



Appeal Decision

Site visit made on 20 October 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/P4605/W/20/3257464

164 Bournbrook Road, Birmingham B29 7DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs M Hussain (Custom Land Ltd) against the decision of Birmingham City Council.
 - The application Ref 2020/04277/PA, dated 9 June 2020, was refused by notice dated 16 July 2020.
 - The development proposed is Change of Use from a small house in multiple occupation (HMO) - (Class C4) to a large HMO - Sui Generis.
 - The conditions in dispute are: 1) The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers 1, A103 Rev B and 0260/001 ('the approved plans'). 2) The HMO hereby approved shall be occupied by a maximum of eight persons.
 - The reasons for the conditions are: 1) In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. 2) In order to define the permission and ensure a suitable standard of individual and communal living space for the occupiers, in accordance with Policy PG3 and TP27 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The wording of the appeal in the banner above is taken from the application form. The application is actually seeking a variation of conditions 1 and 2 of a previous application (2020/02915/PA).

Main Issue

3. The main issue in this appeal is the effect on the living conditions of future residents.

Reasons

4. The property is a traditional mid-terraced property in an area of predominately residential development that recently gained approval for permission to operate as a eight person house in multiple occupation (HMO).

5. The proposal seeks to vary two of the conditions attached to the Planning Approval in order to create a ninth bedroom in the HMO. This would be achieved by conversion of a storage space on the second floor of the property.
6. The ninth bedroom would be extremely small. I find the use of the room as a bedroom to be harmful to the living conditions of any potential occupier. Whilst it has access to natural light, there is barely enough room for a single bed, a wardrobe to store the personal items of the occupier, and a desk to create an element of personal space.
7. I am in receipt of the Statement of Case of the Appellant, and my attention is drawn to Appendix 6 of that document, which shows a potential arrangement for a single bed and a small desk and wardrobe. The resulting space that remains if these basic requirements are installed is insufficient and would undoubtedly be harmful to the living conditions of the potential occupier.
8. The compact size of the bedroom would not provide an acceptable space for the occupier. Any arrangement of furniture would result in an awkward arrangement and suggests that the bedroom's creation would not, in this instance, allow for a suitable conversion with a satisfactory standard of accommodation provided within. I therefore find that due to the size of the room and the resultant sense of enclosure from such a confined space, the living conditions for the occupiers of the ninth bedroom would be of an unacceptable standard.
9. The Council has expressed concerns over the overall quality of the internal accommodation with regard to the ninth bedroom. My attention has been drawn to the minimum space standards as set out in the adopted Supplementary Planning Guidance 'Specific Needs Residential Uses' and the National Technical Housing Standards which are not incorporated into local policy. It is imperative given the nature of occupation that all bedrooms must meet the an acceptable level to ensure that the living conditions of future occupiers would not be impinged upon.
10. I note that the existing bedrooms provide, and the proposal overall provides sufficient internal space with regard to its quantity. However, I find that the ninth bedroom would not provide acceptable living conditions for future occupiers having regard to the quality of the internal space.
11. Having regard to the above conclusions, the property fails to make adequate provision for future occupiers of the ninth bedroom with regards the availability of internal floorspace, resulting in a poor quality of accommodation. This would not accord with Policies PG3, TP27 and TP35 of the Birmingham Development Plan (2017), saved policies 8.23 to 8.25 of the Birmingham Unitary Development Plan, the Supplementary Planning Guidance 'Specific Needs Residential Uses' and the National Planning Policy Framework which collectively seek development, amongst other matters, to be of a satisfactory size and layout and be of a high standard for new and future users.
12. Based on the above, I consider that Conditions 1 & 2 are reasonable and necessary in their current form in order to protect the living conditions of residents. They are drafted in a precise manner and are enforceable, reasonably imposed and consistent in respect of guidance in the Framework.

Conclusion

13. For the reasons given, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR