



Appeal Decision

Site visit made on 9 March 2026

by K Craddock BA (Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2026

Appeal Ref: APP/P4605/W/26/3377441

86 Castle Road, Weoley Castle, Birmingham, West Midlands B29 5HG

- 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 Said Moben Saidi against the decision of Birmingham City Council.
 - The application Ref is 2025/02561/PA.
 - The development proposed is Change of Use from 6-bed HMO (Use Class C4) to 9-bed HMO (Sui Generis)
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted a plan with the appeal showing additional amenity space and a cycle storage area. This plan did not form part of the original planning application and the Council has not had the benefit of assessing it nor has it been subject to a public consultation. For these reasons, I cannot take it into consideration in determining this appeal.
3. The Council have confirmed the first and third reasons for refusal should refer to Policy TP27 not T27.
4. I have taken into account the policies which the appellant considers to be relevant, taking into account the provisions of the development plan, however these have not been determinative in this appeal.

Main Issues

5. The main issues are:
 - a) the effect of the proposal on the living conditions of occupants in neighbouring properties, with regard to noise and disturbance;
 - b) the effect of the proposal on the living conditions of the occupants of 86 Castle Road, having regard to private amenity space; and
 - c) the effect of the proposal on the living conditions of the occupants of 86 Castle Road, having regard to sunlight and outlook.

Reasons

6. The appeal site is a traditional hipped semi-detached property, which has been extended with a two storey side extension and converted into use as a 6-bed House of Multiple Occupation (HMO). It is located on the end of a row of four

houses, set back at an angle from the junction of Castle Road and Princethorpe Road. The frontage is exposed and highly visible within the streetscene with pavements and footpaths running immediately in front of the boundary. The surrounding area is predominantly residential with a suburban feel and a cemetery is located opposite the site.

7. Policies PG3 and TP27 of the Birmingham Development Plan 2017 expects new development to achieve high design quality including, amongst other things, that private external spaces are attractive and functional.
8. Policies DM2 and DM10 of the Development Management in Birmingham DPD (DMBDPD) requires all development to be appropriate to its location and not result in unacceptable adverse impacts on the amenity of occupiers and neighbours. It notes that relevant considerations include sunlight, daylight, aspect, outlook, noise, fear of crime and anti-social behaviour, and access to high quality and useable amenity space. Outdoor amenity space is expected to be private, useable and of a sufficient scale.
9. Policy DM11 of the DMBDPD concerns HMOs and states that proposals for HMOs should protect the residential amenity and character of the area and will be permitted where they achieve a number of criteria. In particular, proposals for the expansion of existing HMOs should not give rise to unacceptable adverse cumulative impacts on amenity and character, and should provide high quality living accommodation including outdoor amenity space.

Noise and disturbance

10. Policy DM11 of the DMBDPD permits HMOs where they will protect residential amenity. Where proposals involve the intensification of an existing HMO, they must not give rise to unacceptable adverse cumulative impacts upon living conditions and must provide high quality accommodation and living space.
11. The proposed expansion to nine tenants represents a 50% increase in individual households residing at the property. This is likely to result in significantly more activity, noise and disturbance, especially when compared to the surrounding houses that typically provide family accommodation.
12. I acknowledge the appellant has submitted a management document, which details how they would intend to manage activity, noise and disturbance on site and within the outdoor areas. However, the proposed measures lack consistency and could not realistically be imposed. Prohibiting loud music at night would not prevent loud music during the day and, if this were to occur from nine separate sources, would result in an unpleasant disturbance. Internal gatherings have the potential to cause significant noise and disturbance, not only external gatherings.
13. The proposed restrictions on using the outdoor amenity space would be neither practical nor fair on future occupants. Limiting the use of the outdoor space to a maximum of two to three occupants at a time and restricting activities to specific times (i.e. hanging out laundry before 10am) does not take account of matters such as the weather or the usual patterns of daily life. Prohibiting occupants from using the outdoor amenity space after 8pm would be unsatisfactory, during summer months in particular.

14. Consequently the proposal is contrary to Policy PG3 which not only requires that new development ensures private external spaces are attractive, functional, inclusive and able to be managed for the long term, but also requires it to facilitate positive social interaction through layouts and open spaces. Restricting occupants from a building from mixing with each other would not encourage inclusivity and social interaction. If the appellant's case is that the outdoor space proposed needs to be so heavily restricted to make it acceptable in this location, then it fails to meet the aims of this policy.
15. The Management Plan refers to an on-site staff presence based on an eight hour shift pattern between 0800 and 2200 hours with weekend and on call cover. However, the floor plans do not show any office space or staff room to accommodate staff working on site, so it is difficult to see how they could be accommodated without encroaching into the living areas intended for the occupants.
16. The natural movement patterns of nine individual households would cause a disproportionately high level of noise and disturbance at the appeal property compared to the surrounding houses. The proposed restrictions on using amenity space, specifically intended to reduce disturbance experienced by neighbours, demonstrate the site is insufficiently sized for the number of tenants proposed. The proposed measures would be difficult, if not impossible, to enforce and therefore provide no reassurance that the living conditions of neighbouring occupiers could be protected.
17. I therefore conclude that the proposed change of use would significantly harm the living conditions of occupants in nearby properties. Accordingly, it conflicts with Policies TP27 and PG3 of the Birmingham Development Plan 2017 and Policy DM11 of the DMBDPD.

Private Amenity Space

18. The HMO Supplementary Planning Document (SPD) requires 10 square metres of amenity space per occupant. The proposal offers 56 square metres within the rear, wedge-shaped garden. This is considerably insufficient for the number of tenants proposed. The HMO Management Plan proposes a schedule of use and rota system for occupants to use the amenity space, which only provides further evidence that the amenity space available is inadequate to cater for the daily needs of tenants.
19. The exposed nature of the area at the front and side of the property mean it is unlikely that any additional quality private amenity space could be achieved within the site that would meet the requirements of Policies DM2, DM10 and DM11.
20. I therefore conclude that the proposed change of use would result in unacceptable living conditions for the occupants of 86 Castle Road with regard to private amenity space. Accordingly, the proposal conflicts with Policies DM2, DM10 and DM11 of the DMBDPD and the HMO SPD (2022).

Sunlight and outlook

21. During my site visit I noted two rooflights were present in the front roof plane of the property that would serve Bedroom 8. This would provide a future occupant of that

room with sunlight and outlook, thereby meeting the requirements of Policies DM2 and DM10.

22. I therefore conclude that the proposal would not result in unacceptable living conditions for the future occupants of Bedroom 8 at 86 Castle Road with regard to sunlight and outlook and it would accord with Policies DM2 and DM10 of the DMBDPD on this matter.

Other Matters

23. The appellant has drawn my attention to other appeals for similar developments. Whilst I have taken these into account, I am not aware of the full circumstances of these other cases and, in any event, each scheme must be considered and determined on its individual merits.

Conclusion

24. For the reasons given above, having considered the development plan as a whole and having regard to all other matters, I conclude that the appeal should be dismissed.

K Craddock

INSPECTOR