



Appeal Decision

Site visit made on 2 September 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal Ref: APP/P4605/W/23/3333248

206B Green Lane, Nechells, Birmingham B9 5DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Wael Mohammed Alhasawi Almunther against the decision of Birmingham City Council.
 - The application Ref is 2023/05435/PA.
 - The development is change of use of the existing dwellinghouse into 4 no. self-contained flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023) (the Framework). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations in appeals. Notwithstanding this, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of the consultation.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on (i) the balance of family sized housing within the City; and (ii) the living conditions of future occupiers.

Reasons

Family sized housing

4. The proposed development seeks to change an existing 4-bedroom dwelling into 4 x self-contained flats each with 1 bed. Policy TP30 of the Birmingham Development Plan (2017) (the BDP) highlights that proposals for new housing should seek to deliver a range of dwellings to meet local need and support the creation of mixed, balanced and sustainable neighbourhoods, taking into account various evidence sources.
5. The Housing and Economic Development Needs Assessment (HEDNA) (2022) states that in terms of housing mix it is expected that the focus of new market

- housing provision will be on 2-and 3-bed properties addressing demand from newly forming households and older households downsizing.
6. The Council confirm that the Strategic Housing Market Availability Assessment (SHMAA) (2013) notes that the highest net change in the number of homes required by 2031 is for three and four-or-more bedroom homes. I have not been provided with the SHMAA document to confirm this.
 7. The appellant cites figures taken from Zoopla which indicate that the demand for three bedroom homes has decreased whilst the demand for one bedroom flats has increased. I have not been provided with substantive evidence to support this assertion; on this basis I give this limited weight.
 8. The appellant has drawn my attention to the conversion of properties to multiple dwellings within the surrounding area. The Council confirmed that these proposals did not include the loss of a family sized dwelling. I have not been provided with evidence from the appellant to the contrary.
 9. From the evidence before me (the HEDNA) which demonstrates that there is a need for family housing I find that the proposed development would harm the balance of family sized housing within the City.
 10. There is conflict with Policies TP30 and TP35 of the BDP and Policy DM12 of the Birmingham Development Plan Document DPD (2021) (the DPD) which seeks amongst other things to ensure a balanced housing supply.
 11. There is conflict with the Framework which seeks amongst other things to maintain the supply of housing to meet the needs of the area and ensure there is an appropriate mix of housing types for the local community.

Living Conditions

12. Policy DM10 of the DPD states that all residential development will be required to meet the minimum Technical Housing Standards - Nationally Described Space Standard (March 2015 as updated) (the NDSS). This is echoed by the Birmingham Design Guide, Healthy Living and Working Places City Manual (2022).
13. NDSS confirms that 1 bedroom 1 person dwellings should be a minimum of 39sqm in size. However, where a studio has a shower room instead of a bathroom, the floor area may be reduced from 39sqm to 37sqm.
14. The gross internal floor (GIA) space of the proposed flats would not meet the minimum required GIA standards contained within the NDSS.
15. I have also not been provided with substantive evidence to demonstrate that a minimum floor to ceiling height of 2.3m for at least 75% of the GIA, in accordance with the NDSS would be provided in Flat 4.
16. I therefore conclude that the proposed development would be harmful to the living conditions of future occupiers.
17. There is conflict with Policy PG3 of the BDP and Policies DM2, DM10 and DM12 of the DPD which amongst other things seeks to ensure the accommodation and facilities is suitable for the intended occupiers.

18. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Conclusion

19. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR