

# Report to Planning Committee

19 January 2022

<b>Application Reference</b>	DC/21/66185
<b>Application Received</b>	04 October 2021
<b>Application Description</b>	Proposed change of use from dwelling to 8 No. bedroom HMO (house in multiple occupation) with two/single storey side and single storey rear extensions.
<b>Application Address</b>	54 St James Road Oldbury B69 2DX
<b>Applicant</b>	Mrs Lavanya Gamsani
<b>Ward</b>	Oldbury
<b>Contact Officer</b>	Mr Andrew Dean <a href="mailto:andrew_dean@sandwell.gov.uk">andrew_dean@sandwell.gov.uk</a>

## 1 Recommendations

1.1 That planning permission is granted subject to:

- (i) External Materials;
- (ii) Car parking to be implemented and retained;
- (iii) Existing drop kerb to be extended;
- (iv) Details of Cycle storage;
- (v) Details of bin storage;
- (vi) No glazing shall be inserted into the Western facing side elevation of the proposed single and two storey side/ rear extension;
- (vii) Room 7 privacy glazing scheme;



- (viii) Details of drainage to the car parking area;
- (ix) Electric Vehicle Charging point;
- (x) Low NOx boilers;
- (xi) Construction management plan; and
- (xii) Details of security measures.

## 2 Reasons for Recommendations

2.1 The proposal raises no significant concerns from an amenity or design perspective and proposes suitable living accommodation. The Council's Highways team has raised no objections to the application with the development providing suitable parking provision for the number of rooms proposed. I am satisfied there would be no significant impact to the safety and convenience of users of the highway. Furthermore, there are no compelling policy reasons for refusal.

## 3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods – The design of the proposal is acceptable in respect of national and local planning policy.
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## 4 Context

- 4.1 At the last Committee meeting Members resolved to visit the site.
- 4.2 This application is being reported to your Planning Committee because 23 objections and a 36-signature petition against the proposal has been received.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[54 St James Road, Oldbury](#)

## 5 Key Considerations

5.1 The site is unallocated in the development plan.



5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)  
Planning history (including appeal decisions)  
Overlooking/loss of privacy  
Loss of light and/or outlook  
Layout and density of building  
Design, appearance and materials  
Access, highway safety, parking and servicing  
Noise and disturbance from the scheme

## 6. The Application Site

6.1 The application relates to a detached residential dwelling situated on the southern side of St James Road, Oldbury. The character of the surrounding area is residential in nature with a mixture of house types and designs visible in the street scene.

## 7. Planning History

7.1 There is no relevant planning history.

## 8. Application Details

8.1 The applicant is proposing to convert the property from a single dwelling to an 8 No. bedroom HMO (house in multiple occupation) as well as erecting a single/ two-storey side extension and single storey rear extension.

8.2 The proposed single and two storey side extension would measure 3.3 metres (W) by 7.8 metres (L) and have an overall height of 8 metres (5.7 metres to the eaves). The proposed two-storey side extension includes a 0.6m set back of the first floor to the front. The single storey side extension would measure 1.23m (W) by 2.26 metres (L) and have an



overall height of 2.9 metres with a flat roof. The single storey rear extension would measure 2.7 metres (L) by 7.1 metres (W) and have an overall height of 3.5 metres (3 metres to the eaves).

- 8.3 The proposed ground floor layout would provide 4 bedrooms each with an en-suite bathroom and a communal kitchen and dining area measuring 22m<sup>2</sup>. The proposed first floor layout would provide a further 4 bedrooms with en-suite bathrooms. The bedroom sizes including en-suite bathrooms are as follows:-

Bedroom 1 – 14.2m<sup>2</sup>

Bedroom 2 – 13.2m<sup>2</sup>

Bedroom 3 – 12.9m<sup>2</sup>

Bedroom 4 – 12.3m<sup>2</sup>

Bedroom 5 – 14.6m<sup>2</sup>

Bedroom 6 – 12.2m<sup>2</sup>

Bedroom 7 – 13.3m<sup>2</sup>

Bedroom 8 – 12.3m<sup>2</sup>

## 9. Publicity

- 9.1 The application has been publicised by neighbour notification letter, site notice and notification to local ward members with 23 objections and a 36-signature petition against the proposal being received.

## 9.2 Objections

Objections have been received on the following grounds:

- i) The development has a lack of car parking for residents. St James Road already suffers from high levels of on street car parking and the situation is exacerbated by the proximity of Rounds Green primary school. St James Road is also a major bus route.
- ii) Concerns regarding the additional sewage generated by 8 bathrooms.



- iii) Anti-social behaviour and general concerns regarding the type of people who will be living at the property, school children walk past the property and safety of neighbouring residents. An existing HMO on an adjacent street has caused issues such as loud music etc.
- iv) A HMO is out of character with the surrounding area which is dominated by medium/low density single family housing with associated private amenity space or gardens, mainly detached, semi-detached and terrace houses.
- v) The proposal is contrary to PPS 7 - Safeguarding the Character of Established Residential Areas which applies to established residential areas.
- vi) The proposal would result in noise and disturbance.
- vii) Overdevelopment of the site.
- viii) It is the understanding of local residents that the property would be used as a bail hostel/ halfway house for offenders. This is inappropriate for the surrounding area.
- ix) The development would attract visitors as well as tenants.
- x) The property should be retained for family housing.
- xi) The plans do not provide sufficient external access - ie means of escape in case of fire.
- xii) There is no guarantee that the site would be used eight people with the potential for more to be staying in each room.
- xiii) The development would set a precedent.
- xiv) The proposal extension would result in loss of light into two side facing windows.
- xv) The proposal would overlook the objector's property causing a loss of privacy to the objector garden.
- xvi) The application form has been completed incorrectly with the site being listed as not vacant.

Immaterial objections have been raised regarding loss of property value, the effect the proposal would have on a local child-minding business, disturbance caused during refurbishment works and the impact building work/seeing strangers in the local area would have on a local resident.



## 9.3 Responses to objections

I respond to the objector's comments in turn:

- (i) The applicant has demonstrated on plan the frontage of the property would be converted to car parking with 4 spaces being provided for residents. The applicant has amended the plan to show that the proposed spaces meet size requirements of Highways. The revised parking plan meets the Council's standards for houses in multiple occupation and Highways have no objections to the application (refer to 10.2 below).
- (ii) I am satisfied that any future drainage details and connections to the public sewer would be dealt with via building regulations approval and Severn Trent. A condition has been included within the recommendation for drainage details (to include SuDS) to be submitted and approved for the proposed car parking area to the front.
- (iii) The local planning authority has no control over the prospective occupants of the HMO. West Midlands Police has raised no objections (see 10.5). In addition, in terms of future occupiers, they would be expected to abide by the rules and regulations set out in the conditions of their tenancy and these will be managed by the landlord. The local authority can impose fines of up to £5,000 on landlords, if these regulations are not complied with.
- (iv) It is considered that a house in multiple occupation contributes to the range of housing needs that are required within the borough; and with the right design and layout and appropriate management through Private Sector Housing licensing they can make a positive contribution to an area. Furthermore, it is a permitted change under the Use Classes Order that a residential dwelling can be converted into a 6-person HMO without planning approval.
- (v) Planning Policy Statements were replaced by the National Planning Policy Framework in 2012. However, the property would remain as a residential use within a residential area and has sufficient off-street car parking to meet Highway's standards.
- (vi) Public Health has reviewed the application and raised no concerns regarding over excessive noise being an issue for residents in the



wider area. As a residential use, I have no significant concerns in respect of the impact of the proposed HMO on noise.

- vii) The proposed extensions are acceptable in scale and appearance and would sit comfortably within the site. The layout of the proposed HMO complies with HMO standards and the required amount of car parking can be provided on the property frontage. I therefore do not consider the proposal to be over development of the site.
- viii) The applicant has confirmed the proposed use would not be for a bail hostel and would be a professional-let HMO. As a bail hostel is a sui generis use, should the applicant wish to use the site for this purpose a new planning application would be required.
- ix) The local planning authority are unable to control people visiting residents at a property.
- x) This is the opinion of the objector. HMO's provide an alternative accommodation type in the borough and as stated above, it is a permitted change under the Use Classes Order that a residential dwelling can be converted into a 6-person HMO without planning approval.
- xi) Fire safety and means of escape would be addressed through building regulations and the HMO licence procedure.
- xii) As no separate living room has been provided, the bedroom sizes proposed are only suitable for single occupancy resulting in a total of 8 residents being accommodated on the site.
- xiii) Each application is assessed on its own individual merits.
- xiv) The proposed extension would not be constructed up to the boundary with the objector's property. A 1.1m gap from the proposed side wall of the extension to the property boundary would be maintained to allow access to the rear. The two side facing windows on the gable wall serve as secondary windows and it is typical that these windows face on to gable walls which is seen on neighbouring properties on the street. The agent has demonstrated on plan that no breach of the 45-degree code would take place from the objector's rear facing windows and the proposed two storey side extension. The objector's rear wing does have a window facing onto the applicant's property. Whilst the



outlook from this window would be of the side elevation of the proposed single storey rear extension, due to the levels change and existing boundary treatment, I do not consider a significant loss of light or outlook would occur. Furthermore, when assessing impact, consideration needs to be made in terms of extensions the applicant could erect under permitted development. Permitted development would allow the applicant to erect a single storey side extension which is slightly reduced in width by 0.2m and projects beyond the rear elevation of the applicant's property by 4 metres with an overall height of up to 4 metres. On this basis, I consider any loss of light or outlook would not be so significant to warrant refusal of the application.

- xv) No windows proposed would be directly overlooking the objector's property with the proposed west facing elevation of the single and two storey side/ rear extension containing no glazing. The proposed first floor rear window contained within the two-storey side extension would overlook the applicant's own rear garden area. Some overlooking of neighbouring properties garden areas is typical for first floor rear windows. However, due to the levels change, and to restrict any potential loss of privacy to the window mentioned above, a condition for a privacy glazing scheme to be submitted and approved for room 7 has been included within the recommendation.
- xvi) This is noted, although the site contains an existing residential property.

## 10. Consultee responses

### 10.1 Planning and Transportation Policy

No objection.

### 10.2 Highways

No objection. HMOs require one off street car parking space for every two bedrooms proposed. The applicant would be providing the required



four off street spaces to the property frontage. The amended plan demonstrates the spaces comply with Highways requirements of 2.8 metres x 5 metres.

### 10.3 Public Health (Air Quality)

No objection subject to a condition for an electric vehicle charging point, low NOx boilers and construction management plan.

### 10.4 Public Health (Air Pollution and Noise)

No objection subject to hours of construction being limited. Confirmation of construction hours will be included within the construction management plan condition.

### 10.5 West Midlands Police

No objection subject to a condition relating to security measures being included within the recommendation. Concerns were noted relating to the transient nature of occupants and the potential risk of conflict within premises.

### 10.6 Housing

Matters raised fall under building regulations and the Housing Act. These comments have been passed to the agent.

## 11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

11.2 The policy also refers to highways and states that: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative*



*impacts on the road network would be severe*'. No objections have been raised by highways.

11.3 In addition, with regard to crime and anti-social behaviour: *'... create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'* As indicated above, there is no factual evidence to suggest that the proposal would increase crime, and the development itself is well designed according to the standards of the council's residential design guidance and HMO regulations.

## 12. Local Planning Policy

12.1 The following policies of the Council's Development Plan are relevant:

DEL1: Infrastructure provision

HOU1: Delivering Sustainable Housing Growth

HOU2: Housing Density, Type and Accessibility

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect

ENV8: Air Quality

TRAN4: Creating Coherent Networks for Cycling and Walking

SAD H2: Housing Windfalls

SAD EOS9: Urban Design Principles

12.2 DEL1 refers to providing suitable on-site infrastructure provision. In this instance the scheme provides electric vehicle charge points, a parking area, bins and cycle stores which support other policies within the core strategy.

12.3 HOU1 requires the local planning authority to deliver 63,000 homes upto 2026, at present there is a housing shortfall and hence the introduction of this HMO will create additional homes for residents.



- 12.3 HOU2 refers to providing a range of types of accommodation. In the instance of this locality, the area is primarily residential family housing, however it is considered that a HMO would contribute to the existing range of accommodation in the area.
- 12.4 ENV3 and SAD ESO9 encourage high quality design. I consider the design of the proposed extensions to be acceptable in appearance and the internal room sizes and shared areas of the HMO would meet housing requirements. Matters relating to cycle storage and bin storage can be conditioned.
- 12.5 ENV5 requires development to reduce the capacity on sewers through the use of SuDS, and the scheme can be conditioned to ensure that the frontage provides a drainage scheme that meets this requirement.
- 12.6 A condition for an electric vehicle charging point, low NOx boilers and a construction management plan meets the mitigation measures set out within the Black Country Air Quality SPD and accords with policy ENV8.
- 12.7 TRAN4 states that: 'Cycle parking facilities should be provided at all new developments and should be located in a convenient location...'. A condition for details of cycle storage to be submitted and approved has been included within the recommendation.
- 12.8 The proposed development meets the guidance set out in the policy SADH2 in that it is previously developed brownfield land and it compatible with other development plan policies.

### 13. Material Considerations

- 13.1 National and local planning policy considerations have been referred to above in sections 11 and 12. With regards to the other material considerations, these are highlighted below:



### 13.2 Planning history (including appeal decisions)

Members should also be mindful of a previous inspector's decisions.

Firstly, the Inspectorate decision for Brunswick Terrace stated:

*'Anti-social behaviour does not seem to me to be an inevitable consequence of HMOs as opposed to the single occupation of dwellings, but rather a question of individual behaviour and appropriate management.'* (Inspector appeal decision)

Secondly, the planning appeal for HMOs along Bearwood Road, and indeed more recent appeals have been allowed following refusal. The critical factors to consider are whether members consider that in this location the scheme would be inappropriate in its scale and character, and whether there is factual evidence to suggest that in introducing HMOs in this area, they would increase crime and anti-social behaviour. From the information presented, there is no evidence to suggest that crime and anti-social behaviour would worsen, particularly given that the scheme would be licensed and fines can be issued of up to £5,000 for breaches of the licence.

### 13.3 Layout and density of building

The layout of the proposal accords with the standards set out for HMOs and the proposed extension is of a suitable scale and appearance.

### 13.4 Overlooking/loss of privacy

No windows proposed would be directly overlooking adjacent dwellings with the proposed west facing elevation of the single and two storey side/ rear extension containing no glazing. The proposed first floor rear window contained within the two-storey side extension would overlook the applicant's own rear garden area. Some overlooking of neighbouring properties garden areas is typical for first floor rear windows. However, due to the levels change, and to restrict any potential loss of privacy of an adjacent dwellings side facing window, a condition for a privacy



glazing scheme to be submitted and approved for room 7 has been included within the recommendation.

### 13.5 Loss of light and/or outlook

The proposed extension would not be constructed up to the boundary with the objector's property. A 1.1m gap from the proposed side wall of the extension to the property boundary would be maintained to allow access to the rear. The two side facing windows in the gable wall serve as secondary windows and it is typical that these windows face on to gable walls which is seen on neighbouring properties on the street. The agent has demonstrated on plan that no breach of the 45-degree code would take place from the objector's rear facing windows and the proposed two storey side extension. The objector's rear wing does have a window facing onto the applicant's property. Whilst the outlook from this window would be of the side elevation of the proposed single storey rear extension, due to the levels change and existing boundary treatment, I do not consider a significant loss of light or outlook would occur. Furthermore, when assessing impact, consideration needs to be made in terms of extensions the applicant could erect under permitted development. Permitted development would allow the applicant to erect a single storey side extension which is slightly reduced in width by 0.2 metres and projects beyond the rear elevation of the applicant's property by 4 metres with an overall height of up to 4 metres. On this basis, I consider any loss of light or outlook would not be so significant to warrant refusal of this application.

### 13.6 Design, appearance and materials

The proposed extensions are suitable in design and appearance with the proposed two storey side extension complying with design guidance contained within the Revised Residential Design Guide SPD in that it has a first floor set back and drop down of the ridgeline. A condition for



the external materials to match the existing property has been included within the recommendation.

### 13.7 Access, highway safety, parking and servicing

It is appreciated that residents are concerned about parking associated with this proposal and the potential negative effect it would have on road safety. I am satisfied that the proposed parking provision will meet the needs of the development and accords to parking standards for HMOs. Furthermore, the Head of Highways has raised no objections to the application.

### 13.8 Noise and disturbance from the scheme

Public Health has reviewed the proposal and raised no objections to the application on noise grounds.

## 14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant policies and there are no material considerations that would justify refusal.

## 15 Implications

<b>Resources:</b>	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.



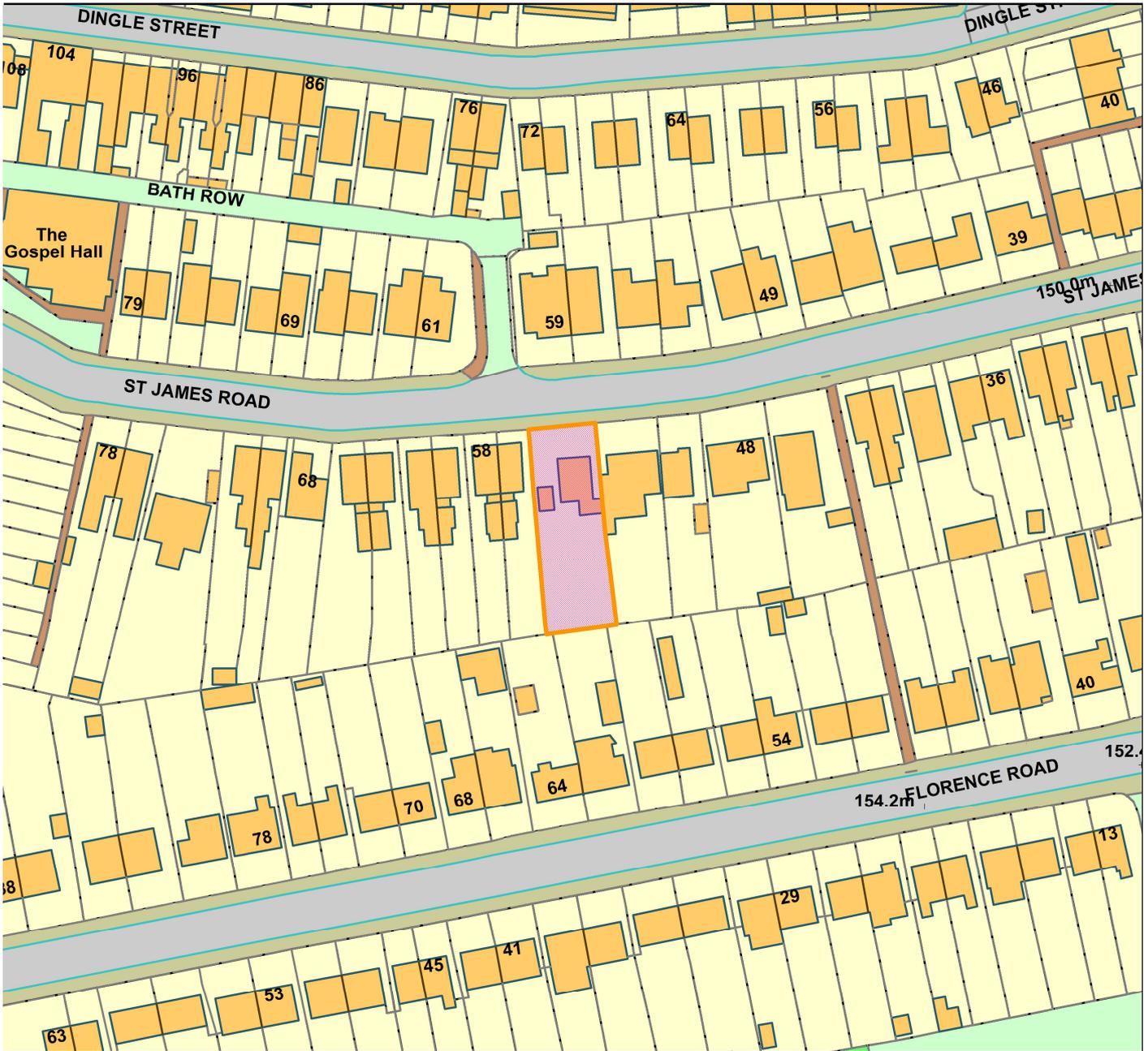
<b>Health and Wellbeing:</b>	Refer to the summary of the report (2.1).
<b>Social Value</b>	Refer to the summary of the report (2.1).

## 16. Appendices

Site Plan  
Context Plan  
PL01 REVA  
PL02



DC/21/66185  
54 St James Road, Oldbury, B69 2DX



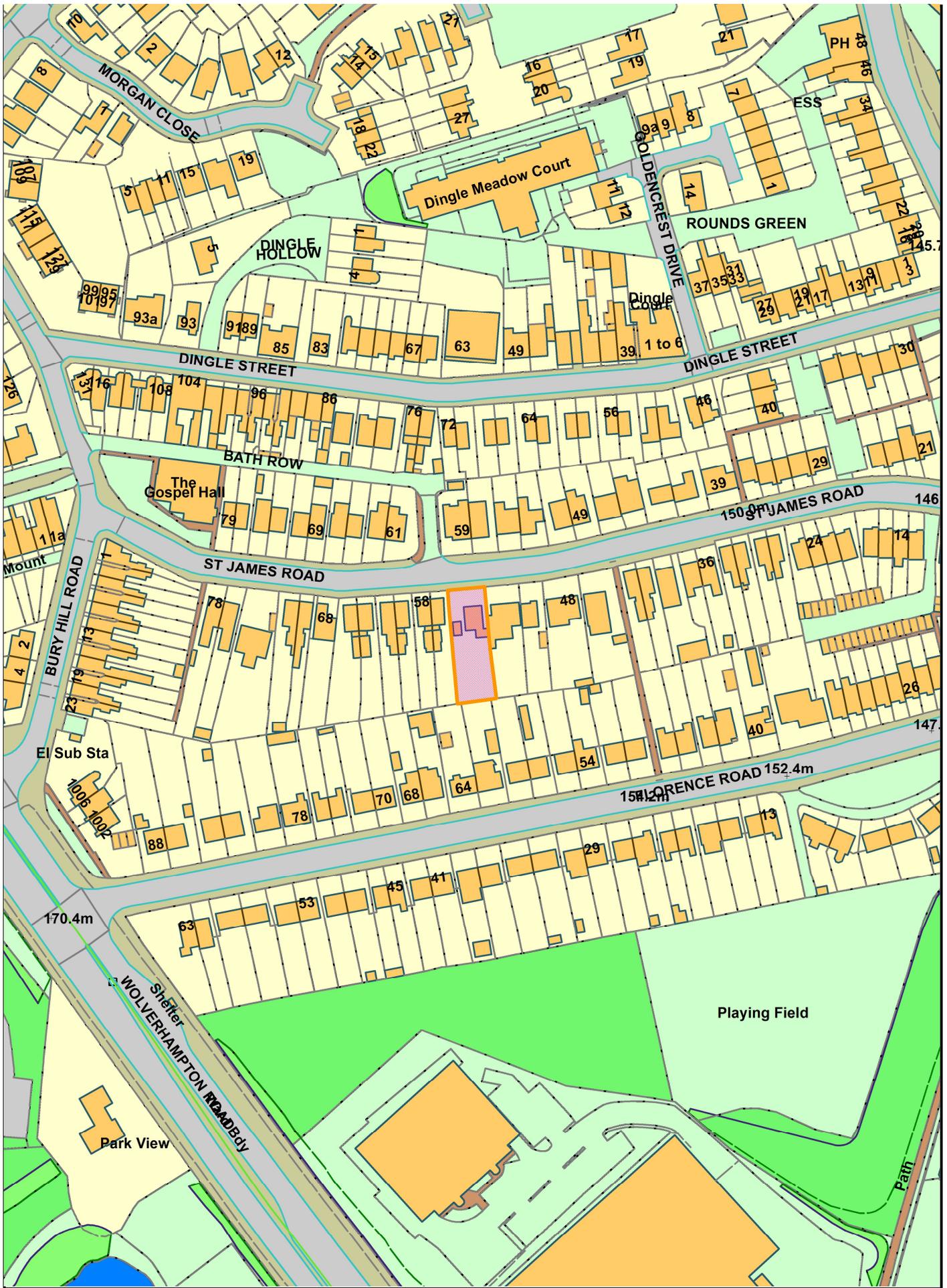
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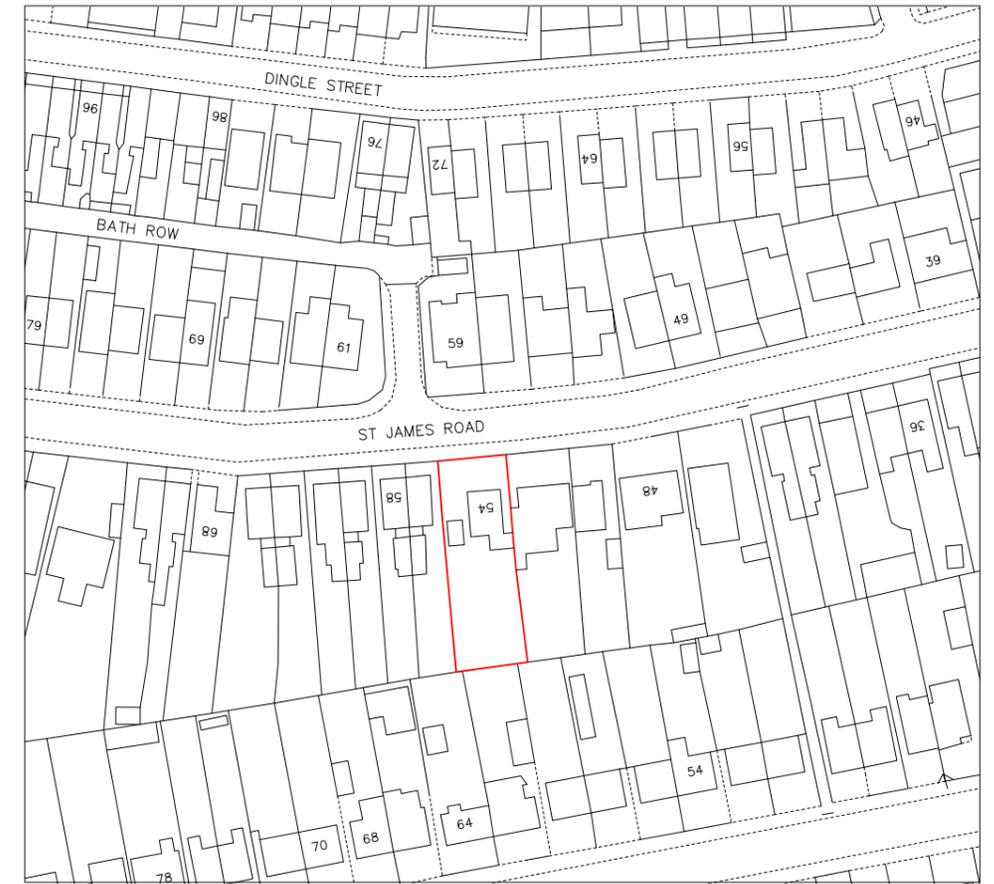
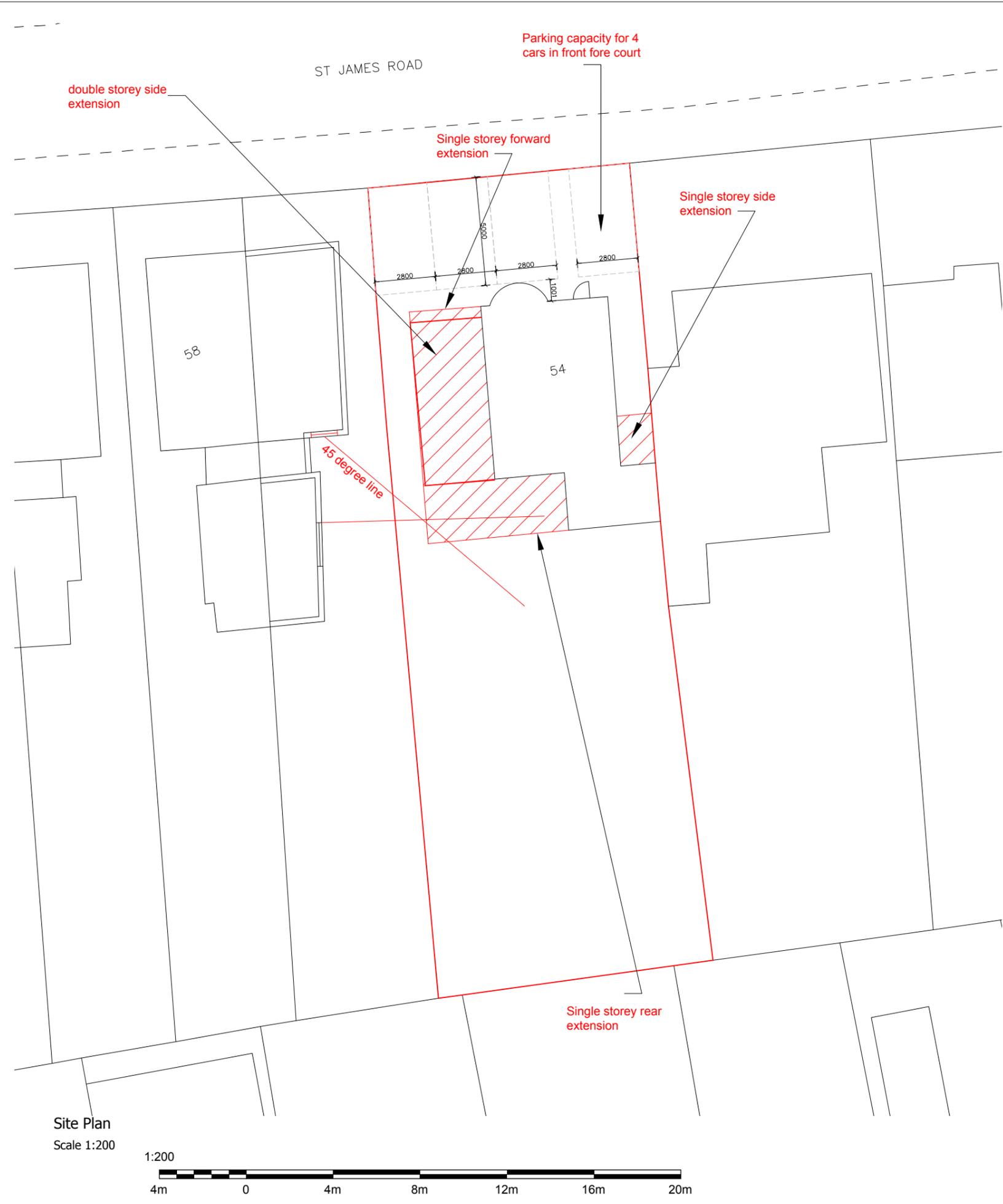
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<b>Date</b>	23 November 2021
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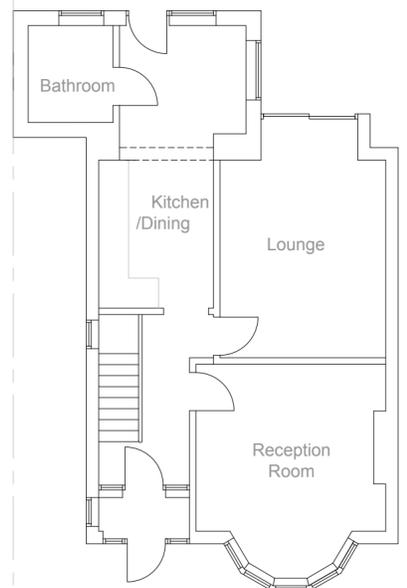




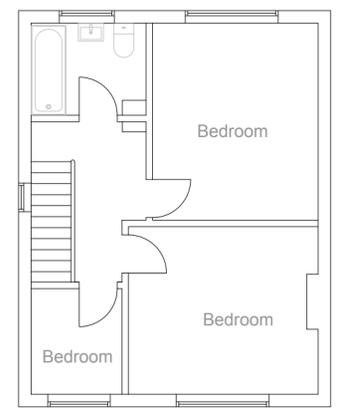
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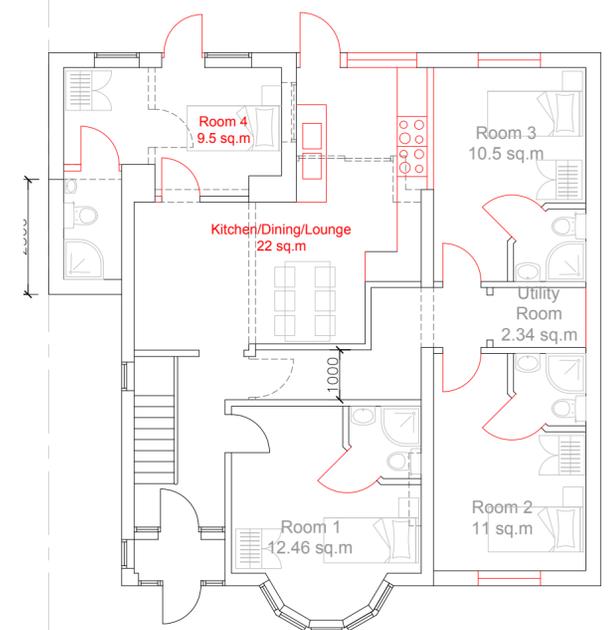
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				Drawn by: [blank]
				Date: Aug 2021
				Status: [blank]
				Title: Location Plan and Site Plan
			Drg. No. PL01	Rev: A
<p><b>ANJUM DESIGN</b></p> <p>Anjum Design Limited, Suite 104, 123 Stratford Road, Shirley, Solihull B90 3ND TEL: 0121 364 7650 E: info@anjumdesign.co.uk</p>				



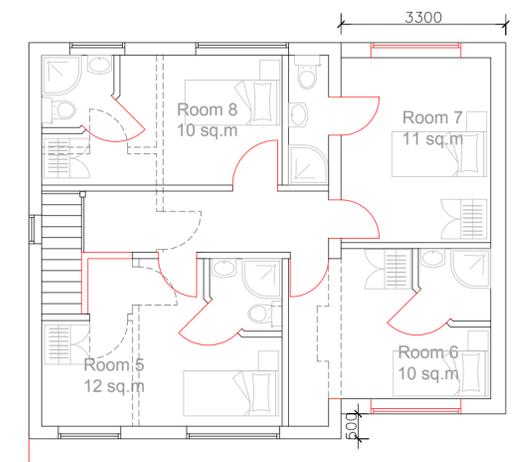
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Existing First Floor  
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Proposed Ground Floor  
Scale 1:100



Proposed First Floor  
Scale 1:100



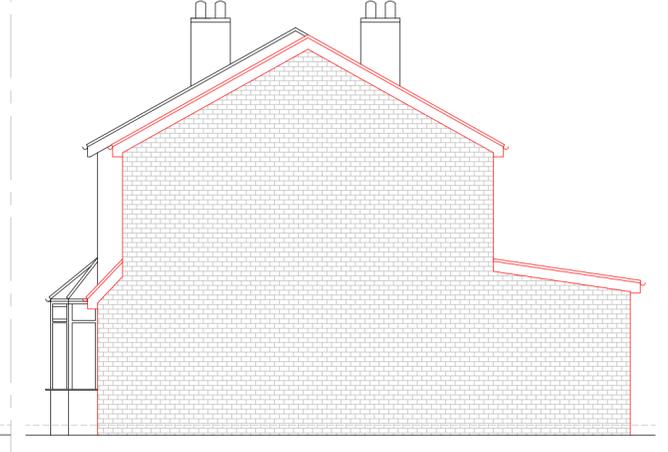
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Existing Side Elevation  
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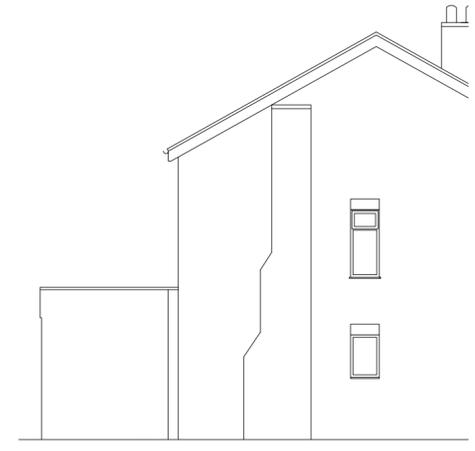
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Proposed Side Elevation  
Scale 1:100



Existing Side Elevation  
Scale 1:100



Existing Rear Elevation  
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Proposed Side Elevation  
Scale 1:100



Proposed Rear Elevation  
Scale 1:100

Rev	Description	Date	chkd	Project:
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				Scale: As shown @ A2
				Drawn by: [blank] Date: Aug 2021 Status: [blank]
				Title: Existing and Proposed Floor Plan & Elevations
Anjum Design Limited, Suite 104, 123 Stratford Road, Shirley, Solihull B90 3ND TEL: 0121 364 7650 E: info@anjumdesign.co.uk				Drg. No. PL02 Rev: [blank]