
Appeal Decision

Site visit made on 9 June 2025

by **A Oyebade MSc FCILT**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/P4605/W/25/3365333

471 Harborne Park Road, Harborne, Birmingham, West Midlands 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 Michael Howell against the decision of Birmingham City Council.
 - The application Ref is 2024/07673/PA.
 - The development proposed is the change of use from single dwelling house (Use Class C3) to 4-bed HMO (Use Class C4), erection of dormer window to rear and detached cycle storage building to rear.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this appeal are:
 - the effect of the development on the availability of family sized dwellings in the area; and
 - the residential character of the area with regards to the concentration of Houses in Multiple Occupation (HMO).

Reasons

Effect on the availability of family dwellinghouses

3. The appeal site lies within a row of 2-storey terraced residential properties on the southern side of this road. Its surrounding area is predominantly residential.
4. The Council's written statement indicates that there is a shortage of and demand for family dwellinghouses in the city, referring to its 2023-2028 Housing Strategy document which shows that around 31% and 18% of the 17,307 households on its housing register require 2-bedroom and 4-bedroom family homes respectively.
5. It also quoted Policy TP35 of the Birmingham Development Plan, adopted 2017, which states that the loss of residential accommodation will only be permitted if there is evidence that the property has been openly marketed city-wide at a reasonable purchase or rental price for at least 6 months, and this has been verified by a qualified person like an estate agent.
6. The Council also mentions that the two-bedroom property is classed as a family-sized dwelling capable of accommodating a family of four and, the proposed plans indicate that the property could reasonably be adapted to create a four-bedroom family home. Although the appellant says that this dwelling's suitability for family

occupation is limited, I concur that this 2-bedroom property can hold a small family, and if expanded in a manner harmonious with this development proposal, can be transformed into a 4-bedroom family home.

7. In relation to proof that this property has been marketed for rental or sale for a minimum of 6 months without success, the appellant stated that the property was originally advertised in April 2023 and was listed twice for sale via the process of modern auction. However, the submitted email dated 02 June 2025 from Shipway Estate Agent confirms that this property was listed for sale on 21 April 2023 and withdrawn on 21 August 2023, as the property was not sold within that timeframe. This is 2 months less than the 6 months period required by the development plan.
8. I am not convinced that this property in its current form cannot remain as a 2-bedroom family dwelling and be capable of being a 3 or 4-bedroom family property if modified in the fashion congruent with this development proposal. Additionally, the appellant has not shown that this building had been marketed for sale for a minimum of 6 months without success.
9. Therefore, the proposal would result in the loss of a family sized dwelling to the detriment of the established needs in the area, contrary to Policies PG3, TP30 and TP35 of the Birmingham Development Plan (Adopted 2017) and Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) 2022. Together these policies require new developments to deliver a range of dwellings that meet local needs, support the creation of mixed, balanced and sustainable neighbourhoods, demonstrate high design quality contributing to a strong sense of place, and that there is an established lack of demand for a single-family use, when converting existing C3 dwellinghouses to an HMO.
10. Moreover, the proposed development is against paragraph 129 of the National Planning Policy Framework which directs that planning decisions should support development that makes efficient use of land, noting the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

Concentration of Houses in Multiple Occupation (HMO) in the area

11. Policy DM11 of Development Management in Birmingham 2021 and the HMO SPD advise that proposals for the conversion of existing dwellinghouses or the construction of new buildings to be used as a HMO will be permitted where the ultimate number of HMOs would not exceed 10% of the number of residential properties within a 100metre-radius of the application site.
12. The Council's HMO report dated 13 June 2025 has indicated that 38 (circa 32%) of the 120 residential properties within 100 metres of this site are HMOs, which is approximately 3 times the maximum limit recommended by Policy DM11 of Development Management in Birmingham 2021. The appellant has conducted an independent assessment of the surrounding area and found that only 6 HMO licences are held within the 100m radius of the site and therefore concluded that the HMOs in this area would not exceed the 10% threshold stipulated in the SPD.
13. Nevertheless, on reviewing the Council's HMO SPD, I have found that HMOs are quantified using 4 different data sources encompassing properties that are licensed as HMOs or approved as C4 (HMOs containing 3 to 6 unrelated occupants) or Sui Generis HMO (holding 7 or more unrelated individuals), those

issued with certificates of lawful development and other dwellings declared as C4 HMOs, plus Council tax records. I therefore believe that the huge disparity between the Council's and appellant's figures would have been caused by the appellant's sole use of HMO licences, and that the Council's calculated proportion of HMOs would be more reliable.

14. I conclude that the development would have a harmful effect on the residential character of the area due to an overconcentration of HMOs, contrary to Policy DM11 of Development Management in Birmingham 2021.

Planning Balance

15. The appellant has stated that the proposed HMO would contribute to the need for affordable accommodation for young professionals, students and key workers in the city and highlighted that the Council acknowledges the role HMOs play in meeting housing needs in TP31 of the Development Plan. While the necessity for affordable housing aspect of Policy TP31 is relevant to the proposed development, its aim is to secure appropriate quantities across varied property sizes from all development proposals incorporating residential uses.
16. I have also noted from the appellant's statement that this property needs considerable renovation. Nonetheless, the proposed upgrade would have been essential to make it more habitable irrespective of the desired residential type. Hence, the affordability of the HMO can only be attributed a small amount of weight and, this would not outweigh the resultant harms in the reasoning above.

Conclusion

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

A Oyebade

INSPECTOR