
Appeal Decision

Site visit made on 7 January 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/P4605/W/19/3239390

166 Park Hill Road, Harborne Birmingham B17 9HD

- 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 Dr Govinder Suthi against the decision of Birmingham City Council.
 - The application Ref 2018/10383/PA, dated 20 December 2018, was refused by notice dated 11 October 2019.
 - The development proposed is change of use from single family dwelling (Use Class C3) to 8-bedroom HMO (Sui Generis), erection of two storey and single storey extension to rear and installation of dormer window to rear.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal scheme was amended during the application process. The appellant has submitted an updated version of the amended plan which indicates the arrangement of internal furniture, aside from this there is little difference between the plans. The Council have been afforded the opportunity to comment on the revision. I therefore consider it is appropriate for me to take this plan into account in my determination of the appeal.
3. The description of development in the heading above has been taken from the Council's decision notice as it more accurately reflects the amended scheme. This is also the description used by the appellant on the appeal form. I have therefore used this description within my decision.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the living conditions of occupiers of existing properties with particular regard to noise and general disturbance;
 - whether the proposal would provide an adequate standard of accommodation for potential future occupiers, having particular regard to internal space standards; and
 - highway and pedestrian safety, with particular regard to parking provision.

Reasons

Existing occupiers

5. The appeal site is within a predominately residential area and comprises a mid-terrace property that is set back from the road with a small front garden. The property appears as two-storey from the front though due to land level changes is three-storey at the rear.
6. The proposal would extend the property to the rear and change the use to a House in Multiple Occupation (HMO) with 8 bedrooms. A dormer window proposed to the rear would result in bedroom accommodation being provided over four floors. Communal living areas would be provided on the lower ground level to the rear of the property.
7. Policy HMO1 of the Council's Planning Policy Document: House in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne Wards, 2014 (PPD) states that applications for change of use to HMO will only be permitted where it does not lead to an over-concentration of such uses in the area. The parties agree that the proposal would not result in an over-concentration and I have no reason to disagree with this. However, the PPD is also clear that the absence of any over-concentration does not necessarily equate to an acceptable development, and proposals would also need to satisfy the criteria within other plan policies.
8. Although living accommodation is currently set over 3 floors the appeal property is narrow and in very close proximity to its neighbouring properties, which are family homes. Consequently, the appeal site has a sensitive relationship to the adjacent dwellings.
9. The occupiers of an HMO are likely to lead independent lives from one another. Families occupying a single dwelling, even a large one, are most likely to carry out day to day activities together as a household. Taking account of the size of the appeal property the activity generated by eight persons living independent lives, with separate routines, and their attendant comings and goings along with those of their visitors, would lead to a level of activity that would be more marked and intensive than that which could reasonably be expected to be associated with a single house, even one occupied by a large family.
10. As such this potential increase in noise and activity at the property would be disturbing for the occupiers of neighbouring dwellings and, notwithstanding the lack of objection from the Council's Environment Pollution Control Officer, would result in unacceptable harm to their living conditions. Even if it was demonstrated that the building could be adequately soundproofed this would not address concerns in relation to general comings and goings from the property.
11. The development would therefore be contrary to Policy PG3 of the Birmingham Development Plan, 2017 (BDP) and saved paragraph 8.25 of the Birmingham Unitary Development Plan, 2005 (UDP) which seek to resist the use of small terraced houses as HMOs and ensure the amenities of existing occupants are protected.

Future occupiers

12. The proposal would accommodate 8 bedrooms, and whilst the appellant has indicated that the size of the bedrooms would achieve the minimum space standards as set out in the Council's Supplementary Planning Guidance: Specific Needs Residential Uses (SPG), two of the proposed bedrooms would be notably narrower.
13. The appellant has provided a plan that shows the placement of furniture, though this does appear to result in the rooms being cluttered with little useable space. Without dimensions of the furniture it is difficult to conclude that this arrangement would be satisfactory. However, on the basis of the plans before me I consider the rooms would feel confined and cramped. I am therefore not satisfied that the shape of bedrooms 2 and 3, in particular, would offer a satisfactory living environment for future occupiers.
14. Communal areas are proposed to the lower ground floor level and again, whilst these would achieve minimum floor space requirements, I am not convinced that the shape and configuration of this space would provide suitable, useable living space for the intended number of occupants.
15. The living room area would be a main thoroughfare to the rear outdoor space and the kitchen-dining area, which due to its angled design and large doorway opening to the rear, would not appear to provide adequate space to ensure that those using the dining area would not impinge on the working area of the kitchen. As such, notwithstanding the total area of the living, dining, kitchen area I find it would not provide adequate useable accommodation for up to 8 occupiers at any given time in a practical and pragmatic way. As a result, future occupants would be likely to spend more time in their rooms which, with particular regard to bedrooms 2 and 3, would result in future occupants living in unacceptable, cramped accommodation, adversely affecting their living conditions.
16. Overall the proposal would result in an over intensive and unacceptably cramped accommodation adversely affecting the living conditions of potential future occupiers, particularly in relation to the occupiers of bedrooms 2 and 3. The development would not demonstrate the highest internal quality expected of housing development and would therefore be contrary to BDP Policies PG3, TP27 and T35 and UDP Policies 8.23-8.25 and the SPG, which seek to ensure that developments achieve a high quality and standard of amenity for future occupiers, being fit for purpose and functioning well. For the same reasons the proposals would fail to achieve the aims of Paragraph 127 f) of the National Planning Policy Framework (the Framework).

Highway Safety

17. There is currently no parking within the site, and this would not change as part of the appeal scheme. The SPG does not set parking standards for HMOs though it states that each case will be considered on its individual merits.
18. I saw on my site visit that there was very high demand for on-street parking in the vicinity of the appeal site and in the surrounding streets. I also saw vehicles parked inappropriately, partly on the pavement. I appreciate my observations provide just a snapshot though it does reflect the concerns raised by local residents.

19. The site is close to local shops and bus services, though limited detail has been provided on the routes, or frequency, of those services. The University train station would provide connections to the wider area and rail network, though I note it is located further away from the appeal site.
20. The appellant states that the rooms will be let to young professionals who are less likely to own cars, there is however little detail in the evidence before me to substantiate this. The proposal would create 8 bedrooms to be occupied by adults, and even taking into account the nearby facilities and services, I consider the use would generate an increased demand for parking provision from future occupiers and their visitors, that would exceed that associated with a family dwelling.
21. As detailed above, there is high demand for on-street parking in the vicinity and there already appears to be inappropriate parking occurring. Increased demand for on-street parking would add to this and be likely to reduce visibility for pedestrians and vehicles at junctions. This could lead to conflicts between pedestrians and vehicles to the detriment of highway safety.
22. Furthermore, the increased competition for scarce spaces would be likely to result in unnecessary travel, with drivers cruising nearby residential streets looking for available spaces and with attention diverted towards finding somewhere to park rather than on road conditions. These factors lead me to conclude that there would be significant harmful road safety implications arising from the proposal. I note the Highway Officer for the Council has not raised an objection to the proposal though this does not lead me to a different conclusion.
23. Therefore, for the reasons stated the development would be contrary to BDP Policies PG3 and TP44, and Paragraph 109 of the Framework which seek to ensure that development does not have an unacceptable impact on road safety.

Conclusion

24. For the reasons given above I conclude that the appeal should be dismissed.

A Denby

INSPECTOR