

Report to Planning Committee

9 March 2022

Application Reference	DC/21/66003
Application Received	13 August 2021
Application Description	Proposed change of use from dwelling to 7 No. bedroom HMO (House in multiple occupation) with single storey side/ rear extension and rear dormer window.
Application Address	8 Anderson Road Smethwick B66 4AR
Applicant	Genius Property Assets Ltd
Ward	Abbey
Contact Officer	Mr Andrew Dean andrew_dean@sandwell.co.uk

1 Recommendations

1.1 That planning permission is granted subject to:

- (i) External Materials;
- (ii) Car parking to implemented and retained;
- (iii) Cycle storage to be implemented;
- (iv) Details of bin storage;
- (v) Electric Vehicle Charging point;
- (vi) Low NOx boilers;
- (vii) Construction management plan;




- (viii) Details of security measures; and
- (ix) No burning of waste on the site.

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 This application is being reported to your Planning Committee because 10 objections to the application have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[8 Anderson Road, Smethwick](#)

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)



Proposals in the Development Plan
Planning history (including appeals)
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 semi-detached residential dwelling situated on the northern side of Anderson Road, Smethwick. The character of the surrounding area is predominantly residential in nature. However, Anderson Road also contains a gym car park opposite and some commercial properties at its eastern end. The property is approximately 90 metres from a town centre allocation and 118 metres from Bearwood Road.

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 into a 7 No. bedroom HMO (house in multiple occupation) as well as erecting a single storey side/ rear extension and rear dormer window.
- 8.2 The proposed single storey side/ rear extension would be separated into two sections to create an enlarged kitchen and bedroom. The kitchen extension would measure 2.3 metres (W) by a 4.8 metres (L) with an overall height of 3.1 metres (2.3 metres to eaves). The bedroom extension would measure 1 metre (W) by 3.2 metres (L) with an overall height of 3.8 metres (2.7 metres to eaves). The proposed dormer is L shaped in design and would have a combined cubic content of 35.36m³.



I have been advised by an objector that the dormer window has been erected on the site. However, as the dormer does not exceed 50m³ or the highest part of the roof, is set back from the eaves of the property by 0.2m and would be clad in hanging roof tiles, it can be erected under the dwellings existing permitted development rights.

- 8.3 The proposed ground floor layout would provide 3 bedrooms each with an en-suite bathroom and a communal kitchen/dining area measuring 20.6m². The proposed first floor layout would provide a further 3 bedrooms with en-suite bathrooms with a further bedroom with en-suite being accommodated within the loft. The bedroom sizes excluding en-suite bathrooms and including wardrobes are as follows:-

Bedroom 1 = 10.42 m²

Bedroom 2 = 10.93 m²

Bedroom 3 = 11.84 m²

Bedroom 4 = 13.02 m²

Bedroom 5 = 10.94 m²

Bedroom 6 = 10.16 m²

Bedroom 7 = 19.35 m²

- 8.4 The applicant has provided additional information concerning highways and room sizes and confirmed the proposal would be for 7 persons only.

9. Publicity

- 9.1 The application has been publicised by neighbour notification letter and site notice, with 10 letters of objection being received.

9.2 Objections

Objections have been received on the following grounds:

- i) The access to the rear of 8 Anderson Road is via a small padlocked gate with access limited to 103-97 Poplar Road. Residents are concerns about security as a result of more people



using this access. An adjacent property (10a) was refused permission by the Secretary of State to use this access due to the security of other residents' properties.

- ii) Car parking concerns. On street car parking on the surrounding streets are for permit holders only. Each self-contained unit can apply for two permits which has not been taken into consideration.
- iii) Article 4 states that HMOs should not be allowed next to each other. This proposal breaches this rule as No. 10 has been converted into a 6 bed HMO.
- iv) The room sizes create tiny units which are unsuitable for individuals.
- v) The proposal would increase the level of activity over and above that associated with a family dwelling.
- vi) There must be adequate outdoor amenity space which doesn't overlook living rooms/bedrooms.
- vii) The proposal is over development of the site.
- viii) The development of HMO's in the surrounding area has resulted in an increase in pollution and anti-social behaviour.
- ix) The proposed dormer window would be at a higher level and extend beyond the building line of the street. The dormer would also look down on the upstairs bedroom window and courtyard of 10A Anderson Road causing a loss of privacy, outlook, light and noise disturbance.
- x) The proposal would increase cooking smells and odours.
- xi) The proposal would set a precedent.
- xii) The building at the rear of No. 8 is attached to 10A with no supports of its own. This must be illegal.

Immaterial objections have been raised regarding loss of a family home, loss of property value, an imbalance of HMOs in the surrounding area, existing HMO's not being maintained and potential tenants not being professionals.

9.3 Responses to objections

I respond to the objector's comments in turn:



- (i) The granting of planning approval would not override or supersede any restricted rights of access or legal covenants in place.
Reviewing aerial images, it is clear the garage to the rear of No.8 is well used via the accessway between No 12 Anderson Road and Noble House. An image of two vehicles parked in the garage has been supplied within the technical Note Parking Assessment Addendum. As is now, residents are and would be responsible for ensuring the gate remains secure.
- (ii) The Head of Highways has confirmed the property would receive two on street car parking permits and the applicant has demonstrated that two vehicles can be accommodated in the rear garage. The proposal therefore meets Council's standards for houses in multiple occupation (1 car parking space per 2 bedrooms). The Head of Highways therefore have no objections to the application (refer to 10.2 below).
- (iii) There are no Article 4 directions in relation to Houses in Multiple Occupation within Sandwell Borough.
- (iv) The proposal is for a house in multiple occupation with shared facilities. The proposed bedrooms are not self-contained.
- (v) The proposal is for a 7-bedroom HMO and the applicant has confirmed it would be for 7 persons only. It is also noted the applicant could convert the property into a 6-person HMO under permitted development rights. Taking into consideration the size of the kitchen/living room facilities, I am of the opinion only bedroom 7 could potentially be used for double occupancy. However, I do not consider 1 additional person or at worst 2 additional people over the permitted 6 people would result in significant levels of noise and disturbance to neighbouring dwellings above that of a large family dwelling.
- (vi) The proposal would retain 41 metres of external amenity space. All rooms proposed would have adequate access to natural light.
- (vii) I do not consider the proposal to be over development of the site. The proposed extensions are minor in nature with the rear dormer window being to the size requirements allowed under permitted development rights for a dwelling house.



- (viii) The local planning authority has no control over the prospective occupants of the HMO. West Midlands Police has raised no objections (see 10.4). 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.
- (ix) As stated above, the rear dormer window can be erected under the properties permitted development rights. I do not consider a significant loss of privacy, outlook, light or noise and disturbance would occur.
- (x) The proposal is for a shared dwelling and not a commercial cooking enterprise. I do not consider neighbours would suffer significant levels or disturbance from cooking smells or odours.
- (xi) Each application is assessed on its own individual merits.
- (xii) This is a civil matter between the two private landowners.

10. Consultee responses

10.1 Planning Policy

No objection.

10.2 Highways

No objections. As the provision of two off street spaces to the rear has been confirmed and our parking team have confirmed that two parking permits would be issued to the property, they will be able to provide one off street space per two bedrooms.

10.3 Public Health (Air Pollution and Noise)

No objections subject to conditions for hours of construction and no burning of waste on the site.



10.4 West Midlands Police

No objection.

10.5 Private Sector Housing

Matters raised fall under building regulations and the Housing Act.

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

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 cycle storage and car parking with conditions for an electric vehicle charging point and bins stores. These support other policies within the core strategy.
- 12.3 HOU1 requires the local planning authority to deliver 63,000 homes up to 2026, at present there is a housing shortfall and hence the introduction of this HMO will create additional homes for residents.
- 12.4 HOU2 refers to providing a range of types of accommodation. It is considered the HMO would contribute to the existing range of accommodation in the area.
- 12.5 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 bin storage can be conditioned.
- 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...'. The applicant has demonstrated that cycle storage would be accommodated in the rear garden of the property. A condition to ensure it is provided and retained 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 is 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 and rear dormer is of a suitable scale and appearance.

13.4 Overlooking/loss of privacy

I am satisfied no significant loss of privacy or overlooking would occur from the ground floor extensions. A rear dormer window with rear facing windows is an alteration allowed to certain sizes under permitted development rights for a dwelling house. I therefore do not consider this development would result in a significant loss of privacy or overlooking.

13.5 Loss of light and/or outlook

Taking into consideration the scale and height of the proposed extensions to the property and the existing building arrangements/design, I do not consider a significant loss of light or outlook would occur to neighbouring dwellings.

13.6 Design, appearance and materials

The proposed extensions and rear dormer window are suitable in design and appearance. 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

Resources:	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.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None.
Social Value	None.

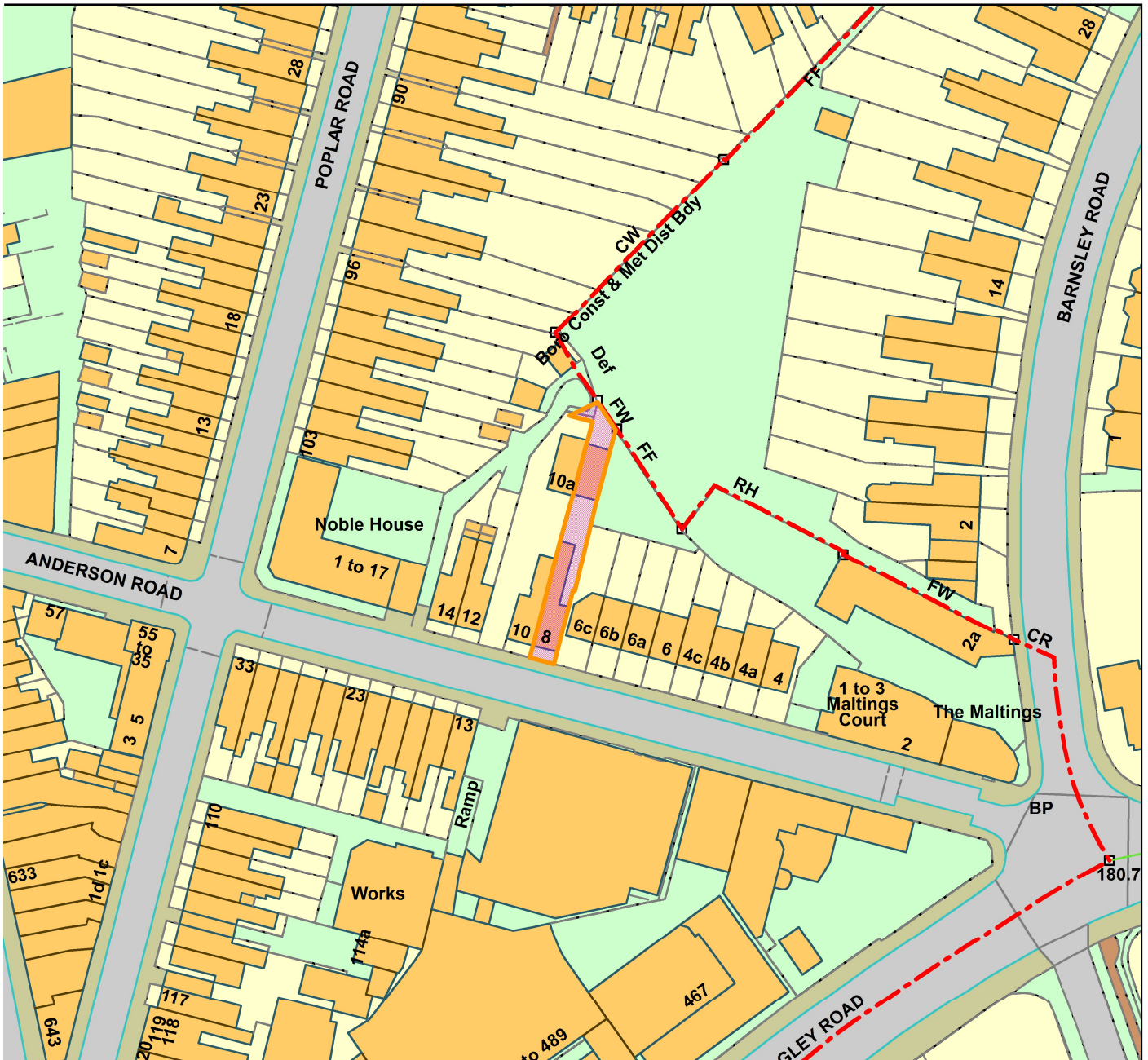
16. Appendices

Site Plan
Context Plan
P005
P001
P002 REV A
P003 REV A
P004 REV A
P006



DC/21/66003

8 Anderson Road, Smethwick



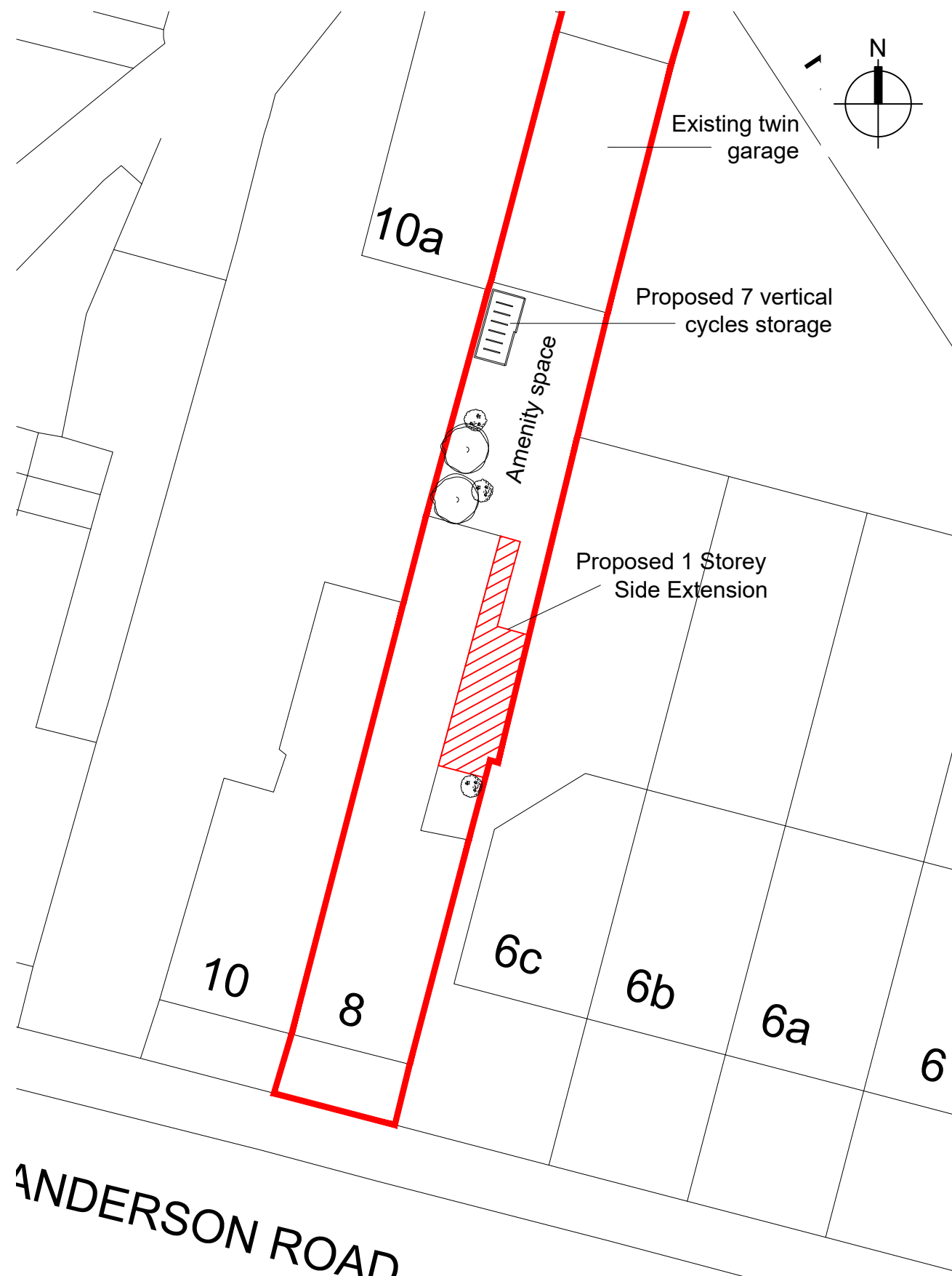
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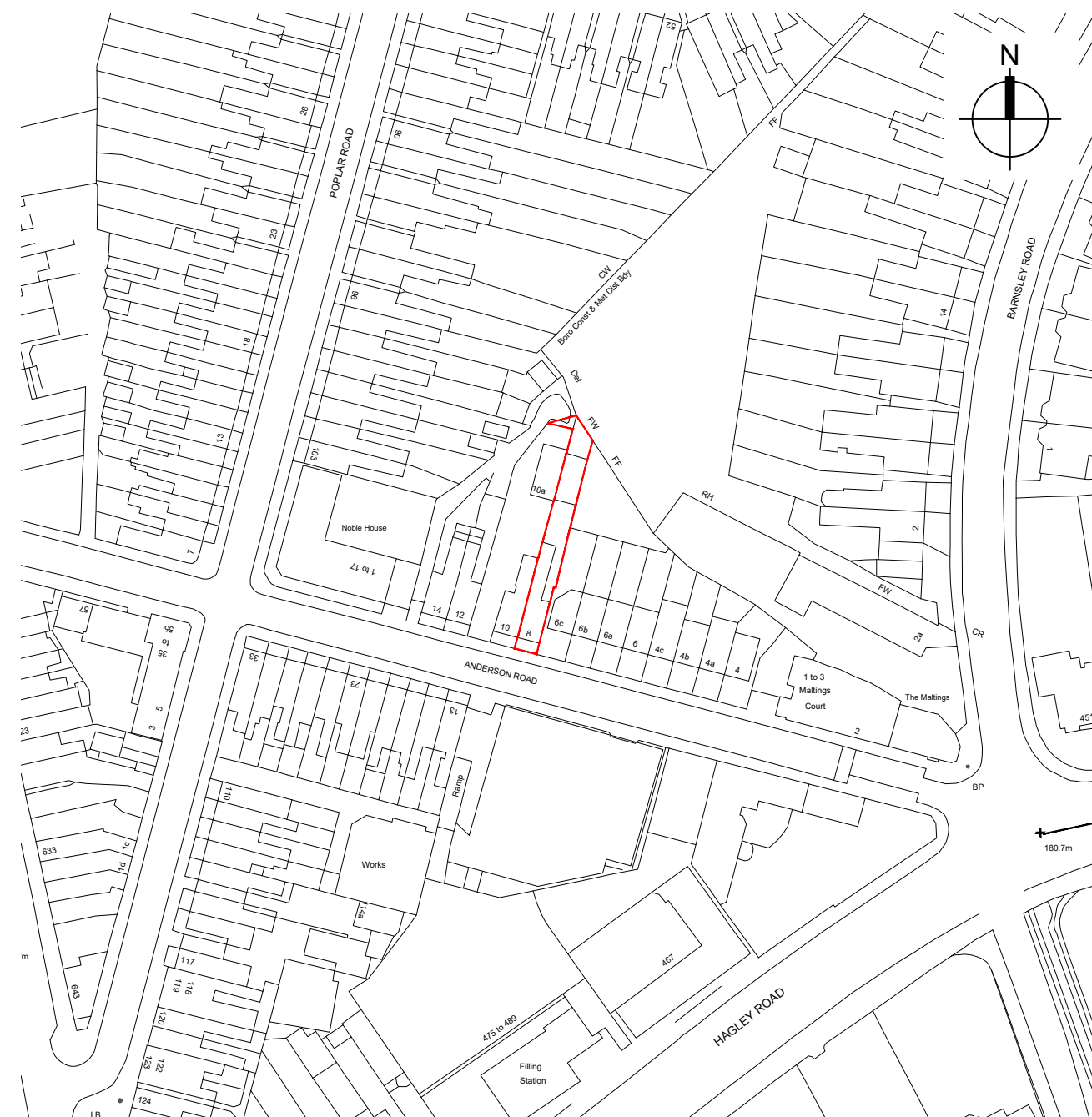
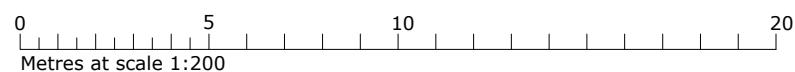
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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	21 February 2022
OS Licence No	



Site Plan



Location Plan



**Proposed change of use from C3 to Sui Generis
With single storey side extension & loft conversion**

Mr Ellard

For Approval

GC^{Dwn} RN^{Chkd}

8 Anderson Rd, Bearwood
Smethwick B66 4AR

16.06.2021

Planning

Site & Location Plans

Scale 1:200/1250:A3 Rev.

Project No.210505

Dwg No. P005





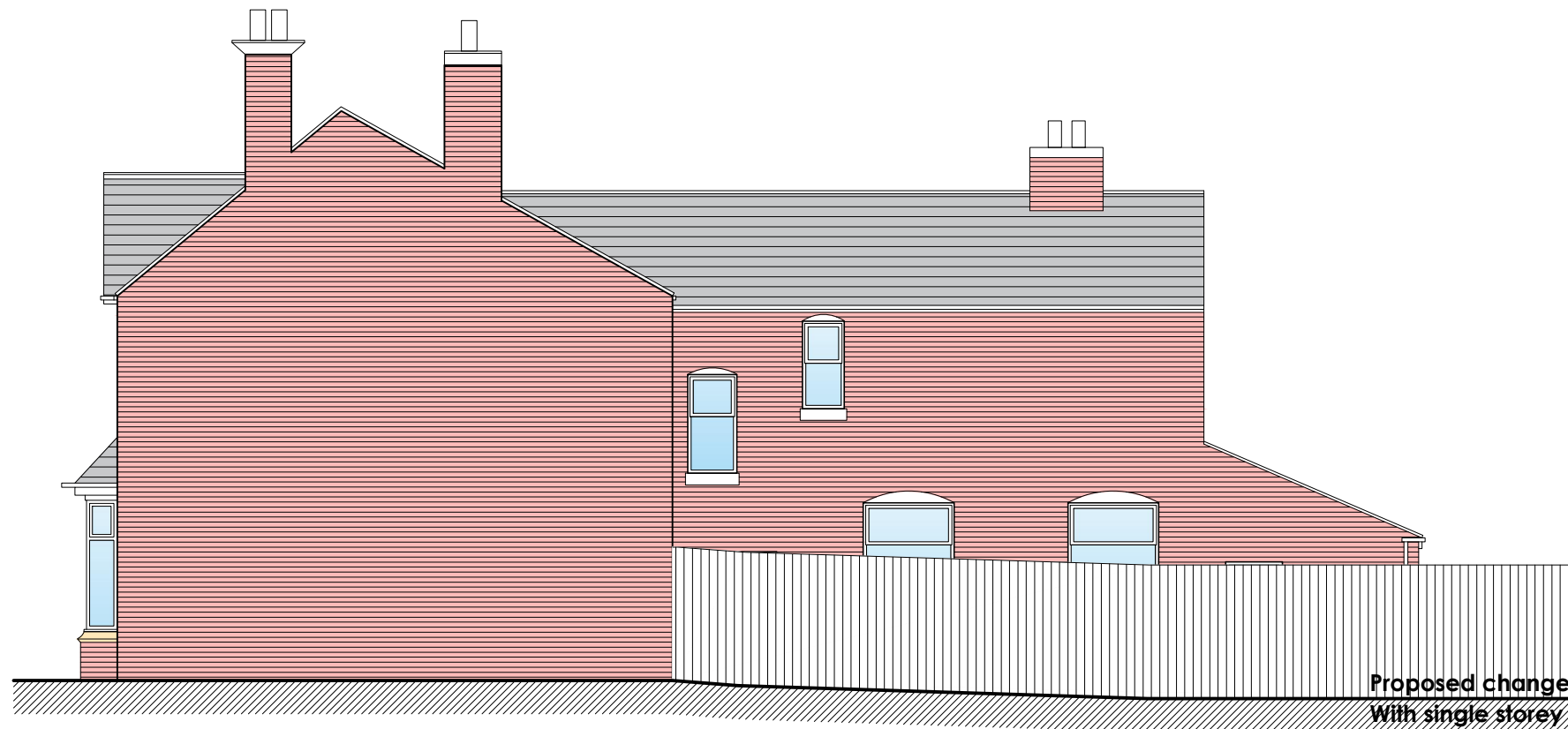
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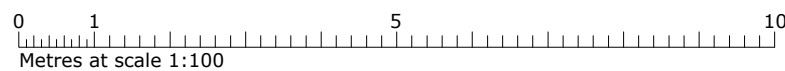
Existing Side Elevation



Existing Rear Elevation



Existing Side Elevation with fence



Rev.A 20.09.21 RN - Fence shown to side elevation

Proposed change of use from C3 to Sui Generis
With single storey side extension & loft conversion

Mr Ellard For Approval
8 Anderson Rd, Bearwood
Smethwick B66 4AR

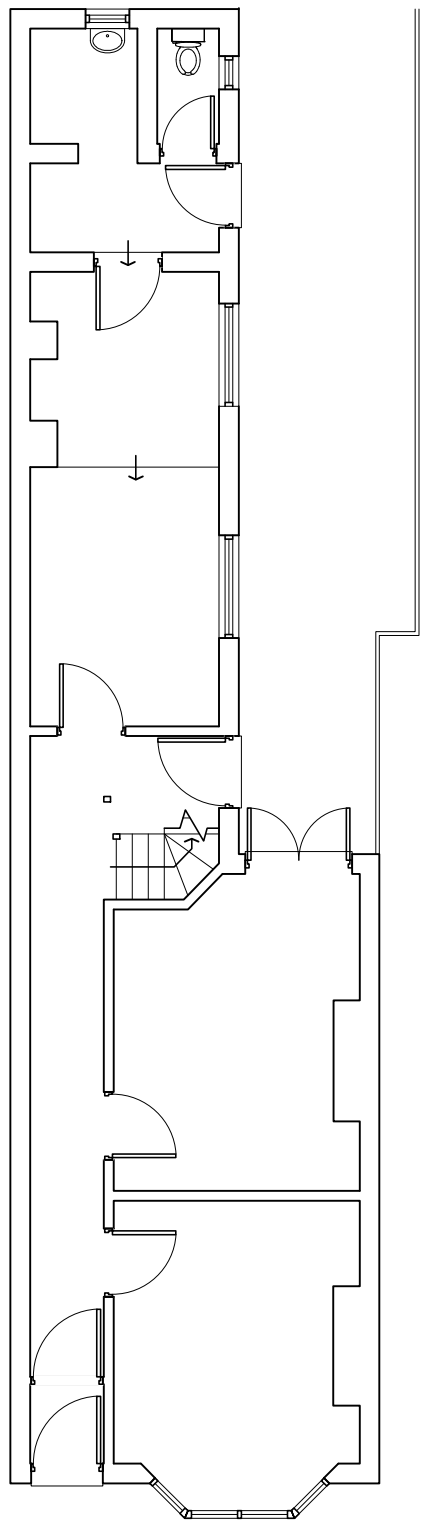
Existing Elevations

GC^{Dwn} RN^{Chkd}
16.06.2021
Planning

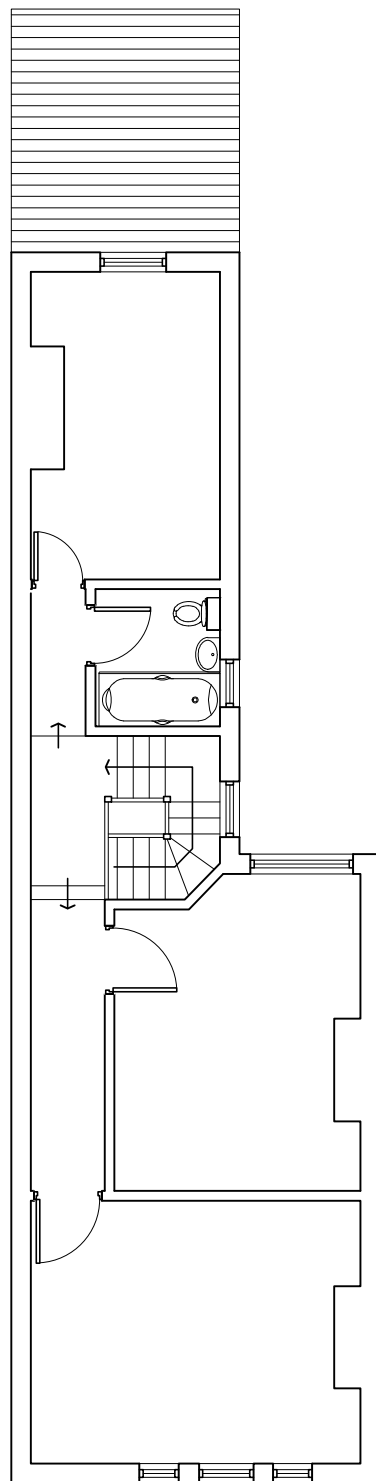
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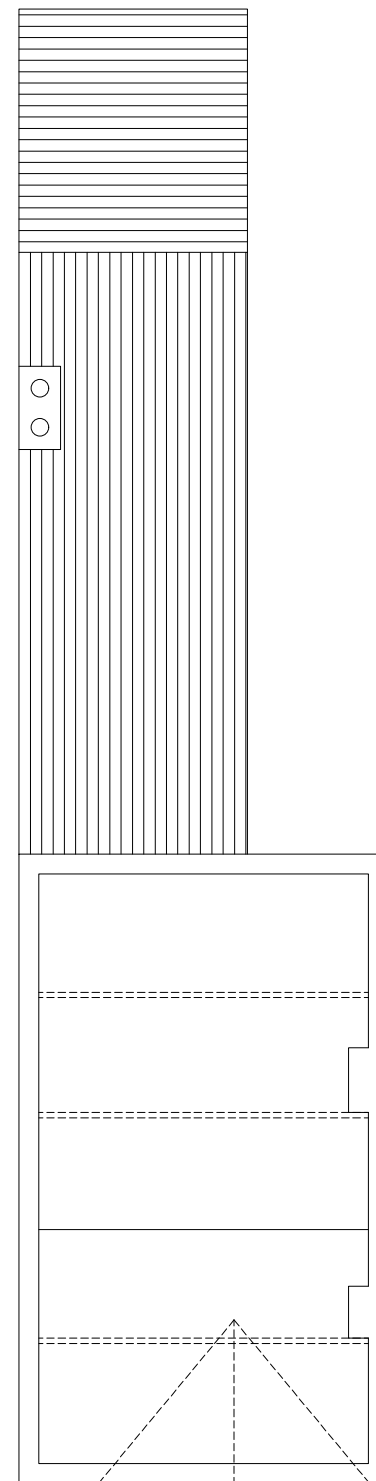
Rev. Project No.210505 Dwg No.P002A



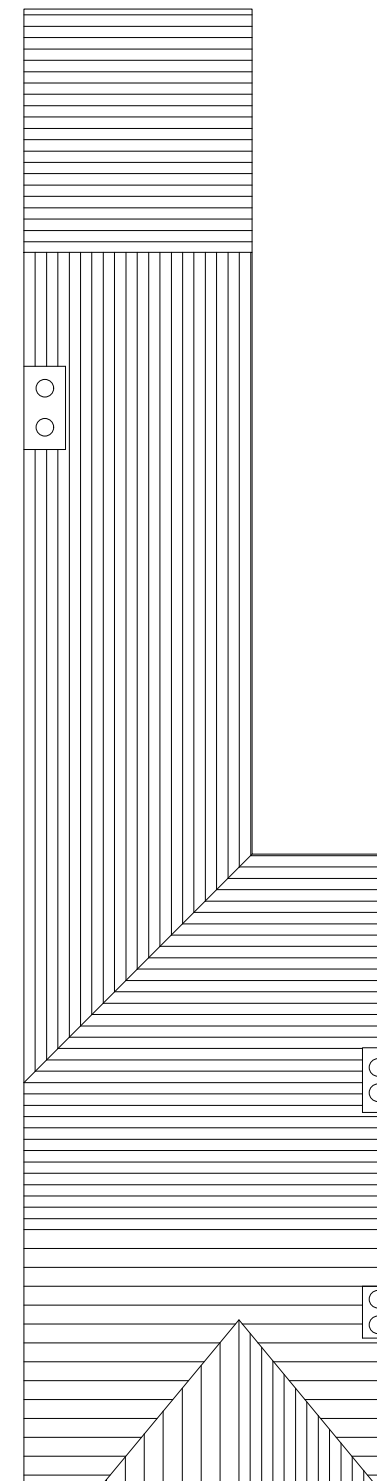
Existing Ground Floor



Existing First Floor



Existing Loft Floor



Existing Roof Plan



Proposed change of use from C3 to Sui Generis
With single storey side extension & loft conversion

Mr Ellard

For Approval

GC^{Dwn} RN^{Chkd}

8 Anderson Rd, Bearwood
Smethwick B66 4AR

16.06.2021

Planning

Existing Floor Plans

Scale 1:100@A3



Rev.

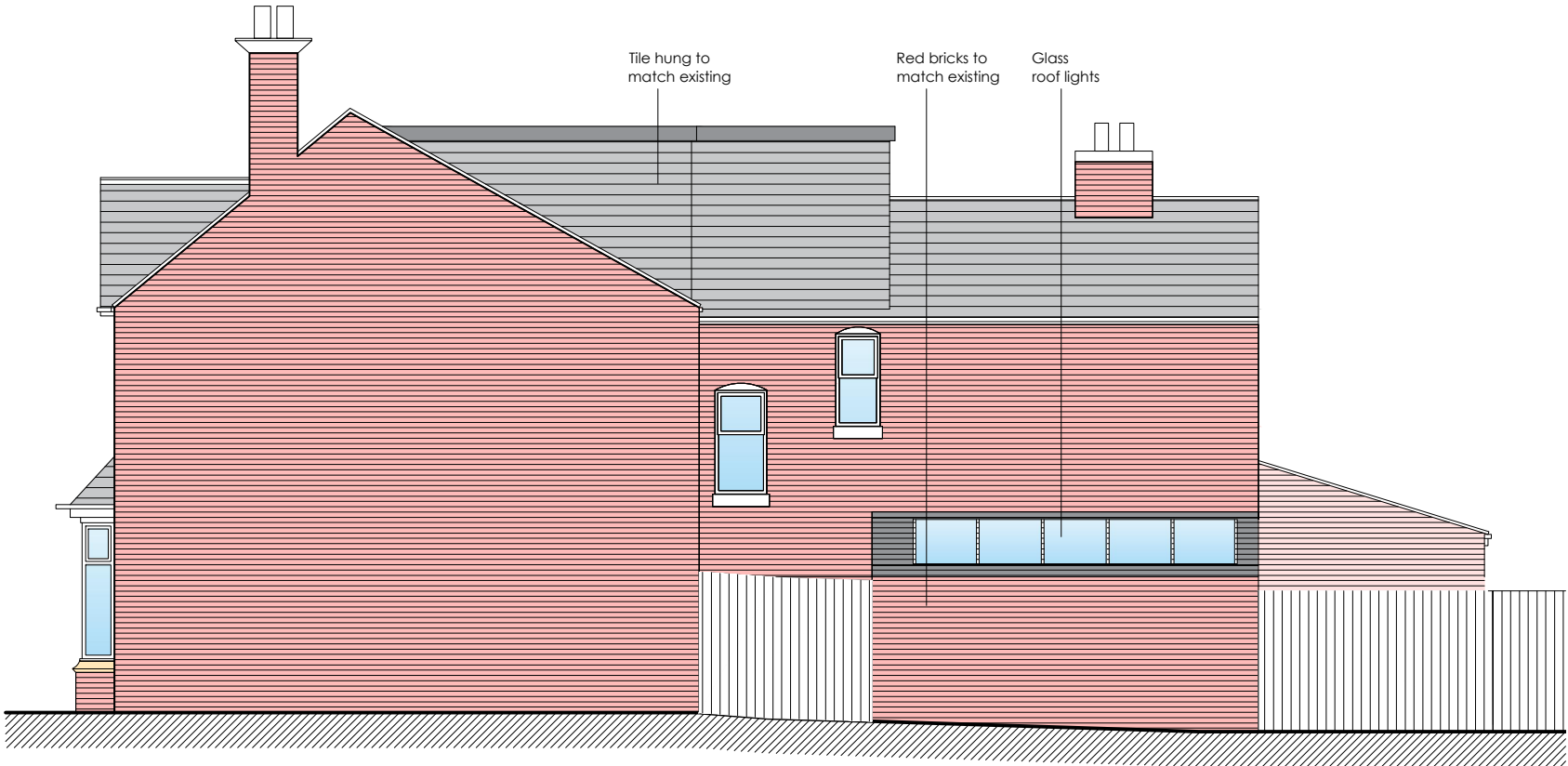
Project No.210505

Dwg No. P001

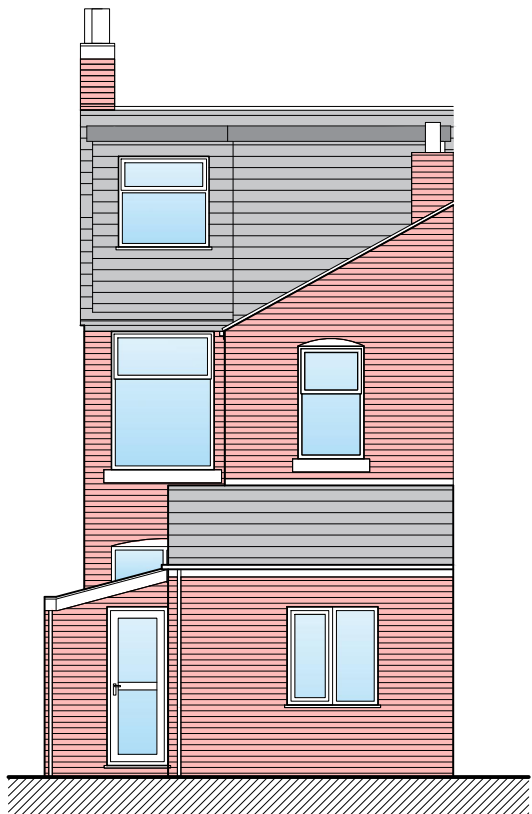
LOFT ROOF EXTENSION CUBIC VOLUME	
Main Roof Extension [2.456 (H) x 4.394 (W) x 4.561(L)]	22.564m³
Side Roof Extension [2.456 (H) x 2.822 (W) x 2.757(L)]	12.804m³
TOTAL	35.368m³



Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Rev.A 20.09.21 RN - Fence shown to side elevation

Proposed change of use from C3 to Sui Generis
With single storey side extension & loft conversion

Mr Ellard
8 Anderson Rd, Bearwood
Smethwick B66 4AR

For Approval

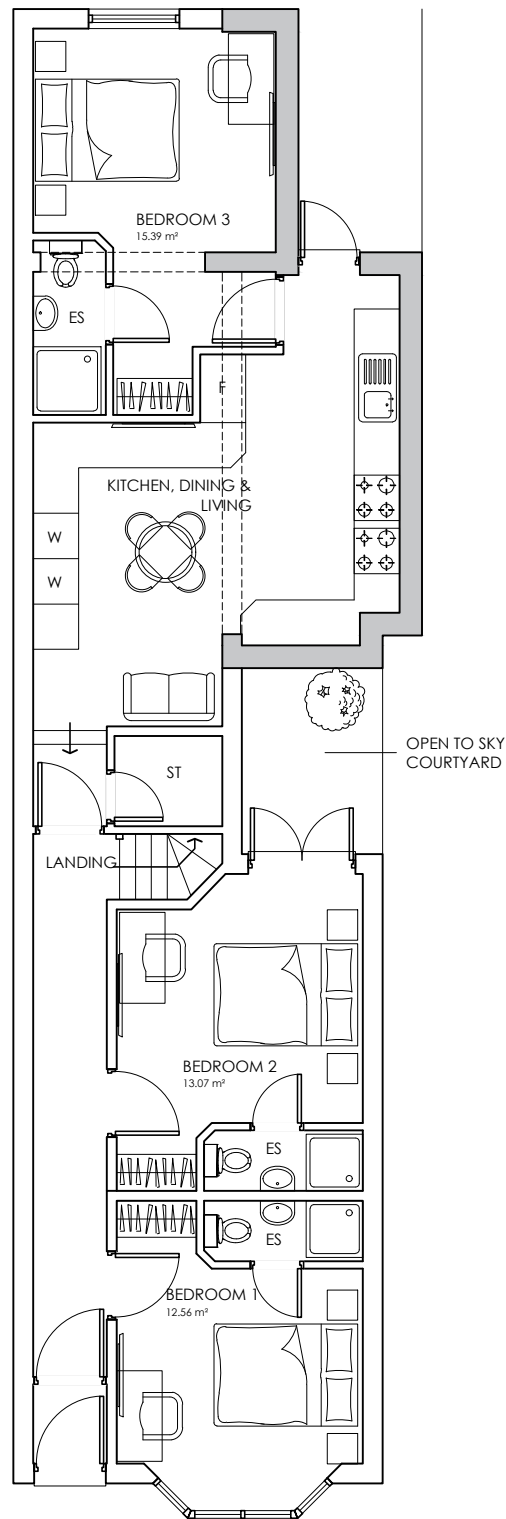
GC^{Dwn} RN^{Chkd}
16.06.2021
Planning

Proposed Elevations

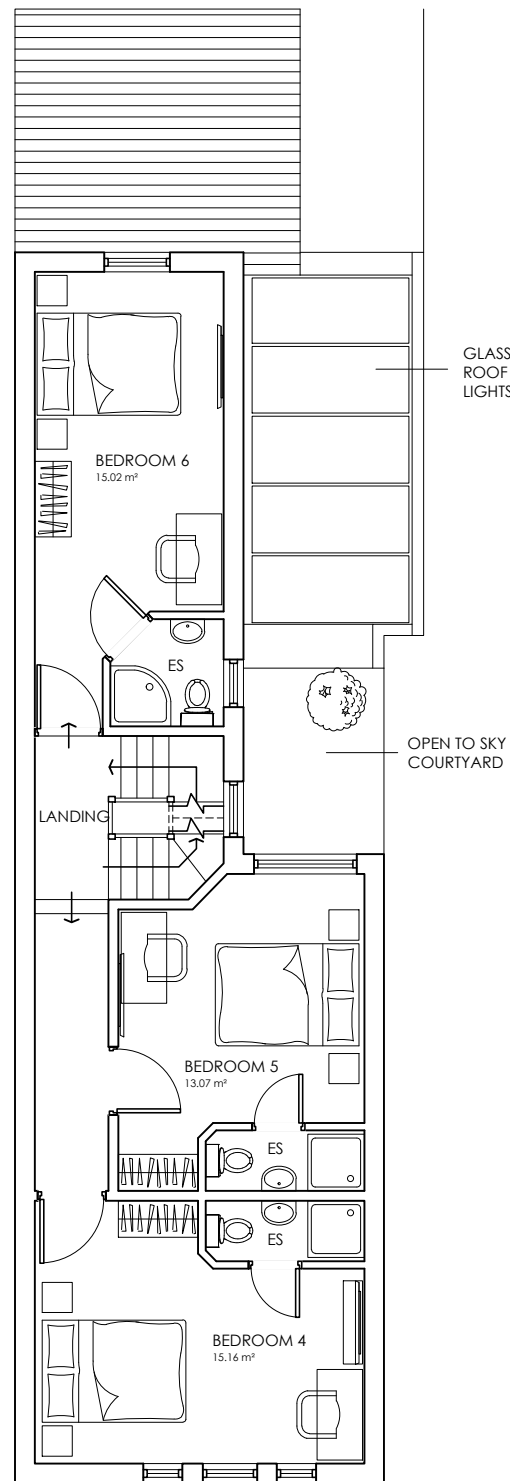
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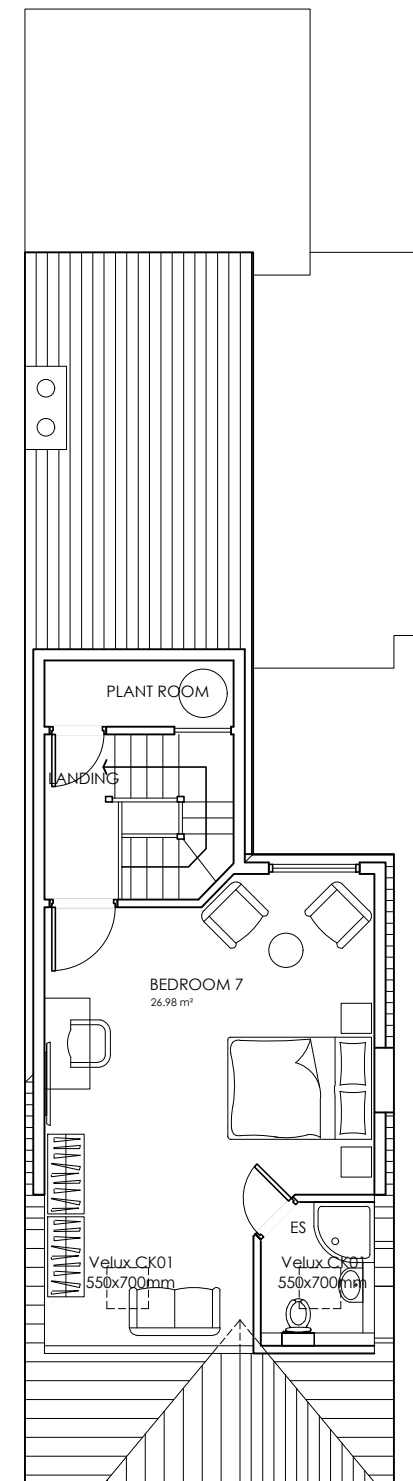
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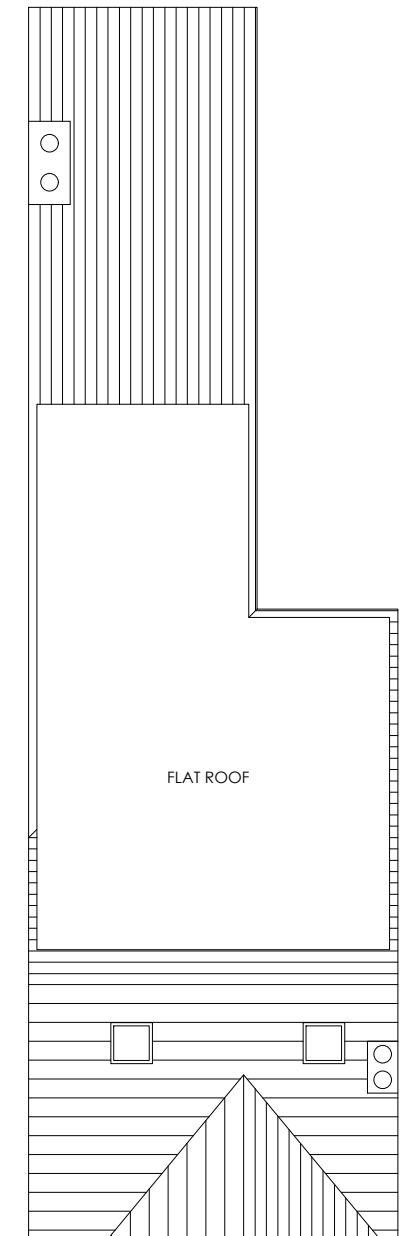
Proposed Ground Floor



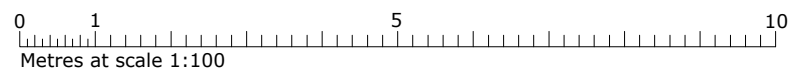
Proposed First Floor



Proposed Loft Floor



Proposed Roof Plan



Rev.A 20.09.21 RN - Rear chimney removed

Proposed change of use from C3 to Sui Generis
With single storey side extension & loft conversion

Mr Ellard

For Approval

GC^{Dwn} RN^{Chkd}

8 Anderson Rd, Bearwood
Smethwick B66 4AR

16.06.2021

Planning

Proposed Floor Plans

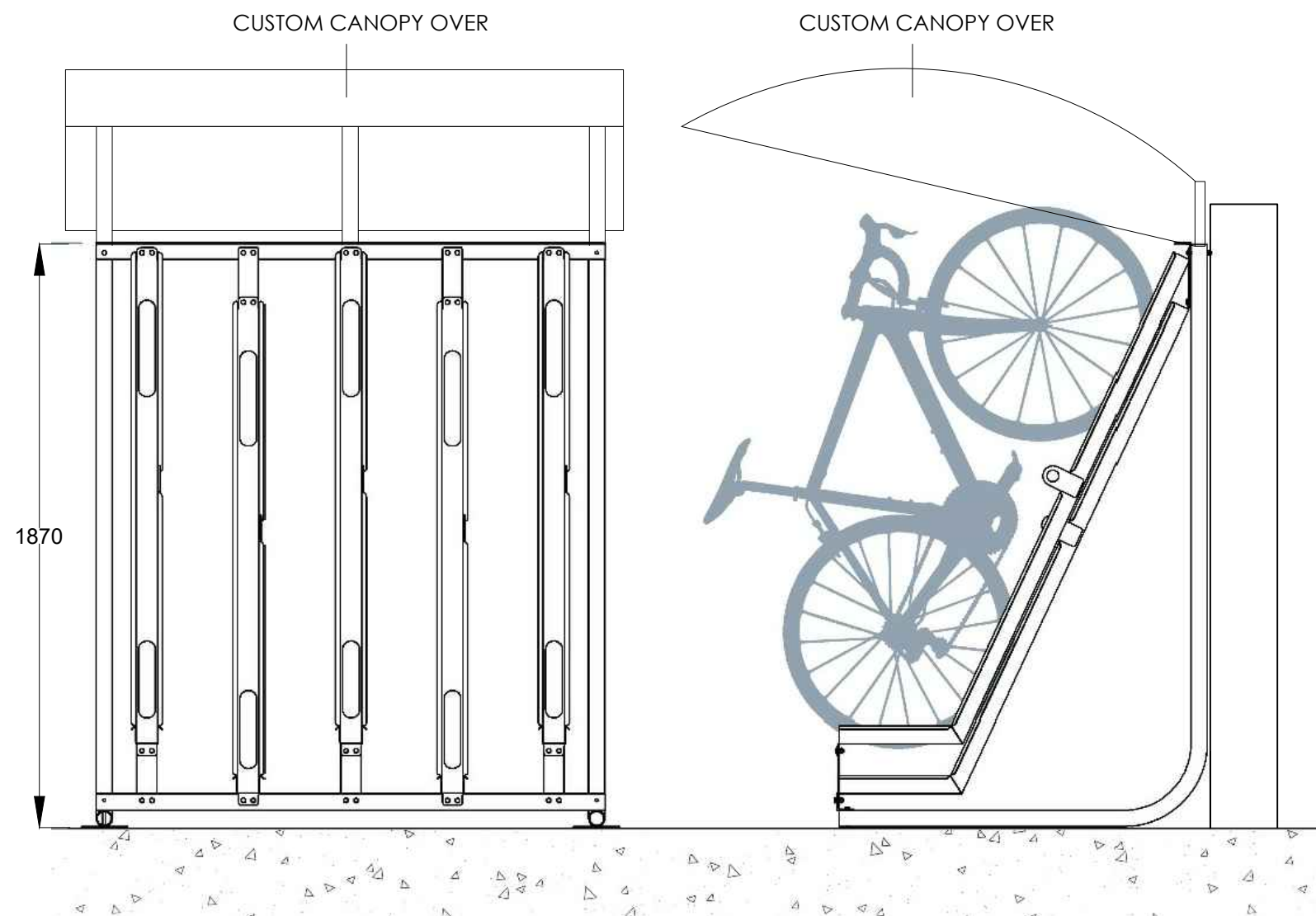
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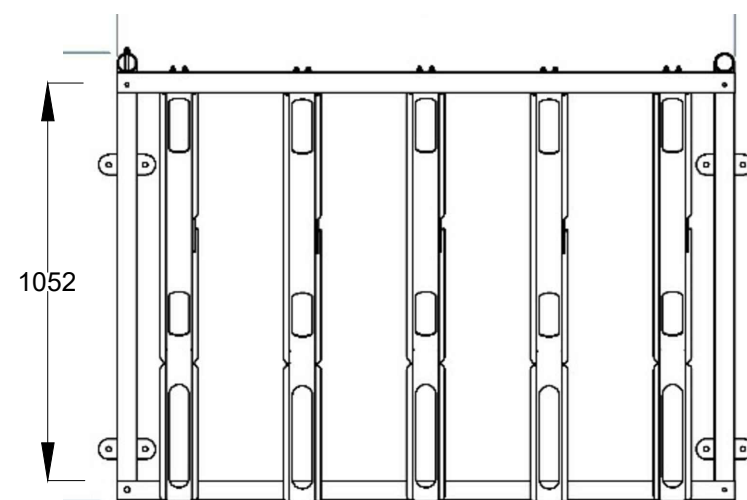
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Project No.210505

Dwg No.P003A



Front and Side Elevation



Plan



**Proposed change of use from C3 to Sui Generis
With single storey side extension & loft conversion**

Mr Ellard
8 Anderson Rd, Bearwood
Smethwick B66 4AR

For Approval

GC_{Dwn} RN_{Chkd}

16.06.2021

Planning

Cycle Store Details

Scale 1:20



Rev. Project No.210505 **Dwg No. P006**