



Appeal Decision

Site visit made on 23 November 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2021

Appeal Ref: APP/P4605/W/21/3279007

31 Station Road, Acocks Green, Olton, Birmingham B27 6DH

- 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 Simon Woodroffe against the decision of Birmingham City Council.
 - The application Ref 2021/01385/PA, dated 17 February 2021, was refused by notice dated 23 April 2021.
 - The development proposed is Change of use from dwelling house (Use Class C3) to a 4-bed HMO (Use Class C4).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the development on local residents and the character of the area, and the effect of the development on future residents of the appeal property.

Reasons

Effect on local residents / character of area

3. The locality is largely made up of a mix of commercial and residential development. The appeal property has the external appearance of a two-storey semi-detached dwelling. The majority of residential properties within the area are single family dwellings and this, to a large extent, defines the character of the area.
4. Whilst the external appearance of the property is unaltered, and therefore acceptable, this is a different concept to the character. The National Planning Policy Framework (the Framework) gives guidance at various points to demonstrate that character is defined by more than the visual aspects; it includes the way a development functions, creates better places to live and work, reflects an understanding of an area's defining characteristics and how people and places contribute to that character.
5. In terms of the effect on residential character and the living conditions of nearby residents, the character of single-family dwellings can be significantly different from those of an HMO. An HMO can increase the density of occupation which can, in turn, have an effect on the activity generated by both people and vehicles. The occupants of an HMO may have a different individual lifestyle, resulting in people movement, noise and disturbance at different times of the

day and night in comparison with a single-family dwelling. It follows that the presence of an HMO, whilst not necessarily changing the appearance of the area, can be detrimental to its character.

6. I have already found that the presence of single-family dwellings in the locality of the appeal site helps define its character. Given my above reasoning relating to the likely difference in lifestyles between those living in an HMO and those living in family dwellings, I conclude that in this case the proposed development would be harmful to the character of the area.
7. I also note that a large family could occupy the dwelling, with more occupants than could be generated from the HMO. However, as stated above, the HMO would be likely to generate a greater level of activity and potential disturbance than a single-family dwelling.
8. Whilst one additional HMO may appear to be a minor increase in the overall proportion, when taken together with the existing HMOs in the locality, I find that the proposed use would materially harm the character of the surrounding area, and further imbalance the overall makeup of the community and its well-being.
9. Therefore, I conclude that the development would be detrimental to the living conditions of existing neighbouring occupiers and harmful to the character of the area by way of noise disturbance through use and general activity. Therefore, the proposals are contrary to Policy PG3 of the Birmingham Development Plan (2017) (the BDP) and Paragraph 8.24 of the saved Birmingham Unitary Development Plan (2005) (the UDP), which, amongst other matters, expect development to create a positive sense of place and local distinctiveness and respond to local site context.

Living conditions of future residents

10. I turn now to consider the living conditions for future residents within the proposed HMO. The stated room sizes would comply with the Council's HMO standards for rooms.
11. Nonetheless, I have concerns with regard to the level of bathroom/wc facilities and the internal shared amenity space. The rooms would share sanitary conveniences however and much has been made of the number and location of these in relation to the living accommodation. Whilst overall there are sufficient facilities for the maximum number of residents these are poorly sized and located around the building.
12. Concern has also been raised regarding the paucity of communal living space for the HMO residents. I find that this is less than satisfactory for future residents in terms of common space away from bedrooms.
13. To conclude in respect of living conditions for future residents, I find that the proposed facilities and communal space within the HMO would amount to a poor standard of housing provision. These matters could not be rectified to a suitable level by condition.

14. As a result, on this issue, I find the proposals to be contrary to Policy PG3 of the BDP and Paragraph 8.24 of the saved UDP, which, amongst other matters expect development to provide suitable floorspace standards for accommodation and demonstrate high design quality, as well as following the guidance set out in the Specific Needs Supplementary Planning Guidance and the National Planning Policy Framework.

Other Matters

15. My attention has been drawn to other properties that have been converted to HMOs. I have not, however, been supplied with the full details of these and their context and I am therefore unable to attach significant weight to it. The existence of these other developments does not to my mind justify the proposed development which is assessed upon its own merits.

Conclusion

16. Therefore, for the reasons above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR