



Appeal Decision

Site visit made on 13 June 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/G4620/W/22/3313874

50 Gorsty Hill Road, Sandwell, Rowley Regis B65 0HA

- 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 R Azhakesan against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/22/67287, dated 15 July 2022, was refused by notice dated 9 September 2022.
 - The development proposed is for alterations to form 2 additional bedrooms to existing 6 bedroom, 6 person HMO (House of Multiple Occupation) to form 8 bedroom, 8 person HMO.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the living conditions of neighbouring occupiers;
 - Whether the proposal would provide a suitable standard of living conditions for future occupiers; and,
 - The effect of the proposal on highway safety.

Reasons

Living Conditions

3. The host property is a deep terraced building which is roughly L-shaped on the ground floor. The existing ground floor contains a long lounge-kitchen room which extends from the front of the property towards the rear. It is served by a bay window to the front and, what appears to be, a rooflight to the rear. The property is currently used as a HMO for six people. The proposal includes the creation of a new bedroom (bedroom 8) to replace the lounge area.
4. The existing kitchen is a distance away from the bay window where any meaningful outlook could be achieved, the area between the lounge and kitchen would also be far from any sources of natural light. Nevertheless, as they are part of one long room, the impact of the poor outlook from, and natural light to, particular areas is reduced.
5. The resultant communal area would only be served by one rooflight. As such there would be no outlook from the kitchen or lounge and natural light would only benefit the far end of the kitchen. Future occupiers would be reliant on artificial lighting throughout the day when using the majority of this communal

- space. Moreover, this space would be enclosed and confined as a result of the lack of outlook. Cumulatively the communal space would provide a poor area for future occupiers to socialise, relax, cook or eat. Therefore, I find that the proposal would provide a poor quality of living conditions for future occupiers.
6. While I note that the proposed bedrooms would all be served by a good level of outlook and light, this does not negate the poor quality of the communal accommodation.
 7. The proposal would result in an increase of 2 occupiers at the appeal site, this would not be a significant increase relative to the existing number of occupiers. Given the nature of the property, it is likely that noise related to socialising, watching TV and listening to music is already generated both in communal spaces and the bedrooms. The noise from two additional occupiers would not, therefore, be a significant addition to that generated at, or around, the site and I find that the cumulative level of noise would not be unacceptable.
 8. As part of this I am mindful that the nature of the noise generated at the site would be domestic, and therefore typical of a residential area. Moreover, as the additional bedrooms would be downstairs, they would be less likely to affect the bedrooms of neighbouring properties, which are typically upstairs.
 9. Whilst there would be no harm to the living conditions of neighbouring occupiers, the proposal would not provide a suitable standard of living conditions for future occupiers. The proposal would therefore conflict with Policies CSP4 and HOU2 of the Black Country Core Strategy which, amongst other matters, require that developments are of a high quality that minimise amenity impacts. It would also conflict with Paragraph 130 of the National Planning Policy Framework (the Framework) which requires that developments create places that promote well-being and a high standard of amenity for existing and future users.

Highway Safety

10. The appeal site is located on Gorsty Hill Road, a narrow but busy thoroughfare. It is close to a number of junctions with surrounding roads, including Station Road, Lodgefield Road and Coombs Road. During my site visit I noted on-street parking restrictions in a number of locations near the appeal site, including on the opposite side of Gorsty Hill Road. The appeal site does not have any off-street parking provision and the proposal would not provide any as part of the scheme.
11. The appellant has submitted a Parking Stress Survey which carried out two assessments overnight, when I consider most residents are likely to be home. This found that the roads surrounding the appeal site had available and useable parking spaces. Whilst I noted a significant number of vehicles parked on the roads surrounding the appeal site, at the time of my visit, it was clear that there were still spaces available.
12. As noted above, the host property is currently used as an HMO for up to 6 occupiers. The proposal would increase the number of occupiers to 8 and with this there would be an increase in the need for on-street parking. Although the Council have not referred to any policies or guidance regarding parking requirements, I note that in their communication with the appellant they consider that for every 2 bedrooms 1 parking space should be provided.

13. I find that, given the submissions before me and my observations on site, the streets surrounding the appeal site could accommodate an increase in demand for on-street parking by 1 vehicle. However, even if the proposal generates 2 car, 1 per bedroom, I find that the surrounding streets could accommodate such an increase.
14. In light of the above there would be no unacceptable impact on highway safety as a result of the modest increased demand for on-street parking associated with the proposal. It would therefore comply with Chapter 9 of the Framework, including Paragraphs 110-113 regarding, amongst other things, preventing unacceptable impacts to highway safety.

Other Matters

15. A plan (drawing number 0391-3-11-20 rev B) showing a reduced number of bedrooms has been submitted as part of this appeal as a potential fallback. This fallback scheme would provide 7 bedrooms and would retain the lounge's access to the front bay window. It is not clear however, whether it would be intended to still provide accommodation for 8 people across the 7 bedrooms.
16. No information has been provided as to whether planning permission has been granted for this alternative scheme or that it could be carried out under permitted development. Without substantive evidence to the contrary, I cannot be certain that it would be possible to carry out this development. As such, I find there to be a less than theoretical possibility of the fallback scheme being carried out and it has therefore not been determinative in my considerations.

Conclusion

17. The Government's objective is to significantly boost the supply of housing and the proposal would provide two new rooms in an existing HMO. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal these matters would at most attract modest weight.
18. Conversely, the proposal would result in harm to the living conditions of future occupiers, in conflict with the development plan taken as a whole. This attracts significant weight and outweighs the benefits associated with the proposed development.
19. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR