



Appeal Decision

Site visit made on 13 November 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2024

Appeal Ref: APP/P4605/W/24/3346940

128 Raddlebarn Road, Birmingham B29 6HQ

- 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 W Khan against the decision of Birmingham City Council.
- The application Ref is 2024/00762/PA.
- The development proposed is the change of use from dwellinghouse (Use Class C3) to 6no. bed House in Multiple Occupation (HMO) (Use Class C4).

Decision

1. The appeal is allowed and planning permission is granted for the change of use from dwellinghouse (Use Class C3) to 6no. bed House in Multiple Occupation (HMO) (Use Class C4) at 128 Raddlebarn Road, Birmingham B29 6HQ in accordance with the terms of the application, Ref 2024/00762/PA, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: 1A (Floor Plans) and 2 (Location and Site Plan).
 - 3) The development hereby permitted shall not be occupied until details of cycle parking provision have been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall thereafter be provided in accordance with the approved details and retained for the parking of cycles at all times.
 - 4) The development hereby permitted shall not be occupied by more than six persons at any one time.

Preliminary Matter

2. For the avoidance of doubt the description of development above is taken from the Council's decision notice, as agreed by the appellant, as this is the most accurate version provided.

Main Issue

3. Whether the appeal property is a suitable location for a house in multiple occupation (HMO) with particular regard to the living conditions of occupiers at 126 Raddlebarn Road and the character of the area.

Reasons

4. This appeal concerns a traditional three storey, mid-terrace property located on a stretch of Raddlebarn Road which comprises a mix of residential and commercial uses. The evidence before me and my observations during my site

visit indicate that the appeal property is vacant, with its last use as a single family dwellinghouse.

5. Policy DM11 of the Birmingham Plan 2031: Development Management in Birmingham (December 2021) (the DMB) states that proposals for the conversion of existing dwellinghouses to HMOs should protect the residential amenity and character of the area and will be permitted subject to a number of criteria.
6. In respect of criterion a, the evidence indicates that within a 100 metre (m) radius of the appeal site some 76.09% of properties are identified as being in a HMO use, representing a substantial over concentration in the locality that is well above the 10% set out in the development plan.
7. The adjoining property at No 126 is a family dwellinghouse. The property adjacent to it, No 124, appears to be in use as an HMO albeit in their final comments the appellant suggests it may be a single dwellinghouse contrary to earlier assertions. There is no convincing evidence to confirm either way and I was not able to deduce at my site visit whether No 124 was a single dwelling or in HMO use. Regardless, it is the Council's assertions that No 126 would be sandwiched between two HMOs, thus the proposal would conflict with criterion b. of DMB Policy DM11. The proposed development would also appear to result in a continuous frontage of three or more HMOs or non-family residential uses.
8. Accordingly, the proposal would fail to accord with criteria a, b and c of Policy DM11 of the DMB. The Council also consider that due to the sandwiching of No 126 between two HMOs, an unacceptable adverse effect on the living conditions of occupiers of No 126 would arise, thus resulting in a failure of criterion e.
9. Policy DM11 of the DMB goes on to note that where criteria a) and c) has already been breached, planning permission will only be granted in exceptional circumstances, which are outlined in paragraph 4.25 of the supporting text to this policy. This states that the concentration of HMOs in an area may be at such a point where the introduction of any new HMO would not change the character of the area. This is because the vast majority of properties are already in HMO use.
10. It continues that in these circumstances the retention of a property as a family dwelling will have little effect on the balance and mix of households in a community which is already over dominated by the proportion of existing HMO households. Therefore, the conversion of the remaining buildings to a HMO would not further harm the character of an area.
11. The already high concentration appears to have been part of the reasoning behind not including this section of Raddlebarn Road within the earlier Article 4 Direction in Selly Oak, Harborne and Edgbaston wards in 2014. The evidence before me is clear that, in this particular circumstance, the loss of a single family dwellinghouse and the addition of a further property in HMO use in this locality would not change the character of this stretch of Raddlebarn Road.
12. Leading on from this, and taking the existing character into consideration, occupiers of properties along this stretch of Raddlebarn Road would be accustomed to levels of activity associated with properties in multiple occupation. Generally high levels of activity are an established part of this part

of the neighbourhood. Properties in the host terrace also front what appears to be a relatively busy highway in an area which has a mix of commercial uses opposite.

13. The appeal property is also of a substantial size and could accommodate a large family. As such, comings and goings associated with the proposed HMO use may be similar to those of a single dwellinghouse. Even if additional pedestrian movements may be perceptible to neighbouring occupiers at No 126, I consider that they would not give rise to material noise disturbance. Furthermore, there is a good degree of separation between the appeal property and No 126 at ground floor level by virtue of an under-croft access route between them and the offset rear outriggers.
14. Therefore, whilst the proposal would fail to meet criterion b) of DMB Policy DM11, overall the loss of a single family dwellinghouse and the addition of a further property in HMO use would not give rise to unacceptable adverse cumulative impacts on amenity or character.
15. Taking all the above into consideration, the proposed development would preserve the residential amenity of occupiers at No 126 and the character of the area and ensure that harmful concentrations do not arise, which are the aims of Policy DM11 of the DMB. It therefore also accords with policies PG3 and TP27 of the Birmingham Plan 2031: Birmingham Development Plan (January 2017) which support the creation of sustainable neighbourhoods.

Other Matters

16. I acknowledge the concerns raised by local residents. However, I have no substantiated evidence before me which indicates that the proposal would lead to pressure on local services, parking stress in the locality, increased crime and anti-social behaviour or that there is a shortage of family housing and no demand for HMOs in the area.

Conditions

17. Conditions stating the time limit and approved drawings are necessary to provide certainty. A condition requiring the provision of cycle parking is necessary to promote a sustainable mode of travel. A condition limiting the maximum number of residents is also necessary due to the size of the property to ensure that an appropriate standard of living conditions is maintained and to avoid unacceptable harm by reason of noise to the living conditions of neighbouring occupiers.

Conclusion

18. The proposal accords with the development plan as a whole and there are no other considerations that indicate I should take a decision other than in accordance with it. Therefore, the appeal should be allowed.

H Ellison
INSPECTOR