Jon Hipkiss against the decision of Birmingham City Council.
 - The application Ref 2018/10286/PA, dated 17 December 2018, was refused by notice dated 20 June 2019.
 - The development proposed is described as "Change of Usage from an Existing 3 No. self-contained Flats to 11 Flats, one of which is a new build extension to the rear of the property."
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Procedural Matters

1. Mr Jon Hipkiss was the applicant and only the applicant can appeal. Although Mr Iain Godwin was named as the appellant on the appeal form, the Agent, Mr G Bradley, has confirmed that Mr Jon Hipkiss is to be named as the appellant.
2. The description of development provided in the header above is the description that was provided on the application form. The appellant has confirmed that the description was changed during the application to that provided on the Council's decision notice, which the appellant has used on the appeal form. The proposal therefore relates to: Change of use from existing 3 No. self-contained flats to 1 No. flat and 8 bed HMO (Sui Generis) and retrospective erection of single storey rear extension. I have made my decision based on this description.
3. I observed during my site visit that the extension to the rear has been constructed and I understand from the submissions that the change of use has commenced. I have no reason to doubt this. Therefore, I have made my decision on this basis.

Decision

4. The appeal is allowed, and planning permission is granted for change of use from existing 3 No. self-contained flats to 1 No. flat and 8 bed HMO (Sui Generis) and retrospective erection of single storey rear extension at 61 Gravelly Hill North, Birmingham B23 6BP, in accordance with the terms of the application Ref 2018/10286/PA, dated 17 December 2018, subject to the following conditions:
 - 1) The development hereby approved relates to the following approved plans: 2018-01, 2018-02, 2018-03 Rev E, 2018-04 Rev B and 2018-05.

- 2) Within 1 (one) month of the date of this permission details of secure cycle storage shall be submitted in writing for the approval by the Local Planning Authority. The approved details shall be installed within 2 (two) months of the date of approval and shall be retained thereafter without impediment to the designated use.

Main Issue

5. The main issue is the effect of the proposed development on the character of the area.

Reasons

6. The site comprises a two-storey terraced property, originally a single dwelling, which has been extended to the rear. There is a hard-standing area to the front, where cars could be parked, and a relatively deep rear garden. I understand the dwelling had previously been converted to 3 No flats. The site is located on a main road, the A5127, in a built-up urban area consisting primarily of residential uses and the usual mix of uses associated with a built-up urban area.
7. The evidence indicates that, in June 2019, 4 other properties on Gravelly Hill North, which is a fairly-long road, were registered as Houses in Multiple Occupation (HMO). Within the context of the area I consider that one additional HMO would not lead to a proliferation of such residential types in the area.
8. The extension is at the rear of the property and is not visible from public vantage points. The appearance of the front of the property remains as it is. Within the context of their being limited publicly visible alterations to the property, the large number of residential properties that exist in the area, the proportionally limited number of existing registered HMOs along the road and the requirement of Policy TP27 of the Birmingham Plan 2031: Birmingham Development Plan (2017) to ensure new housing contributes to making sustainable communities, by providing a wide choice of housing types, tenures and sizes, I consider that one additional HMO would barely alter, and therefore not harm, the character of the area.
9. In light of the above, I conclude that the development would not harm the character of the area and as such would accord with saved paragraphs 8.24 and 8.25 of The Birmingham Plan: The Birmingham Unitary Development Plan (2005), and guidance in the Specific Needs Residential Uses DC Guidelines, which require, among other things, the amount of HMOs in the area to be taken into account when determining applications, along with the cumulative effect of such use on the character of the area.

Other Matters

10. Concerns were raised during the application regarding room sizes, privacy, car parking and crime/anti-social behaviour. The Council has not raised any concerns regarding these matters, which suggests it is satisfied that the proposal is acceptable in these regards. I note that the number of units was reduced from the original submission, which would increase the amount of space available for each unit. The relationship between the neighbouring properties would not be significantly altered; as such privacy levels would be maintained. Some car parking is provided on site, the site provides access to public transport options and cycle storage is to be provided, secured via a

condition. As such I am satisfied that no highway safety concerns will arise from the development. The development per se would not encourage anti-social or criminal behaviour. I note that consultation comments received from the police advises the landlord to consider relevant crime prevention, home security measures and landlord accreditation training. Although sound advice, conditions requiring these steps would not meet the tests required for conditions¹ and are not necessary to make the development acceptable in planning terms. Crime/anti-social behaviour are matters controlled by other laws and legislation.

Conditions

11. I have attached a condition specifying the approved plans, for the avoidance of doubt. I have attached a condition for details of cycle storage to be submitted and approved, in order to encourage and provide opportunities for use of modes of transport other than the private motor car, in accordance with paragraph 108 (a) of the National Planning Policy Framework.

Conclusion

12. Bearing the above factors in mind, I conclude that the appeal is allowed.

J Williamson

INSPECTOR

¹ Paragraph 003 Reference ID: 21a-003-20190723 of the Planning Practice Guidance; paragraph 55 of the National Planning Policy Framework.