



Appeal Decision

Site visit made on 11 March 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/P4605/W/24/3356125

1 The Dell, Daisy Road, Birmingham B16 9EA

- 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 Anthony Herring against the decision of Birmingham City Council.
 - The application Ref is 2024/01987/PA.
 - The development proposed is described as 'Change of Use to revert to the original 2-bedroom house and permit the conversion of the existing 2-storey side extension to a self-contained studio apartment with the addition of an enclosed porch'.
-

Decision

1. The appeal is allowed, and planning permission is granted for the change of use to a 2-bedroom house and the conversion of the 2-storey side extension to a self-contained studio apartment with the addition of an enclosed porch in accordance with the terms of the application Ref 2024/01987/PA, and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers 462.03 and 462.01.

Preliminary Matter

2. In the interests of clarity, I have removed words from the decision that do not relate to acts of development.

Main Issues

3. The main issues are the effect of the development on the
 - character and appearance of the area,
 - provision of family housing in the city having regard to local planning policies; and
 - living conditions of future occupiers having regard to both internal space and outdoor amenity space.

Reasons

Character and appearance

4. No. 1 The Dell comprises an end terrace in a row of dwellings of a similar size and style. The original terraces are narrow fronted with bay windows at ground floor and windows with a vertical emphasis at first floor. Tucked into the corner of Daisy Road, the row of terraces face onto a similar terraced row, The Grove, with their front gardens flanked by a shared central pedestrian access. No. 1 has a larger plot size than its neighbours and has been extended with a two storey, subservient side extension. To the rear of the property is a courtyard enclosed by timber fencing and a right of access to other dwellings in the row. Immediately beyond that is Edgebaston Reservoir and its associated public open space which has mature trees planted alongside the boundary.
5. The Council are concerned that the subdivision of the property would not reflect the existing built character and rhythm of development. A modest single storey front extension is proposed to create an enclosed porch area for the proposed 1-bedroom unit. The width of this would closely resemble the large window already in existence. The extension would project slightly further forward than the adjacent bay windows of the existing terrace. However, this projection would be relatively discreet from the public realm given the set back of the terrace row, off the main highway. The design, including a central door with side panels, under three top lights, would retain the established vertical emphasis and rhythm of fenestration in the street-scene such that no undue harm would ensue.
6. The subdivision of the rear courtyard would be imperceptible from the public realm owing to its discreet positioning, adjacent tree coverage and the presence of existing boundary treatments surrounding the courtyard and adjacent right of access. In any case, the terraces along The Dell typically have modest sized gardens proportionate to their size and plot width. The subdivision would not be notably smaller or appear unduly awkward to any receptor.
7. Concerns have been raised by the Council that allowing the development would set a dangerous precedent in terms of its visual impact. However, there are no examples of similar arrangements that have been drawn to my attention where this could be repeated. In any case, I identify no visual harm.
8. In respect of this main issue, the development accords with Policy PG3 of the Birmingham Development Plan 2017 (BDP). This relates to place making and amongst other things, expects new development to demonstrate high quality design, reinforcing local distinctiveness with design that responds to the site conditions and local context.
9. It would also accord with the aims of the Birmingham Design Guide: Principles Document Supplementary Planning Document 2022 which includes seeking that streets are defined and enclosed by active frontages and achieve good design. There would also be no conflict with the Framework's aim of achieving well - designed places.
10. Policy DM2 of the Development Management in Birmingham Development Plan Document (2021) (DPD) has been cited in conflict but as this relates to living conditions is not determinative in respect of this main issue.

Provision of family housing

11. Policy TP30 of the BDP expects developments, amongst other things, to deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods taking into account relevant housing market needs assessments where applicable. This aligns with the thrust of the National Planning Policy Framework (the Framework) which also expects identified housing needs to be met. The Birmingham Housing and Economic Development Needs Assessment¹ (April 2022) (HEDNA) is a document that sets out the city's housing needs from present up until 2040. This is a material consideration and from the evidence before me is the most up-to-date housing needs information available.
12. The appeal property is currently a single planning unit comprising a total of three bedrooms; two within the original terrace dwelling and one within the annexe extension. The extension and the original house are connected via an internal door at ground floor level. I am advised that the annexe currently operates independently from the original dwelling and this is consistent with my own observations on site. I have not been pointed to any certificate of lawfulness to confirm this position. Therefore, I ascribe limited weight to this current usage.
13. It is the Council's case that there is an undersupply and evidenced demand for family housing and the proposal would result in the loss of an existing family dwelling. The Council have not referred me to their definition of family housing. However, the definition within the HEDNA is dwellings with 3 or more bedrooms. Indeed, the concerns relate to the loss of a 3-bedroom dwelling and I deal with the appeal on that basis.
14. The HEDNA indicates that market housing stock is dominated by 3-bedroom homes making up 58%² of stock in the city. It goes on to say that recent delivery has been focused on 1 and 2-bedroom dwellings. Table 8.18 sets out the number of bedrooms needed and expected by future tenures in Birmingham. Across all sectors there is a need for all sizes of homes. In the owner-occupier sector, 2-bedroom dwellings are the second-most needed type of accommodation, second only to 4-bedroom dwelling need. Although 1-bedroom dwellings are the least needed type, they are nevertheless still required. This need is reflected in Table 8.22 which shows the suggested mix by broad tenure, which I note the Council has referred me to.
15. Whilst the suggested mix is a good starting point for housing mix negotiations, it is only a recommendation and does not lend itself to rigid application in smaller schemes such as this. The proposal would result in the loss of a 3-bedroom house but would create both a two bedroom and one bedroom dwelling, for which there is an evidenced demand in the city. Therefore, I find that the development would offer more housing choices, which contribute to identified need.
16. My attention is also drawn to permission for a third bedroom within the roof space of the dwelling. This is not before me in evidence and so this carries limited weight. However, regardless of this, for the reasons I have set out, I am not persuaded by the evidence that the loss of one 3-bedroom dwelling would have a significant

¹ Undertaken on behalf of the Council by Icen Projects Limited

² Paragraph 8.10 of the HEDNA

adverse impact on the family housing stock. Rather, the resulting development would boost housing stock and offer more choice for residents of the city.

17. Therefore, I find no conflict with the framework. Additionally, I find the proposal would accord with the aspirations of policy TP30 of the BDP in terms of its effect on family housing.
18. Policy DM2 of the DPD is also cited within the reason for refusal but as this relates to amenity it is not relevant in respect of this main issue. The Birmingham Design Guide: Supplementary Planning Document (2022) (BDG:SPD) has also been referenced, however any conflict with this guidance has not been clearly articulated.

Living conditions for future occupiers

19. Amongst other things, policies DM2 and DM10 of the DPD together seek to ensure that development does not result in unacceptable adverse impacts on the amenity of occupiers and neighbours. This includes having access to high quality and useable amenity space and sufficient private useable outdoor amenity space appropriate to the scale, function and character of the development plus adequate provision for recycling/refuse storage and collection.
20. Policy DM10 also expects all residential development to meet the minimum Gross Internal floor area (GIA) as set out in Appendix 1 of the DPD which are based on the Nationally Described Space Standards (March 2015 as updated) (NDSS). Policy DM12 of the DPD supports residential conversions subject to criteria, including that the accommodation and facilities, including outdoor amenity space, is suitable for the intended occupiers.
21. The proposed 2-bedroom dwelling would be formed from the floor plan of the original terrace prior to its extension. The resulting house would have the same GIA as it was originally designed for. This is similar in size to the other terraces in this row. From my site visit I observed it to have an appropriate living environment. I also noted the presence of a dry lined cellar that adds useful additional space for this dwelling.
22. Whilst the precise GIA is in dispute for the 1-bedroom dwelling, it would have a floorspace of between 38 and 39 sq. m. This is deficient of the NDSS which describes that a 1-bedroom dwelling over two storeys, should provide for 58 sq. m. However, the extension is already operating with little or no reliance on the original dwelling and therefore I was able to observe the living environment in situ. Despite being over two floors, it would be more akin to an apartment which is consistent with the proposed description of development.
23. Whilst relatively modest, the ground floor area is open plan benefitting from patio doors to the rear, allowing natural light to the room. Upstairs the bedroom and bathroom offer adequate space for the functionality of these rooms and I observed that storage space has been created above the stairs. There is some conflict in respect of the internal living space required by the NDSS embedded in policy DM10(1). Exceptions are however permissible subject to demonstration with appropriate evidence that, for example, adhering to the standards is not feasible due to physical constraints. In this case, the existing building size does limit the level of GIA that can be achieved in respect of both dwellings. However, the open plan ground floor layout of both units means that the space is adequate for

occupants. I am satisfied that the resulting standards do not diminish residential living standards as is required by the exception criterion of the policy. Therefore, despite its modest size, the standard of internal living space has been well considered and satisfactory, noting its size would be exceed the minimum expectation of 37 sq. m for a 1-person, 1-bed dwelling as described within the NDSS.

24. City Note LW-13 of the Birmingham Design Guide: Supplementary Planning Document (2022) (BDG:SPD), sets out minimum outdoor space standards which the Council assert the development would fall short of achieving.
25. The appeal property is set within a context of historical properties and their associated garden spaces. Having found the 1-bedroom unit to be of an appropriate size internally, I consider that the proposed outdoor amenity space to be proportionate and commensurate to the dwelling it is intended to serve. Whilst less than the BDG:SPD guidance, it would have sufficient space for drying clothes, bin storage and other such practical requirements. Similarly, the modest enclosed yard serving the 2-bedroom dwelling would offer an appropriate area that is large enough for residents to sit out and is not dissimilar in size to the private external spaces that other terraces in this row have available to them. Whilst not fully private, I also observed that due to their lack of vehicular access and position tucked away from Daisy Road, the front gardens in this row are likely to be more functional than average.
26. In addition, my attention is drawn Edgebaston Reservoir immediately adjacent to the rear garden. This is an attractive open space alongside a waterbody which is accessible for residents to enjoy via a short walk. This supplements the level of external space that residents have available to them. Importantly, the BDG:SPD document contains guidance and does not set mandatory policy standards. For the reasons set out, I am satisfied that the proposal aligns with the underlying guidelines in the BDG:SPD that all residents would be able to access private amenity space of a sufficient size and quality to serve the occupants.
27. I have found that the effect of the development on the living conditions of future occupiers for both internal space and outdoor amenity space to be satisfactory. Thus, it does not conflict with the overall thrust of DM10. Likewise, the development accords with policies DM2 and D12 of the DPD.

Conditions

28. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of clarity.
29. Proposed external facing materials are shown on the approved plans and would match the existing building. Accordingly, no condition is necessary in respect of this. I also note the Council do not request such a condition.

Conclusion

30. For the reasons given above, the appeal is allowed.

C Walker

INSPECTOR