
Appeal Decision

Site visit made on 14 July 2020

by H Baugh-Jones BA(Hons) DipLA MA CMLI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 July 2020

Appeal Ref: APP/P4605/W/20/3244206

30 Reservoir Road, Edgbaston, Birmingham B16 9EG

- 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 Mrs Jayne Watson against the decision of Birmingham City Council.
 - The application Ref 2019/07073/PA, dated 19 August 2019, was refused by notice dated 7 November 2019.
 - The development proposed is change of use to 6-bed House in Multiple Occupation (HMO) (Use Class C4).
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Decision

1. The appeal is allowed and planning permission is granted for change of use to 6-bed House in Multiple Occupation (HMO) (Use Class C4) at 30 Reservoir Road, Edgbaston, Birmingham B16 9EG in accordance with the terms of the application, Ref 2019/07073/PA, dated 19 August 2019, 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 permitted shall not be permanently occupied by more than 6 residents at any one time

Application for costs

2. An application for costs was made by Mrs Jayne Watson against Birmingham City Council. This application is the subject of a separate Decision.

Preliminary Matter

3. There are other planning applications with the Council relating to internal alterations of the building and a rear extension. None of these are for determination in this appeal and no internal or external alterations are proposed to the building. I have only therefore, considered the proposed change of use.

Main Issues

4. The effect of the proposal on (i) the residential character and appearance of the area; and (ii) community balance and sustainability.

Reasons

5. The appeal property is a substantial semi-detached villa within a residential area comprising housing of various styles and ages. The evidence tells me that the appellant owns the adjoining building, which is in use as a Children's day nursery and the other next door property (no.28) which is also in use as an HMO.
6. The Council suggests that the appeal scheme would result in about 11% of the properties in Reservoir Road and Reservoir Retreat being in HMO use and that this breaches the "widely recognised 10% threshold". I have not been pointed to any adopted local or national planning policy that includes such a threshold and it appears to be taken from an as yet un-adopted document titled 'Development Management in Birmingham'. However, I have not been provided with this and nor have I been made aware of its current status. Accordingly, I do not give it any weight in this appeal.
7. Notwithstanding this, the appellant has provided a map showing HMOs within a 100m radius of the appeal property, covering about 90 dwellings. Accounting for HMOs either licensed or with planning permission and including the HMO at no.28, this evidence shows a total of 8 HMOs within the 100m search area. Adding the appeal property would not breach the 10% threshold. Nevertheless, even if I were to accept the Council's figure, there is no compelling evidence to indicate that the proposal would result in there being an unacceptably high number of HMOs in the area.
8. I agree that an over-concentration of HMOs with a somewhat transient population may affect community cohesion. However, an HMO may attract students and young professionals studying and working in the city and who would be part of the local community for a considerable period of time. Given the availability of public transport links and the proximity of shops and services, it would seem to me to be an attractive residential proposition for these types of occupier. The property could also be occupied by people from within the existing community who wish to take their first foray into independent living away from the family home. There is no clear evidence to show that the HMO's occupiers would not make a long and useful contribution to local community life.
9. I acknowledge that converting what is a large dwelling into an HMO would result in the loss of family housing. Nevertheless, Policy TP27 of the Birmingham Plan (2017) (the BP) sets out that in seeking to ensure new residential development contributes to the making of balanced and sustainable neighbourhoods, this includes a wide choice of housing sizes, types and tenures. Given my findings in relation to the number of HMOs in the area, there is no obvious conflict between the appeal proposal and this policy.
10. Pulling all of this together, the proposal would not result in harm to the area's residential character, unbalance the community or make it unsustainable. In addition to my earlier finding in relation to BP Policy TP27, there would be no conflict with saved Policies 8.23-8.25 of the Birmingham Unitary Development Plan (2005), which set out criteria for assessing planning applications for HMOs. This includes the effects on the residential character of an area, its amenities and those of neighbours and the amount of provision of this type of accommodation locally.

Other Matters

11. The appeal property is grade II listed. There are no heritage objections from the Council and I saw nothing at my site visit that leads me to take an alternative view. I am satisfied that the heritage significance of the property would not be harmed nor would that of its grade II listed neighbours
12. Whilst I note the concerns of a number of local residents, the local MP and the police, no clear evidence of specific incidences of crime and disorder or anti-social behaviour related to the occupation of HMOs has been provided. Consequently, I do not have any compelling evidence to indicate that the appeal proposal would directly result in crime and/or anti-social behaviour. Consequently, there is nothing in the available evidence that leads me to a different overall conclusion that the appeal proposal is acceptable.

Conditions

13. I have had regard to the conditions suggested by the Council in light of the National Planning Policy Framework and Planning Practice Guidance. Given that this is an appeal relating to a change of use only, it is not appropriate to impose a condition specifying the relevant plans. A condition is imposed to restrict the number of people who can permanently occupy the property in the interests of proper planning control.

Conclusion

14. For the above reasons, the appeal succeeds.

H Baugh-Jones

Inspector