



Appeal Decision

Site visit made on 21 July 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/P4605/W/19/3242706

70 Ribblesdale Road, Birmingham B29 7SQ

- 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 N Iqbal against the decision of Birmingham City Council.
 - The application Ref 2019/06846/PA, dated 9 August 2019, was refused by notice dated 21 November 2019.
 - The development proposed is permission to retain the dwelling as 5-bedroom HMO.
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Decision

1. The appeal is allowed, and planning permission is granted for a 5-bedroom House in Multiple Occupation at 70 Ribblesdale Road, Birmingham B29 7SQ in accordance with the terms of the application, 2019/06846/PA, dated 9 August 2019, and the plans submitted with it.

Procedural Matter

2. The development has been submitted retrospectively. I have dealt with the appeal on that basis. My decision also amends the appellant's description of the development to remove terms which are not actual development.

Application for costs

3. An application for costs was made by Mrs N Iqbal against Birmingham City Council. This application will be the subject of a separate Decision.

Main Issues

4. The main issues are: i) the cumulative effect of the development as a House in Multiple Occupation (HMO) on the balance and type of housing within the neighbourhood; and ii) the effect to the character and appearance of the area.

Reasons

Balance and type of housing within the neighbourhood

5. The appeal property is within a residential area. Policy PG3 criterion 6 and Policy TP27 of the Birmingham Development Plan 2017 (BDP) supports the creation of sustainable neighbourhoods. Such neighbourhoods are characterised by a number of criteria including a wide choice of housing sizes, types and tenures to ensure balanced communities.
6. Policy HMO1 of the Planning Policy Document 'Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne wards' 2014

(PPD) advises that the conversion of C3 family housing to HMO's will not be permitted where there is already an over concentration of HMO accommodation or where it would result in an over-concentration. An over-concentration would occur when 10% or more of the houses, within a 100m radius of the application site, would not be in use as a single-family dwelling.

7. The explanation text of the PPD at paragraph 5.1 states that a balanced community is defined as one that is not dominated by one particular household type, size or tenure. Based on tax and licensing records referred to during the determination period of the planning application there are 75 residential properties within 100m of the appeal site. A total of 7 properties were identified as HMO's (including the appeal property itself), resulting in 9.3% of properties within 100m of the application site not being in use as a single-family dwelling.
8. I acknowledge third party representation alleging unauthorised/unlicensed HMO's in the locality. But I have no substantive evidence of that. Accordingly, I accept the evidence within the Council's committee report there is not an overconcentration of HMO's in the immediate area which relevant policies seek to avoid. The proposal contributes positively towards the housing stock available in the area.
9. I therefore find that the development does not harm the balance and type of housing within the neighbourhood. There is no conflict with Policy PG3 criterion 6 and Policy TP27 of the BDP, the PPD or Saved Policies 8.23, 8.24 and 8.25 of the Birmingham Unitary Development Plan 2004. These policies support the creation of sustainable neighbourhoods, which include a wide choice of housing sizes, types and tenures to ensure balanced communities catering for all incomes and ages in easy reach of facilities, leisure and work opportunities.

Character and appearance

10. No external alterations are proposed by the submitted appeal plans. The Council have not given any specific reasons as to how the character and appearance of the area would be altered or eroded by the development other than broad reference to the cumulative impact of HMO's as resulting in harm. There is nothing within the submitted appeal plans or from what I observed at my site visit which suggests to me that there is a noticeable harmful visual change in the character of the area or the appearance of the property resulting from the development.
11. I find that the development is not harmful to the character and appearance of the area. There is no overall conflict with Policies PG3 and TP27 of the BDP, PPD Policy HMO1 or Saved Paragraphs 8.23, 8.24 and 8.25 of the BUDP 2004, the 'Specific Needs Residential Uses, Unitary Development Plan Policies: Houses in Multiple Paying Occupation Hostels and Residential Nursing Homes Supplementary Planning Guidance: Bedroom Sizes For Student Accommodation' Supplementary Planning Guidance, which all seek to protect residential character and appearance of the area from the cumulative effects of HMO's or the Wider Selly Oak Supplementary Planning Document (SPD) 2015 supports the creation of sustainable communities, growth and investment or the provisions of Paragraph 127 of the National Planning Policy Framework relating to these aims.

Conditions

12. I acknowledge the Council's committee report did advise conditions requiring: the scheme to be in accordance with the listed plans; the submission of cycle storage details; and limitation of the number of residents to 5 people. The Council has not suggested any planning conditions should be imposed following notification of the appeal. The appellant has also referred to her acceptance to a planning condition relating to the approval of cycle storage should the development be allowed.
13. The technical advice from the Transportation Development Officer within the Council's report does not suggest the proposal will have a significant impact on traffic and parking in this location, and I note the area is close to public transport links and has good access to local services nearby. Moreover, choice for cycle storage provision could be within the building or achieved within the garden area if required by occupants. As a result, none of the mentioned conditions are necessary to make the development acceptable.

Conclusion

14. For the above reasons I allow the appeal.

M Shrigley

INSPECTOR