



Appeal Decision

Site visit made on 5 January 2022

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2021

Appeal Ref: APP/Q4625/W/21/3283158

27 Lindridge Road, Shirley, Solihull, West Midlands B90 2QJ

- 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 Ms Danielle Hunt against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2021/00903/MINFHO, dated 26 March 2021, was refused by notice dated 25 June 2021.
 - The development proposed is described as double-storey side and single-storey rear extensions. Internal remodel to a 8-bed HMO.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use to an 8 No. bedroom HMO including two storey side and single storey rear extensions, at 27 Lindridge Road, Shirley, Solihull, West Midlands B90 2QJ, in accordance with the details of the application and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 07/01/21/ 01 (dated 25/02/21), 07/01/21 02 (dated 15/04/21), 07/01/21 07 (dated 15/04/21), 07/01/21 10a (dated 21/04/21).
 - 3) Prior to the use hereby approved being implemented, a Tenancy Management Scheme shall be submitted to and approved in writing by the local planning authority. The property shall be managed in accordance with the approved details.
 - 4) Prior to the use hereby approved being implemented, details of 3 on-site parking spaces shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the approved use commencing; the car parking spaces shall thereafter be retained for the lifetime of the development.

Application for costs

2. An application for an award of costs was made by Ms Danielle Hunt against the decision of Solihull Metropolitan Borough Council. This application will be the subject of a separate Decision.

Preliminary Matter

3. The description of proposed development given on the Council's Decision Notice, which the appellant has provided on the appeal form, differs a little to that originally provided on the planning application form. In essence, I consider the key difference to be that the original description does not make it clear that a change of use is also applied for. I have therefore made my decision based on the description of proposed development given on the Council's Decision Notice and the appellant's appeal form, ie: change of use to an 8 No. bedroom HMO including two storey side and single storey rear extensions.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the host property, street scene and the area,
 - the effect of the proposal on the living conditions of occupiers of existing neighbouring properties, and
 - whether the proposal would provide satisfactory living conditions for future occupiers.

Reasons

Character and appearance

5. The site comprises a 3-bedroom, two-storey, semi-detached dwelling with a driveway and garden area to the front and garden to the rear. The site is located on a street comprised of two-storey, semi-detached dwellings, broadly similar in form, though not identical in detail. The street is located within a residential area characterised by mainly two-storey semi-detached and detached dwellings.
6. I observed on my visit that several properties on the street have been extended/alterd at the front and/or side, including a few that have two-storey side extensions which are not set-back from the front. Due to existing front and side extensions/alterations many of the semi-detached dwellings on the street, and others on surrounding streets, are not symmetrical.
7. Within the immediate and surrounding context of the site, I consider the siting, design, size, scale and massing of the proposed extensions collectively respect the original dwelling. Additionally, although the proposed extensions would result in the host property not being identical to the adjoining semi-detached property, as noted there are already several examples of such developments on the street and in the area. Furthermore, a gap would be retained between the host dwelling and the neighbouring dwelling to the east, which has a two-storey side extension that is set-back from its front elevation. Therefore, the proposal would not create a terracing effect. Given these factors I consider the street scene would not be harmed. I therefore conclude that the proposed extensions would not harm the character or appearance of the host dwelling, street scene or area.
8. The proposal therefore accords with Policy P15 of the Solihull Local Plan: Shaping a Sustainable Future-2013, (SLP), and design policies in the National Planning Policy Framework (the Framework). These policies collectively, and

among other things, expect development to create good quality, well-designed, beautiful buildings which conserve and enhance local character, distinctiveness and streetscape quality, and ensure that scale and massing respect the surrounding built environment.

9. I note the guidance provided in the Council's House Extension Guidance Supplementary Planning Document-2010, (SPD), regarding first-floor side extensions. Even though this is only guidance, and not policy, it does refer to the guidance being applicable in "*most*" instances, as well as advising that the Council will "*normally*" seek to ensure the guidance is applied. Hence, it is recognised within the document that there may be instances where it is not relevant or necessary for the guidance to be applied to the letter. For the reasons outlined above, I consider this to be an instance where the guidance does not have to be applied to the letter.

Living conditions – existing occupiers

10. The proposal seeks to change the use of the property from a C3 dwellinghouse to a House in Multiple Occupation (HMO) for up to 8 residents. The Council note that there are already 2 properties on the street being used as HMOs for up to 6 residents, and accept that a change of use to a HMO for up to 6 residents can in principle be carried out without the need for planning permission.
11. In this context, the Council consider that another 2 residents, over and above the 6 referred to, would result in a level of noise and disturbance that would be harmful to the living conditions of occupiers of existing neighbouring properties. However, I have not been provided with any substantive evidence, or compelling reasons, to support this view. My judgement differs to the Council's. To my mind there is likely to be little difference in respect of noise and disturbance from 8 people residing in the property compared to 6.
12. I therefore conclude that the proposed development would not harm the living conditions of occupiers of existing neighbouring properties with particular regard to noise and disturbance or the extent of "*comings and goings*".

Living conditions – future occupiers

13. The first reason for refusal refers to the proposal being harmful to the living conditions of future occupiers of the property, as well as occupiers of existing neighbouring properties.
14. The proposal would provide 8 individual bedrooms each with its own en-suite. In addition, there would be a communal kitchen, living room, hallway and porch and a good-size garden to the rear. I am familiar with the recommended minimum bedroom sizes in national guidance.¹ The sizes of each of the proposed bedrooms are above the minimum standards for single bedrooms. Additionally, as indicated, future occupiers of the property would each have a private bathroom. I consider the sizes of the proposed communal kitchen, dining and living areas and the area of private outdoor space that would be provided, would be sufficient for future occupants to use communally.
15. I have not been provided with any substantive evidence that demonstrates that 8 people sharing the property would result in occupiers of the property experiencing unacceptable levels of noise and disturbance.

¹ For example, the Technical housing standards-nationally described space standard, DCLG.

16. For the reasons outlined, I therefore conclude that the proposal would provide satisfactory living conditions for future occupiers.
17. In light of all matters discussed regarding living conditions, the proposal accords with Policy P14 of the SLP and sub paragraph 130 (f) of the Framework, which collectively, and among other things, require new development to respect and protect the living conditions of occupiers of existing properties and to provide satisfactory living conditions for future occupiers.

Other Matters

18. There was a considerable volume of objections submitted to the Council in response to the proposal and representations have been submitted with the appeal. I have sought to summarise the issues raised in addition to those dealt with above and to briefly address them.
19. I have attached a condition requiring 3 on-site car parking spaces to be provided to minimise the potential for any additional excessive on-street parking. As the site is close to a railway station future occupiers of the property would have access to public transport and would not be reliant on use of the private motor car. Due to the nature of the surrounding highway network and the extent of on-street parking potentially available, I consider that the proposal would not create any unacceptable highway safety issues, nor would it have a severe impact on the flow of traffic on the surrounding roads.
20. Concerns have been raised regarding the capacity of the sewage and wastewater systems and the potential effect on water pressure due to the increased usage. I have not been provided with any substantive evidence to demonstrate that such systems would not be able to cope with what would be a relatively marginal increase in use.
21. Additionally, concerns have been raised regarding the increased demand on local services, such as doctors, dentists, and schools. Again, there is no evidence before me that demonstrates these concerns are justified.
22. It has been suggested that the property may be used as a business which would not fall within the use of a HMO. My decision is based on what has been applied for; I cannot speculate whether the premises may be used for other purposes in the future. However, should the property be used for business purposes in breach of planning permission, the Council have the powers to take enforcement action.
23. Similarly, concerns have been raised regarding the site being used for what residents consider to be inappropriate, unsuitable sexual activities. Any private, legal behaviours of future residents is not a reason to withhold planning permission. Should the property be used for any illegal activities this would be a matter for the police.
24. Should the maintenance of the garden and/or management of household waste ever become problematic, such as a health risk, this would be a matter for the relevant Council authorities, such as the environmental health services.
25. It has been asserted that another HMO will change the character of the area. As noted above, I understand there are 2 HMOs on the street already. During my visit I observed that these properties did not appear to be different to other

properties on the street. I have no evidence before me which demonstrates that the extent of existing HMOs in the area have had a harmful effect on the character of the area. Additionally, should the Council receive any applications for HMOs in the area in the future, they would be assessed on their merits at that time.

26. It has been suggested that 8 people living together would be a health risk with regard to COVID 19. I appreciate the increased risk posed by groups of people mingling in proximity with each other indoors. However, I am not aware of any legislation which currently prevents such development on this basis.

Conditions

27. I have attached a condition specifying the approved plans to provide certainty as to what has been approved. A condition requiring details of how the tenancy of the property will be managed has been attached to ensure occupancy of the property is suitably managed. I have attached a condition requiring 3 on-site parking spaces to be provided, to minimise the potential for on-street parking.

Conclusion

28. For the reasons outlined above, having regard to all matters raised, I conclude that the appeal is allowed, subject to the conditions outlined above.

J Williamson

INSPECTOR