



Appeal Decision

Site visit made on 15 April 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st July 2025

Appeal Ref: APP/P4605/W/25/3359131

467 Harborne Park Road, Birmingham B17 0PS

- 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 Krekar Kawani of KKawani Limited against the decision of Birmingham City Council.
 - The application ref. is 2024/07309/PA.
 - The development proposed is a change of use from dwelling house (Use Class C3) to small 4-bed HMO (Use Class C4).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form contained narrative that did not comprise development. For clarity and brevity, I have instead used the description on the decision notice, subject to the point below.
3. It is common ground that the change of use has occurred, and I have dealt with the appeal on that basis but removed that part of the description of development on the decision notice as it does not itself comprise development.

Main Issues

4. The main issues in this appeal are the effect of the development on the:
 - character and appearance of the area
 - effect on the living conditions of neighbours, having particular regard to noise and disturbance
 - provision of needed housing types

Reasons

Character and appearance

5. The appeal property is a two-storey four-bedroom mid-terrace Victorian house with loft conversion located in a residential area near to the hospital and university. The short front garden is at a higher level than the street. Access to the front door is via steps and to the rear garden is via a covered and gated alleyway.
6. Larger front gardens that are level with the street have been surfaced, had their front boundary treatments removed and are parked with cars. During my site visit,

several gardens were overgrown or had rubbish in them and many wheelie bins were on the street or in gardens, creating an unkempt appearance.

7. The Council has provided evidence that over 28% of properties within 100m of the site are houses in multiple occupation (HMOs). This may explain the pressure on parking and refuse services, albeit industrial action at the time of my visit may account for the more recent domestic waste and bins.
8. The development converts a four-bedroom dwellinghouse to a house in multiple occupation, which is more likely to be occupied at or near capacity and by more than one household. It further intensifies the residential use of an area already subject to such a trend, increases comings-and-goings, decreases permanent population and runs contrary to its single-family household character.
9. Consequently, the development harms the residential character of the area, contrary to Policy DM11 of the Development Management in Birmingham Development Plan Document (DPD), which seeks to avoid over-concentrations of HMOs, and Policies PG3, TP27, TP28, TP30 and TP35 of the Birmingham Development Plan, which, amongst other things, require development to be locally sensitive, sustainable, adequately serviced, of appropriate density, and to protect the existing housing stock. I attach significant weight to these conflicts.

Living conditions

10. The above-described intensification and its effects, particularly the additional comings-and-goings are likely to lead to increased disturbance to neighbouring occupiers. The appellant does not dispute the Council's evidence as to the density of HMOs or that a single-family dwellinghouse would be sandwiched by them but argues that the combination of an existing HMO licence and a management plan will minimise disturbance.
11. HMO licences are issued under separate legislation and cannot be relied upon to be renewed or to secure planning objectives. Furthermore, as the property could be occupied by several people comprising four households, I am not persuaded that a management plan could adequately mitigate the effects of the resulting variability of activity. Combined with the wider effects of an already-high proportion of HMOs, I consider that this would harm the living conditions of neighbouring occupiers to an unacceptable degree.
12. This is contrary to Policy DM11 of the Development Management in Birmingham Development Plan Document (DPD), which seeks to avoid dwellinghouses being sandwiched by HMOs, and Policies PG3, TP27, TP28, TP30 and TP35 of the Birmingham Development Plan, which, amongst other things, require development to be locally sensitive, sustainable, adequately serviced, of appropriate density, and to protect the existing housing stock. I attach significant weight to this.

Needed housing types

13. The Council has identified a shortfall of 3-bedroom and 4+ bedroom dwellings by reference to its 2022 Housing and Economic Development Needs Assessment and completions data. The appellant does not dispute this, but highlights strong demand for shared housing, particularly near the hospital and university, and states that the internal layout is more suitable for shared accommodation.

14. The development converts a larger dwellinghouse into an HMO. I accept that this may satisfy demand for accommodation by students and key workers. However, the focus of policy is on meeting need rather than demand. I find, on balance, that the development would harm the provision of the greater-needed housing type.
15. This would be contrary to Policy DM12 of the Development Management in Birmingham DPD, which allows such conversions only where they do not result in the loss of a use that contributes to the Council's objectives, strategies and policies; and Policies PG3, TP27, TP28, TP30 and TP35 of the Birmingham Development Plan, which, amongst other things, require development to be locally sensitive, sustainable, adequately serviced, of appropriate density, and to protect the existing housing stock. I attach significant weight to these conflicts with policy.

Conclusion

16. For the reasons given above the appeal should be dismissed.

S Simms

INSPECTOR