



Appeal Decision

Site visit made on 22 July 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2020

Appeal Ref: APP/P4605/W/20/3248331

22 Victoria Road, Aston, Birmingham B6 5HA

- 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 S Singh against the decision of Birmingham City Council.
 - The application Ref 2019/07717/PA, dated 13 September 2019, was refused by notice dated 5 December 2019.
 - The development proposed is conversion of dwelling into 2 self contained flats.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr S Singh against Birmingham City Council. This application is the subject of a separate Decision.

Procedural Matter

3. The description of development above has been taken from the planning application form. Part E of the appeal form states that the description of development has not changed but a different wording has been entered. Neither of the main parties have confirmed that a revised description has been agreed and so I have used the one from the original application.

Main Issue

4. The main issue is the effect on the supply of dwellings particularly in respect of larger family housing.

Reasons

5. Saved policy 8.27 of the Birmingham Unitary Development Plan 2005 (BUDP) highlights that in some parts of the city there are particular shortages of large family accommodation and that any such need will be taken into account when considering proposals for flat conversions. Policy H2 of the Aston, Newtown and Lozells Area Action Plan 2012 (AAP) states that new housing should take account of housing market assessments, in particular the need for larger family accommodation. The supporting text to this policy refers to the findings of the Strategic Housing Market Assessment 2008 (SHMA) which identifies a demand for larger housing. An updated 2013 SHMA also indicates a particular need for dwellings with 4 or more bedrooms due to a high proportion of larger households being inadequately housed.

6. Despite the reference in the submissions to it being in class C3 use, the appellant states the appeal property has been a 5 bedroom house in multiple occupation (HMO) for a number of years. Even so, the appellant's evidence highlights occupancy and maintenance problems with the current use and there is no indication the property would continue to be used as a HMO if the appeal was dismissed. The house was formerly a family residence and has a layout that would allow it to be occupied by a single household. From the evidence provided, I am unconvinced the property would be unaffordable for a single family or unsuitable for such occupiers due to the lack of off-road parking and nearby busy road. As such, the information before me indicates that the appeal property could provide accommodation for a large family and so help meet the identified need for such housing.
7. As a result of the proposal, the upper storey would only be accessed via an external door. Consequently, the sub-division works would significantly reduce the likelihood of the building being used again as a dwelling for a single large family. The proposed flats would be able to accommodate small families but would not meet the need for larger, 4 bedroom dwellings as identified in the AAP and SHMA.
8. While there is a general need for housing of all sizes within the city, there is no substantive evidence before me that demonstrates a specific pressing requirement for small dwellings in the AAP area. Also, the proposed flats would not be affordable units as defined under the National Planning Policy Framework (the Framework) and so would not constitute entry-level homes. As such, any benefits in terms of providing 2 flats would fail to override or address the harm caused to the supply of larger family housing.
9. The information before me indicates that planning permission has not been granted for some of the other examples of flat developments highlighted by the appellant¹. The specific developments referred to at Electric Avenue² appear to be materially different to this appeal scheme as they do not involve conversion of an existing large dwelling. The Hutton Road development³ lies outside the AAP area and so would not have been the subject of its policies. As such, these other schemes fail to address my concerns with the proposal.
10. For the above reasons, I conclude the development would cause detriment to the supply of dwellings in respect of larger family housing. As such, in this regard, it would be contrary to BUDP policies 8.26 and 8.27, AAP policy H2 and the Framework. These all aim, amongst other things, to ensure new residential development meets the identified housing needs of an area. As it would retain the residential use of the site, the Council now accepts the proposal would not be contrary to policy TP35 of the Birmingham Development Plan 2017. However, acceptability in this regard is a neutral factor that fails to address or override the above concerns.

Other Matters

11. Reference is made to the presumption in favour of sustainable development set out at paragraph 11 of the Framework. However, the proposal would not accord with the development plan policies and no case is made that the

¹ Flats at 24 Victoria Road and 136 Victoria Road and HMO at 30 Victoria Road.

² No 73 Electric Avenue, Council reference 2020/00314/PA and 101-103 Electric Avenue, Council reference 2018/04520/PA

³ Council reference 2019/09391/PA

development plan is out of date. As such the presumption does not apply in respect of this appeal.

12. The appellant raises concern over the way the Council officers dealt with the planning application. However, such concerns are irrelevant in my assessment of the proposal against planning policy.
13. The proposal would be acceptable in terms of highways and parking, surface water drainage, the quality and quantity of space for future occupiers as well as the effect on living conditions of occupiers of nearby properties. Also, there is no evidence that shows the proposal would cause economic or environmental harm. Acceptability in all these regards is a neutral factor in my assessment.
14. The proposal could address the appellant's concerns with occupancy levels of the HMO and property maintenance. However, there is no certainty the proposal would be fully occupied and maintenance problems could be addressed through alternative measures such as improved property management. Therefore, I attach little weight to such benefits.
15. The development would represent high quality design in keeping with the area and would enable the property to be up-graded. However, renovation works are not dependent upon the proposed change of use and so the benefits in this regard attract limited weight.
16. The proposal would increase the number of separate dwellings and would be the re-use of an existing building in an urban location. However, the benefits in this regard are modest given that only a single additional unit would be provided and that the property is currently in use as a residence.

Conclusion

17. Overall, the proposal's benefits and all other matters raised fail to override the concerns with the development in respect of the main issue. For the reasons given, I conclude the proposal would conflict with the development plan when read as a whole and that there are no circumstances that justify a decision otherwise. As such, the appeal is dismissed.

Jonathan Edwards

INSPECTOR