



Appeal Decision

Site visit made on 23 February 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2021

Appeal Ref: APP/P4605/W/20/3249965

48 Park Road, Moseley and Kings Heath, Birmingham B13 8AH

- 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 KML Group against the decision of Birmingham City Council.
 - The application Ref 2019/0930/PA, dated 6 November 2019, was refused by notice dated 31 January 2020.
 - The development proposed is the change of use and extension of 48 Park Road to create a 14-bed HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the planning application the proposal was amended to show a reduced extension and total number of bedrooms. The agreed revised description was 'Change of use from single dwelling house (Use Class C3) to 12-bedroom House in Multiple Occupation - HMO (Sui Generis) and erection of two storey side and rear extensions.' This was the description referred to in the Council's Decision Document. As the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I take the reduced proposals into account and I have proceeded on that basis.
3. The appellant also provided an additional plan (PA_05 Rev B) showing a car-free form of development with a revised layout increasing the level of private amenity space for occupiers. I have had regard to the Wheatcroft Principles, the degree of engagement of all parties with the issue of a car-free form of development, and, the interests of fairness. I cannot be certain, if I were to accept it, that no interested parties would be prejudiced by my so doing. I have therefore determined the appeal on the basis of the plans showing provision of three off-street parking spaces.

Main Issues

4. The main issues are the effect of the development on:
 - The living conditions of prospective residents
 - The character and appearance of the locality
 - Highway safety

Reasons

Living conditions

5. The proposed internal arrangement of accommodation would provide 6 bedroom spaces with en-suite facilities and a shared kitchen area on each floor. Bedroom sizes would vary and would each benefit from an external window.
6. The proposed single window opening serving ground floor room 7 would be of limited size and be located in a recessed position where the outlook would be immediately framed by a proposed projecting two-storey rear bay and the existing high wall on the common boundary with 51 Edgbaston Road. Although the window would achieve adequate daylight and some direct sunlight on account of its orientation close to due south, it would provide a limited outlook and one dominated by blank brick walls and a parked vehicle at close quarters.
7. Taken with the substantial absence of outlook and natural light from within the proposed communal areas of the building, the development would deliver a poor standard of living accommodation for any future occupier of that unit. Although high standards of internal finishing could be achieved and access to outdoor amenity spaces offered, this would not provide compensation for an outlook of such limited scope within a primary living area.
8. The main usable areas of external private amenity space would be enclosed about the front and side of the building. Although it would be located near to the road junction and could be overlooked by some neighbouring residents, this would be to no greater extent than that of many private amenity spaces provided to the rear of dwellings within urban settings or those at a corner location. Accordingly, I find the amount and quality of the usable space would be acceptable in relation to the accommodation offered.
9. For the above reasons, whilst the amount of amenity space proposed would be acceptable, I find the restricted outlook from ground floor room 7 would cause significant harm to the living conditions of prospective occupiers. This would conflict with Policies PG3 and TP27 of the Birmingham Development Plan 2031 [2017] (BDP) as they seek to achieve sustainable neighbourhoods and the National Planning Policy Framework (the Framework) as it seeks to create places that promote health and wellbeing, with a high standard of amenity for future users.

Character and appearance

10. The site is a corner plot at the convergence of 5 roads within an urban area of predominantly residential development. The plot fronts on to Edgbaston Road which, in the vicinity of the site, mainly consists of 2 and 3-storey residential terraces set behind short front gardens and enclosed by brick walls allowing views into the semi-private spaces. The side elevation presents to Park Road, a wider residential street of larger detached and semi-detached residential properties with modern flatted infill. Properties are set behind deeper front gardens or forecourts used for parking resulting in a greater sense of spaciousness across the streetscape.
11. The plot has landscaped gardens to the front and side with a tapered yard and dilapidated outbuilding to the rear. Behind the line of the dwelling the brick boundary wall increases in height to enclose the long plot length on the Park Road frontage.

12. The site accommodates a steep-roofed end terrace unit with a split frontage formed between an element of consistent terrace proportioning and a subordinate row-end component incorporating a lower projecting gable. This provides visual interest at the corner. Behind the corner element lies the main entrance below a later first floor glazed extension. To the rear of the terrace are a variety of mostly flat roofed single and two-storey projections.
13. The proposed extensions seek to square off the existing footprint to contain entirely two-storey development. An additional rear bay set in from the boundary with the adjoining property and the intended main side elevation would also provide rooms on two floors.
14. Although of some size, the proposed extensions respect the scale and design of existing building elements. The overall height remains subordinate to the main body of the original building and the proposal would utilise matching materials. The side bay proportioning, detail on the upper gable and corbelled angles would mimic that of the existing front bay. A side porch canopy and small dormer across the eaves of the end bay would break up any sense of excessive massing in the side elevation. The scheme also retains the existing tall chimney stacks which are a positive group feature of the terrace row.
15. Whilst there would be little discernible change on the Edgbaston Road frontage, the overall effect viewed from Park Road would be that of a more consolidated and coherent appearance in comparison to the existing multiform elevation. This would provide a more active contribution to the built environment at an entry point into the road.
16. Due to the tapered shape of the site, the rear corner of the proposed side gable would extend closer to the boundary on Park Road than the existing building. In views along the road the building would be set forward of the other properties on the eastern side of Park Road where it would obtain increased prominence. However, there is considerable visual detachment between the end of the main row of development on this frontage and the appeal building. This is due to the significant length of the plot and a wide driveway in between. Although the enlarged building would be more pronounced this would be tempered by the spaces either side of it as it presents to the street frontage.
17. Furthermore, views along Park Road in the direction of the site terminate in a closing vista of development about the road junctions close to the site. The enlarged building would be seen against the backdrop of development on the opposite side of Edgbaston Road and the effect would have little conflict with the prevailing character of Park Road. The distance to the boundary, estimated to be as little as 2.15m by the Council, would be sufficient to ensure the building would not loom over the adjacent pavement or appear any more overbearing than local terrace units on the adjacent frontage.
18. Although the retention of the side and front gardens would preserve the sense of space between the built form about the road junctions, it is proposed to erect a 1.5m high fence a short distance behind the boundary wall to provide the area of private amenity space. The height of the fence combined with the higher ground levels on the inside of the wall would entirely enclose the front garden area. Although the site benefits from established greenery about the front and forward part of the side boundary, there are gaps and deciduous elements which limit the effectiveness of the screen planting.

19. The formal enclosure of the space, including at the common front side boundary with 51 Edgbaston Road, would contrast sharply with the characteristic frontages along the respective roads. The provision of screen fencing close to the boundary and within the site, when viewed in conjunction with the significant length of the high wall fronting on to Park Road, would create a harsh and uninviting environment at a focal point in the locality. This would contrast sharply with the character and layout of development on the respective roads.
20. Although a narrow space between the wall and fence would allow retention of some of the existing landscaping and provide opportunities for additional screening to soften the appearance of the fence, this is unlikely to provide either an instant or reliable continuous screen. Furthermore, it would not extend to the boundary with No51. Moreover, there is little before me to indicate that active long-term management could be secured for the lifetime of the development to ensure the harsh appearance of the fence enclosure would not dominate the prominent corner location.
21. For the above reasons, whilst I find that the design and scale of the extensions would result in a coherent form of development that would sit comfortably in the local townscape, the proposed increased level of enclosure of the site would contrast with the predominant layout and appearance of development and cause significant harm to the character and appearance of the locality. It would thereby conflict with Policy PG3 of the BDP as it seeks good design of development that reinforces a positive sense of place and responds to the local context, including the provision of attractive private external spaces and streets.

Highway safety

22. The proposal indicates the provision of 3 off-street parking spaces to serve the needs of 12 individual occupiers. There is disagreement between the main parties as to the likely effect of the level of parking on highway safety in the locality. Whilst the parking demand generated by the change of use and increased scale of accommodation is likely to be higher than that of the current use as a single family dwelling, there is wide scope for variation in parking demand dependent on the nature of the building's occupancy. Although the Council does not provide a parking standard for HMOs, it estimates that car ownership in an area favoured by professionals, as opposed to one with a high of student occupancy, could be between 6 to 8.
23. However, there is little objective evidence to support that view or that the area suffers from high levels of parking stress such that any attendant increase in on-street parking demand could not be accommodated. Even if the parking level was below resident vehicle ownership, there is little evidence that any out-spill would directly result in inconsiderate parking or cause harm to highway safety.
24. In the vicinity of the site, restrictions are in place in locations where parking might lead to highway safety concerns. At the time of my site inspection, albeit only a snapshot in time, levels of on-street parking were moderate with few signs of significant parking competition. Whilst the area close to the junction had higher levels of parking this was not to the extent that additional vehicles could not be easily accommodated.

25. In support of the appeal, the appellant has provided an assessment indicating that the site lies within walking distances of a number of local shops and services. It provides cycle storage and is readily accessible to public transport; matters that are recognised by the Council's highway advisors. Additionally, a technical assessment suggests that HMO uses in areas of higher car ownership elsewhere, are generally at 0.25 cars per room. However, the circumstances of the relevant locations are insufficiently clear to enable parallels to be drawn and therefore are of limited weight.
26. I acknowledge the Council's reference to the emerging draft Birmingham Parking SPD document; however, there is little detail regarding outstanding objections following the Council's consultation exercise. Accordingly, that document also carries limited weight in my determination of this case.
27. In the circumstances described, I am not persuaded that any shortfall in off-street parking provision, should one arise, is likely to result in demonstrable harm to highway safety. I find the proposal would preserve highway safety and be consistent with the aims of encouraging modes of transport other than private motor vehicles. It would therefore align with Policies PG3, TP38 and TP44 of the BLP as they seek to protect safe use of transport networks, improve road safety and reduce the negative impact of road traffic.

Other Matters

28. I note the concerns of third parties in respect to the proposed use of the site as a new HMO and some potential for attracting antisocial behaviour. At the present time the Council has no adopted policy aimed at limiting larger HMOs or their concentrations in defined areas. Whilst I acknowledge that the Council's draft development plan document 'Development Management in Birmingham' contains a policy to that effect, it remains at an early stage in its progress to adoption and may therefore be subject to change. Accordingly, it is a matter of negligible weight in the determination of this appeal.
29. There is little evidence to indicate the nature of any future occupancy of the building or why prospective occupiers would not contribute positively to the local community or improve community cohesion. In the absence of substantiated evidence to indicate that this would be a likely affect directly associated with the proposed development, this is a matter of neutral weight.
30. I acknowledge that the proposal would return the dwelling to the housing stock in a manner that could add to the choice of housing in the locality. However, this would not outweigh the harm I have identified in relation to living conditions and the effects of the development on the character of the locality.

Conclusion

31. Whilst I have found in favour of the appellant in respect of the effect on the character and appearance of the building and highway safety, I do not consider these matters outweigh the identified harm in relation to living conditions or arising from the further enclosure of the site. I therefore conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR