



Appeal Decision

Site visit made on 20 January 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2021

Appeal Ref: APP/P4605/W/20/3261259
9 Lansdowne Street, Birmingham B18 7EE

- 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 Gabriel Fong against the decision of Birmingham City Council.
 - The application Ref 2020/05330/PA, dated 13 July 2020, was refused by notice dated 18 September 2020.
 - The development proposed is change of use from dwellinghouse (Use Class C3) to a 6 bedroomed house in multiple occupation (HMO)(Use Class C4).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of development from the Council's decision notice and the appeal form in the header above. It more clearly describes the proposal than that provided on the application form and omits superfluous reference to works not included as part of the development.
3. On my visit I saw the ground floor rooms laid out generally in accordance with the appeal plans, although no sign of occupation. As such, I have assessed the proposal on the basis that the development has not commenced.

Main Issues

4. The main issues are (i) whether the proposal would provide satisfactory living conditions for occupiers in terms of natural light to, and outlook from, the communal internal space and the size of the outdoor area, and (ii) the effect on the supply and mix of residences.

Reasons

Living conditions

5. The occupants of the HMO would each have their own bedroom and bathroom but would share a kitchen area. This communal room is located within the central part of the ground floor and there are no windows in its walls. The skylight at the end of the adjoining corridor fails to allow any meaningful natural light into the main part of the kitchen due to its peripheral position and small size. As such, the communal area would provide poor living conditions with no views of the outside and largely reliant on artificial lighting.

6. The kitchen would provide a large space for activities such as cooking, eating and socialising that could not reasonably be carried out in the bedrooms. Therefore, it is likely to be well-used for significant periods during the day.
7. The occupants of the HMO would also have use of a back garden. The Council refer to standards in terms of the size of outdoor space although I find no such guidelines in the Council's Specific Needs Residential Uses document. In any case, the garden would allow occupants to dry clothes and to sit outside and so would be of a suitable size to serve residents' needs. However, the external area would only be used when weather permits and it would not provide the same facilities as the kitchen. Consequently, it would not compensate for the identified shortcomings of the communal area.
8. The appellant contends that the internal layout would remain as it exists if the property is retained as a family dwelling. Even if I was to accept this argument, occupants of a single household would have access to all rooms and so would be less reliant on the kitchen than the individual HMO residents. Therefore, this consideration fails to address my concerns.
9. There is little information before me on how the HMO licensing regime would ensure the health and welfare of occupants through controls on how rooms are used. Accordingly, I am unconvinced that license requirements would address the objections in respect of the living conditions.
10. Although the outdoor space would be of an adequate size, for the above reasons I conclude that the proposal would not provide acceptable living conditions for occupiers in terms of light to, and outlook from, the communal internal space. In these regards, the development would not accord with the National Planning Policy Framework (the Framework) which, amongst other things, aims to create places with a high standard of amenity for users of property.
11. The Council's refusal reasons also refer to policy PG3 of the Birmingham Development Plan 2017 (DP). This looks to ensure private external spaces are attractive and the proposal would comply with the policy in this regard. Policy PG3 contains no provisions in respect of internal space. However, this consideration fails to override the identified non-compliance with the Framework.

Supply of dwellings

12. Both main parties refer to the Strategic Housing Market Assessment (SHMA). The Council states that the SHMA identifies the greatest need in the city is for 3 and 4 bed housing. However, there is little evidence before me that describes the particular accommodation needs of the area local to the appeal site.
13. At the same time, the appellant says that 31.8% of those in residential need are single non-pensioner households. The proposal would help to address this need. No firm demographic evidence has been provided to demonstrate there is a large demand for HMO accommodation in the locality. Nevertheless, the submissions indicate that a significant majority of units in the area are single family dwellings. In the absence of any contrary evidence, I am persuaded that there is a local demand for the proposal to address the accommodation needs of workers at the nearby hospital as well as others.

14. For these reasons, I conclude that the proposal would not have a harmful effect on the supply and mix of residences. In these regards, it would comply with DP policies TP30 and TP35 and saved policies 8.23 to 8.25 of the Birmingham Unitary Development Plan 2005. These aim, amongst other things, to ensure that new housing proposals meet local needs and to make best use of the housing stock.

Other Matters

15. There is no firm information that shows the proposal would result in additional roadside parking or that this would prejudice highway safety. Also, there is no sound evidence that demonstrates the proposal would lead to additional noise, waste storage issues and criminal or anti-social behaviour. Acceptability in all of these regards is a neutral factor in my assessment.
16. The proposal would provide accommodation for people working and studying in the city. However, no marketing evidence has been submitted to demonstrate it is difficult to rent or sell the property as a single family dwelling. Also, while the proposal would offer small units of accommodation, there is no mechanism in place to secure their affordability. Furthermore, even though I have dismissed this appeal, it does not follow that an alternative HMO scheme would be unacceptable. Overall, the benefits of the proposal are limited and insufficient to outweigh the harm that would be caused in respect of the first main issue.

Conclusion

17. The scheme would be acceptable in terms of the amount of external space that would be provided and the effect on the supply and mix of residences. However, the overriding consideration is the unacceptable living conditions for future occupiers in respect of the natural light to, and outlook from, the kitchen. As such, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR