



Appeal Decision

Site visit made on 15 November 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/P4605/W/22/3303061

66 Queens Road, Stockland Green, Birmingham B23 7JP

- 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 Craig Evans against the decision of Birmingham City Council.
 - The application Ref 2022/03128/PA, dated 10 April 2022, was refused by notice dated 28 June 2022.
 - The development proposed is conversion of single dwelling into 4no single occupancy flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a drawing (Dwg 4B) which amends the site layout. This would reduce the internal floor area to flat 2. I cannot be certain that all interested parties have had the opportunity to consider this amendment. As the appeal process should not be used to evolve the design of a scheme, I have determined the appeal on the basis of the plans considered by Birmingham City Council.
3. The Birmingham Design Guide (2022) (BDG) was adopted in September 2022. In its Appeal Statement, the Council confirmed that, following the adoption of the BDG, it would not seek to defend part of the second reason for refusal which related to the provision of external amenity space. The appeal has been determined on this basis. The main parties have been given an opportunity to comment on the BDG and have therefore not been prejudiced.

Main Issues

4. The main issues are:
 - whether the proposal would provide for a satisfactory standard of living conditions for future occupiers, with particular regard to internal space and light levels; and
 - the effect on the supply of family housing within the city.

Reasons

Living conditions

5. The proposal would result in the subdivision of the existing dwelling to form 4 self-contained flats. The Council state that the internal floor space for the one-

bedroom flats would range from 23.6m² to 36.5m². The Council have referenced the *Technical housing standards – nationally described space standard* (2015) (National Standards). Footnote 49 of the National Planning Policy Framework (the Framework) advises that policies may also make use of the National Standards, where the need for an internal space standard can be justified. The National Standards are repeated in Development Management in Birmingham Development Plan Document (2021) (DPD) Policy DM10 and are therefore applicable to this proposal.

a) Light levels

6. I note that the bedroom to Flat 3 has not been shown to possess a source of natural light and the absence of a natural light source would therefore not provide an adequate standard of living for future occupiers of this flat. Nonetheless, the proposed plans show that this bedroom would have a dormer window. This window, which was in place at the time of my site visit, would provide adequate levels of natural light to this bedroom.

b) Internal space

7. Each flat would fall short of the minimum internal floorspace standards set down in the National Standards. The proposed bedrooms to all flats would be extremely cramped and would fail to provide adequate space for a bed, furniture and circulation space. The open plan lounge/kitchenettes to flats 1 and 3 would be extremely cramped and would fail to provide adequate space for lounge furniture, a kitchen worktop and circulation space and the kitchen to flat 4 would be extremely cramped and would fail to provide adequate space for even a small kitchen worktop and appliances. Thus, the internal living space provided in all flats would not be sufficient to meet the needs of its occupants and would harm their living conditions.
8. I conclude overall, in respect of the living conditions, that the proposal is contrary to those aims of DPD Policy DM10 which set out standards for residential development in conjunction with the National Standards. I also find conflict with those aims of DPD Policies DM2 and DM12 which state, amongst other things, that accommodation and facilities should be suitable for the intended occupiers. I find conflict with the Places for Living Supplementary Planning Guidance (2001) and the BDG which have similar aims. I also find conflict with paragraph 130 of the Framework, which requires that places are designed with a high standard of amenity for future users.

Family housing

9. The proposal would result in the loss of a 3-bedroom market dwelling. The Council state that insufficient justification has been provided to demonstrate that the need for flats in this location outweighs the important contribution this family dwelling makes to the Council's objectives, strategies and policies relating to housing provision.
10. However, whilst the proposal would result in the loss of 3 bed unit there is no policy basis to justify the need for family homes or that this outweighs the need for flats. Moreover, whilst I acknowledge the net additional 3 units would make a relatively small contribution to the city's housing supply, nonetheless it does bring a net gain to housing supply. Furthermore, the provision of 3 units, would bring forward social and economic benefits such as access to and use of

local services and public transport. Whilst no particular evidence of a lack of one-bedroom accommodation within the city has been provided, DPD Policy DM12 does not require this. Additionally, whilst BDP Policy TP35 seeks to prevent the loss of existing housing stock to other uses, the appeal site would remain in residential use and would not therefore result in such a loss.

11. I conclude therefore, in respect of family housing, that the proposal would accord with those aims of DPD Policy DM12, which, amongst other matters, seek to support the subdivision of properties into self-contained dwelling units where it will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and those aims of BDP Policy TP35 which seek, amongst other matters, to make best use of existing housing stock by preventing the loss to other uses. For similar reasons, the proposal would accord with the Framework which requires that the size, type and tenure of housing needed for different groups in the community be assessed and reflected in planning policies.

Other Matters

12. The appellant references the existing room sizes and the ability to rent the property as a single dwelling. Whilst I have limited information about whether there would be an intention to do so if this appeal were dismissed, there would seem a greater than just theoretical possibility that this alternative would take place. Nonetheless, the use as a single dwelling would not necessitate the subdivision into smaller units and would not therefore result in the same conflict with the National Standards. Therefore, if such a use were implemented, it would be less harmful to the living conditions of future occupiers. I therefore give limited weight to this.
13. The appellant has brought to my attention that the proposal is likely to be able to meet with the relevant local and national policies in terms of parking. However, this does not outweigh the harm I have found above.

Conclusion

14. Whilst I have found in favour of the appellant on the second main issue, this does not justify the harm in the first main issue. Consequently, the appeal fails to accord with the development plan taken as a whole. Therefore, for the reasons given above, the appeal should be dismissed.

Nichola Robinson

INSPECTOR