



Appeal Decision

Site visit made on 4 April 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2023

Appeal Ref: APP/P4605/W/22/3312229

1756 Pershore Road, Bournville, Birmingham, B30 3BH

- 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 MB&N Credit Services Holdings Ltd against the decision of Birmingham City Council.
 - The application Ref 2022/05457/PA, dated 8 July 2022, was refused by notice dated 29 September 2022.
 - The development proposed is the change of use from ground floor retail and first floor residential use to a large No. 12 bedroom House in Multiple Occupation (Sui Generis) with external alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development within the Council's decision notice as this more accurately reflects the proposed development.

Main Issue

3. The main issue is whether the proposed development would provide appropriate living conditions for future occupiers, with regards to outdoor amenity space.

Reasons

4. The proposed development would create 12 bedrooms within the building. The submission denotes a courtyard area to the rear as amenity space and four bedrooms would have a balcony.
5. The Council's Houses in Multiple Occupation Supplementary Planning Document (2022) (SPD) and the Birmingham Design Guide – Healthy Living and Working Places City Manual (2022) (BDG) sets out that 10 square metres of outdoors amenity space per resident should be provided, separate from any parking/access areas.
6. From the submitted evidence, I note the private outdoor amenity space at the property measures a total of around 85 square metres, when including the balcony space. As such, the provision of private outdoor amenity space is significantly below the level set in the SPD, approximately 120 square metres for 12 residents, and therefore contrary to guidance. This would not provide the space to accommodate 12 private individuals and their associated activities

such as drying clothes and private outdoor seating. As a result, in this regard, the proposal would result in poor living conditions for future occupiers

7. I have had regard to the appellants submission in relation to nearby public open spaces. During my site visit I noted that the open space, which includes Cotteridge Park and Dawberry Neighbourhood Fields, were within easy walking distance to the appeal site. Whilst this would offer open space for future residents, this would not be private space that they would be able to use for activities such as drying washing. As such, I can only afford this limited weight.
8. I have had regard to the appeal decision¹ noted in the appellants submission, although I have only been provided with limited details. Nevertheless, that appeal related to the increase in number of HMO rooms from 8 to 11 at a site where there was already restricted private amenity space for the existing HMO. The appeal before me relates to the change of use of retail and residential, as such the issues are not directly comparable.
9. The proposed development would have an unacceptable effect upon the living conditions of future occupiers. This would be contrary to Policies PG3 and TP27 of the Birmingham Development Plan (2017) (DP), Policies DM2 and DM11 of the Birmingham Plan 2031 Development Plan Document (2021) (DPD), and the guidance contained within the SPD and BDG. These together seek to ensure that adequate private space is provided and that these spaces are functional and inclusive. The proposal is also at odds with the advice set out in paragraph 130 of the National Planning Policy Framework (Framework) that seeks high standards of amenity for existing and future users.

Other Matters

10. I have had regard to the other matters raised by local residents; however, these matters do not alter my conclusion on the main issue.

Conclusion

11. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR

¹ APP/P4605/W/19/3228459