



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/24/3357323

25 Oval Road, Birmingham B24 8PN

- 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 Madumere against the decision of Birmingham City Council.
 - The application ref. is 2024/05109/PA.
 - The development proposed is a change of use from C3 dwelling house to C2 residential institution.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on the:
 - character and appearance of the area
 - provision of needed housing types

Reasons

Character and amenity

3. The site comprises a two-storey four-bedroom mid-terrace Victorian house with large front and rear gardens in a street of similar and a wider residential area.
4. During my site visit, I observed several cars parked on the front gardens of many properties nearby, which have no boundary treatment with the street and in some cases have been surfaced. Construction and other waste appeared to have been in other gardens for some time, creating an unkempt appearance.
5. The Council has provided evidence that nearly 15% 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 may account for some of the more recent domestic waste and bins.
6. A local resident reports problems with the concentration of HMOs, children's and other homes, drug addiction, and crime; and I note that an Article 4 Direction now controls further changes of use to HMOs. Birmingham Children's Trust expresses concern about the suitability of both the layout and area for the use.
7. The proposal would convert a house in general occupation into a children's home, a form of specialist accommodation that would be more likely to be occupied at or near capacity than a dwellinghouse. As such, the proposal would further intensify the residential use of an area already subject to such a trend.

8. Consequently, the proposal would harm the residential character and amenity of the area, contrary to Policy DM12 of the Development Management in Birmingham Development Plan Document (DPD), which allows such conversions only where they do not lead to unacceptable adverse impacts on character.
9. The proposal would also be contrary to Policy PG3, TP30 and TP35 of the Birmingham Development Plan, which, amongst other things, require development to be locally sensitive, of appropriate density, and to protect the existing housing stock. I attach significant weight to these conflicts.

Needed housing types

10. 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 appears not to dispute this, but rather asserts that the need for children's homes outweighs it.
11. Paragraph 63 of the National Planning Policy Framework states that the need for housing for looked after children should be assessed by reference to the local authority's Children's Social Care Sufficiency Strategy. Neither this nor any similar document is before me, so I cannot be sure that a need exists.
12. The proposal would convert a 4-bedroom dwellinghouse into a children's home. I find, on balance, that this would harm provision of the greater-needed housing.
13. 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, TP30 and TP35 of the Birmingham Development Plan, which seek to make best use of buildings, to create balanced neighbourhoods and prevent loss of housing. I attach significant weight to these conflicts with policy.

Other Matters

14. Evidence submitted with the applications that led to the permissions for similar proposals cited by the appellant is not before me. In any event, each case must be determined on its own merits, which may include cumulative effects.
15. Whilst I note the difficulties in processing the application reported by the appellant, the appeals process is the remedy for any misunderstanding of evidence by either party due to lack of time or other circumstances.

Conclusion

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

S Simms

INSPECTOR