



Appeal Decision

Site visit made on 4 April, 2025

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025.

Appeal Ref: APP/P4605/D/24/3357178
18 Blythsford Road, Birmingham B28 0UR

- 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 Bhanu Pathaia against the decision of Birmingham City Council.
 - The application Ref is: 2024/00932/PA.
 - The application is for proposed change of use from dwelling house (Use Class C3) to 3 bed House in Multiple Occupation (HMO) (Use Class C4).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the loss of a family dwellinghouse upon the housing needs of the area and the effect of the proposal upon the living conditions of neighbours.

Procedural Matter

3. The description of development used in the heading above differs from that used on the original application form and instead is that used by the Council on their Decision Notice that I consider better reflects the nature of the development proposed.
4. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published on 12 December 2024 (updated 7 February 2025) whose main focus was not directly relevant to this appeal. Nevertheless, I have determined this appeal in accordance with the revised provisions within the Framework.

Reasons

5. The appeal property is a two storey semi detached or link attached house within this residential street of mostly similar properties. The houses are typical of mid century semi detached houses and exhibit details such as hipped roofs and bay front windows. The property has a driveway to the side and a small garden to the front along with a rear garden. The house currently consists of two reception rooms and long gallery type kitchen and conservatory to the ground floor and two bedrooms and bathroom to the first floor.

6. The proposal before me seeks permission to change the use of this property from that of a single residential dwelling into a House of Multiple Occupation (HMO) whereby the main physical change would be to alter the rear reception room into a separate bedroom. It would appear that occupants would then occupy the front ground floor reception room as a living space and would share the long gallery kitchen.
7. By its very nature such a change of use would result in the loss of this dwelling from that of a home for a single household to one of individual occupants. The Council has provided extensive evidence to demonstrate their approach that underpins the findings of Policy TP35 of the Birmingham Development Plan and DM11 of the Development Management in Birmingham DPD through the Houses in Multiple Occupation SPD (2022), the Birmingham Housing and Economic Development Needs Assessment (HEDNA) (2022) and The Strategic Housing Market Assessment (SHMA) (2021). These documents demonstrate why the retention of family homes is important for the wider area. By contrast I have very little evidence other than anecdotal perceptions to advance the reasons in support of this application from the Appellant.
8. In considering this case I must take for my guide the evidence provided by the council in their approach to this matter. Although I accept that HMO properties such as the one proposed provide a need, often for younger people, this in itself does not outweigh the other demonstrable need for housing for families, of which this is a good housetype for such provision.
9. In considering the second reason for refusal with regards the effect of this proposal upon the living conditions of neighbours through increased noise and disturbance, I concur with the Council that housing up to five unrelated people in this property could well result in such comings and goings to and from this property so as to cause potential disruption to adjacent residents. However, through restricting through condition the inhabitants to three people there would be only a marginal difference between the proposed use and that of a family with two adults and older children. As such, I consider that, in terms of the effect upon the living conditions of neighbours that this scheme would represent only a negligible impact.
10. Ultimately, although this proposal, were it to be restricted to three persons, would have a minimal effect upon the living conditions of neighbours, the principle loss of a family home would have greater consequences for the housing needs of the city as a whole and would represent an unnecessary loss of a family home to this area. As such I find that there would remain conflict with Policy TP35 of the Birmingham Development Plan (2017).

Conclusion

11. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR