



Appeal Decision

Site visit made on 27 October 2025

by K Dryden BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Appeal Ref: APP/P4605/W/25/3365559

19 George Road, Selly Oak, Birmingham B29 6AH

- 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 R O'Hare against the decision of Birmingham City Council.
 - The application Ref is 2024/06328/PA.
 - The development proposed is change of use from a Class C3 Dwelling House to a House in Multiple Occupation (HMO) falling within Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended) together with the erection of a front dormer.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council raises no concern over the proposed front dormer and based on my observations at the site visit I have no reason to take a different view. The main issue in dispute is whether the proposed House in Multiple Occupation (HMO) would provide acceptable living conditions for its future occupants with regard to private outdoor amenity space.

Reasons

3. Number 19 George Road is a two storey, mid-terraced dwelling house located within a mixed residential and commercial area. The University of Birmingham campus is a short distance from the appeal site and the local context includes purpose-built student accommodation. The road terminates with pedestrian access to an area of public open space, Bournbrook Recreation Ground (BRG).
4. The existing plans show the layout of the current dwelling as having three bedrooms, one of which is on the ground floor. The proposal retains these as bedrooms, with an additional bedroom created in the loft, through the provision of a front dormer extension. Ensuite facilities would serve each bedroom with a kitchen/lounge area provided to the rear of the ground floor.
5. The Houses in Multiple Occupation, Supplementary Planning Document (2022) requires the external areas of dwellings to be of sufficient size to accommodate waste storage requirements, make adequate provision for cycle parking and provide space for outdoor clothes drying, in addition to amenity space for residents. The Birmingham Design Guide Supplementary Planning Document (2022) states that communal amenity space should be provided within multi-unit residential schemes to encourage a sense of community amongst residents. Additionally, Birmingham Design Guide, Healthy Living and Working Places City Manual (2022)

(BDG HLWPCM), City Note LW-13, sets out as a minimum guide that 10sqm of outdoor amenity space per resident should be provided in new HMO proposals to achieve good standards of living accommodation for occupants.

6. The appellant states that as a C3 dwellinghouse the existing property could be occupied by up to 6 persons living as a single household, without the need for planning permission. This would be the fallback in the event of the appeal being dismissed. Whilst this is not disputed, it is hypothetical, and larger families would be more likely to buy or rent a property with a more generous yard or garden. The property could equally be used by a smaller household, and I note the Council's evidence to demonstrate that there are currently two occupants.
7. An HMO would be a more intensive use and in all probability the bedrooms would be used to capacity. Communal space, including outdoor space, would be important in this scenario to promote social cohesion. The 11sqm available in this case falls significantly below the minimum requirements of 10sqm of outdoor amenity space per resident as set out in the BDG HLWPCM. Although it does not have the status of policy, this document is an important material consideration, and I have attached the conflict with the guidance significant weight.
8. The constrained size of the rear garden area was immediately apparent at my site visit. Whilst two existing refuse receptors were stored in this area, there would not be sufficient space to accommodate covered and secure cycle storage for four cycles for the future occupants of the HMO. Even if there were, it would leave little or no space for activities such as drying washing or sitting out. Given the limited rear garden area, in combination with the absence of a front garden, I find the private outdoor amenity space provision to be unsatisfactory for the proposed HMO use.
9. In conclusion, the appeal site would provide unacceptable living conditions for future occupants with regard to private outdoor amenity space. This is contrary to Policies DM2 and DM11 of the Development Management in Birmingham Development Plan Document (Birmingham Plan 2031) (2021) (DMB DPD), which together seek to ensure that new development has access to high quality and useable amenity space, including adequate private external spaces.
10. The Council has referenced Policies PG3 and TP27 of the Birmingham Development Plan (Birmingham Plan 2031) (2017) which are not determinative in this case. Policy PG3 relates to high quality design through place making in new development proposals and Policy TP27 requires new housing development to contribute to sustainable neighbourhoods.

Other Matters

11. The appellant has drawn my attention to the BRG and Birmingham University recreational facilities which are within walking distance of the appeal site. However, neither compensates for the lack of appropriate private outdoor amenity space at the appeal site.
12. I have also had regard to a number of examples in the Selly Oak area where HMOs have been granted planning permission. Whilst the outdoor amenity space provision at 18 Coronation Road, 209 Hubert Road and 5 Lime Avenue would fall below the policy guidance requirements, it is evident that the quantum of provision was comparatively greater in each example than with the site subject to this appeal. Furthermore, the appeal decision at 29 Hubert Croft refers to communal

greenspace of the maisonette development which would be of a sufficient size to meet the needs of future residents. Accordingly, these examples are not directly comparable, and they do not persuade me that permission should be granted in this case.

13. The property has an extant prior approval consent for the erection of a single storey rear extension. This scheme had not been implemented at the time of my visit but even if it is implemented in the future, I have seen no evidence to demonstrate that it would result in a meaningful increase in outdoor amenity space sufficient to make the proposed conversion of the property to an HMO acceptable.
14. I have had regard to representations from local residents regarding the loss of family housing in addition to an overconcentration of HMO and student rental properties in the local area. However, the proposal would meet the exceptional circumstances test set out in Policy DM11 of the DMB DPD, where the area has an existing high concentration of HMOs and the loss of a family dwelling would not significantly harm the character of the area. Additionally, the proposed use would not be restricted to student occupancy.
15. Local residents have also expressed concern regarding the HMO internal space standards. However, the bedrooms and communal space would meet the required standards set out in Policy DM11 of the DMB DPD. The Council has raised no concerns regarding these matters which reinforces my view.
16. Interested parties have additionally raised concern regarding car parking and refuse arrangements. Given the lack of substantive evidence to show there would be harm arising from the development, I do not consider the proposal would be problematic in this respect. The Council does not find harm on these matters and the information before me does not lead me to a different conclusion.

Conclusion

17. For the reasons given above, I find that the proposal would conflict with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, I conclude that the appeal should be dismissed.

K Dryden

INSPECTOR