
Committee Date:	23/07/2015	Application Number:	2015/03051/PA
Accepted:	08/05/2015	Application Type:	Full Planning
Target Date:	03/07/2015		
Ward:	Soho		

23 Park Avenue, Hockley, Birmingham, B18 5ND

Change of use from C3 (Dwelling House) to a 8 person HMO (Sui Generis).

Applicant: Mr Caplain Ramdas-Harsia
12 Kingswood Avenue, Leeds, West Yorkshire, LS8 2DB
Agent: Richard J Hulbert Architect
121 Sellywood Road, Bournville, Birmingham, B30 1XA

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the change of use of a dwelling house to 8 bedroom House of Multiple Occupation (HMO).
- 1.2. The HMO would accommodate a communal dining/lounge area, sitting room, kitchen and utility area, 7 bedrooms would have en-suites and 1 would have shared bathroom access. There would be 1 bedroom at ground floor, 4 at first floor and 3 within the roof space.
- 1.3. The application also proposes the installation of a new rooflight on the rear slope of the roof.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a large two and a half storey semi-detached dwelling located close to Soho Road district centre.
- 2.2. The property is currently vacant following being refurbished. The agent has confirmed that the last known use was as a single dwelling house. The property is constructed from facing brickwork with a bay window feature, gable roof feature with a two storey rear wing projection and single storey rear rear extension. There is a large rear garden and small garden to the front of the property. The property does not benefit from off street parking.
- 2.3. The immediate adjoining neighbouring property at no.21 is a single dwelling residential house and no.25-35 are flats.
- 2.4. The character of the immediate surrounding area on Park Avenue is predominantly a mix of large premises as residential flats, care homes and non-family dwelling uses.

- 2.5. A plan is attached as Appendix to the report which shows the location of non-family dwelling uses within the immediate area.
- 2.6. [Site Location](#)
3. [Planning History](#)
 - 3.1. 25th October 1962, 23 Park Avenue, 21739001, Approved for use as club.
 - 3.2. 29th April 1965, 23 Park Avenue, 21939003, Approved for continued use as club.
 - 3.3. 15th February 1968, 23 Park Avenue, 21739004, Approved for change of use as club.
 - 3.4. 20th August 1990, 21-23 Park Avenue, 1990/03554/PA, Section 191/192 Permission not required, determination as whether planning permission is required for use as a residential care home.
 - 3.5. 25th April 1991, 21-23 Park Avenue, 1990/05279/PA, Approved for erection of extensions and alterations to provide 29 bed spaces to nursing home, means of access and 10 parking spaces.
 - 3.6. 4th June 1996, 21-23 Park Avenue, 1996/00871/PA, Approved for erection of extensions and alterations to provide 29 bed spaces to nursing home, means of access and 10 parking spaces (renewal of planning application number E/05279/90/FUL).
 - 3.7. 8th April 2009, 21-23 Park Avenue, 2009/00363/PA, Approved for change of use from nursing home (Use Class C2) to a residential dwellinghouse (Use Class C3).
4. [Consultation/PP Responses](#)
 - 4.1. Local residents, resident associations and local ward Councillors notified, no comments received.
 - 4.2. Regulatory Services – No objection.
 - 4.3. Transportation – No objection.
 - 4.4. WM Police – No objection.
5. [Policy Context](#)
 - 5.1. UDP 2005, Draft Birmingham Development Plan 2013, SPG Places for Living 2001, SPD Car Parking Guidelines 2012, Area of Restraint Policy in respect of the location of residential care homes, nursing homes, hostels in Soho, Sandwell and Handsworth wards 1994, National Planning Policy Framework 2012 and National Planning Practice Guidance 2014.
6. [Planning Considerations](#)
 - 6.1. The proposal should be assessed against the objectives of the policy context set out above.

- 6.2. Policy context
- 6.3. The NPPF advises that all planning applications should be considered in the context of the presumption in favour of sustainable development.
- 6.4. UDP Policies 8.23 and 8.24 refer specifically to HMOs. The policy states that the use of dwellings as HMOs will be considered on their own merits. The impact of the use in relation to noise and disturbance and the cumulative effect of non-residential uses, HMOs, flats, hostels and residential care homes upon the residential character and appearance of the area and available places for parking will be taken into consideration. If the site lies within an Area of Restraint planning permission may be refused as further development of such uses could adversely affect the character of the area.
- 6.5. Paragraph 12.22 relates to the Area of Restraint at Landsdowne Road/Richmond Road/Park Avenue (policy Hi11), reaffirming that similar proposals may be refused on grounds that further such uses could adversely affect the character of the area. The application property is within the Soho Ward area of the city which is covered by an area of restraint.
- 6.6. Impact on the amenities of adjoining residents
- 6.7. The proposed bedrooms on the upper floors would be adjacent to neighbouring bedrooms, while the proposed rear ground floor bedroom would be adjacent to a kitchen at no.21 neighbouring property. I consider that “comings and goings” would be very similar to the lawful use therefore I do not consider that the proposed HMO would adversely affect the amenity of adjoining residents. It is noted that Officers from Regulatory Services have not objected to the proposal.
- 6.8. Impact on character
- 6.9. During the site visit by the case officer, he was able to identify 20 of a total of 36 properties on Park Avenue that were non-family dwelling uses. A plan showing the location of non-family residential uses is attached. The remaining single family dwelling units are spread out with a row of 10 smaller terraced properties being set to the west side of the road. The neighbouring dwelling at no.21 is a single family dwellinghouse and the nearest non-family dwelling uses to the application site are at no.25-35 and no.40-50. Many of the premises on Park Avenue are therefore already in non-family dwelling use. Your committee are required to judge the extent to which, within this context, the proposed change to a HMO would adversely affect the character of the area. Given the fall back position that a 6 person HMO use could operate from the property without requiring planning permission, and that the property has a history of approved non-family residential use. I conclude that the additional impact on the character would not be so significant that refusal of consent could be justified.
- 6.10. Car parking and impact on highway safety
- 6.11. During the case officer’s site visit there were available on-street parking spaces along the length of Park Avenue, including in the immediate vicinity of the application site. In terms of the addition of 2 bedrooms above the fall back position of 6 bedrooms, it is considered that this is unlikely to attract a significant level of

additional parking demand and Transportation Officers have not objected to the proposal.

- 6.12. I also note that the Soho Road district shopping centre is located 500m to the north which is well served by a number of frequent bus services.

7. Conclusion

- 7.1. The use of the property as a 8 person HMO would not unduly affect the character of the local area, the amenity of local residents or highway and pedestrian safety.

8. Recommendation

- 8.1. I recommend approve subject to the following conditions:

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|---|--|
| 1 | The property should be occupied by no more than 8 people. |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the approval to 3 years (Full) |
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Case Officer: Atief Ishaq

Photo(s)

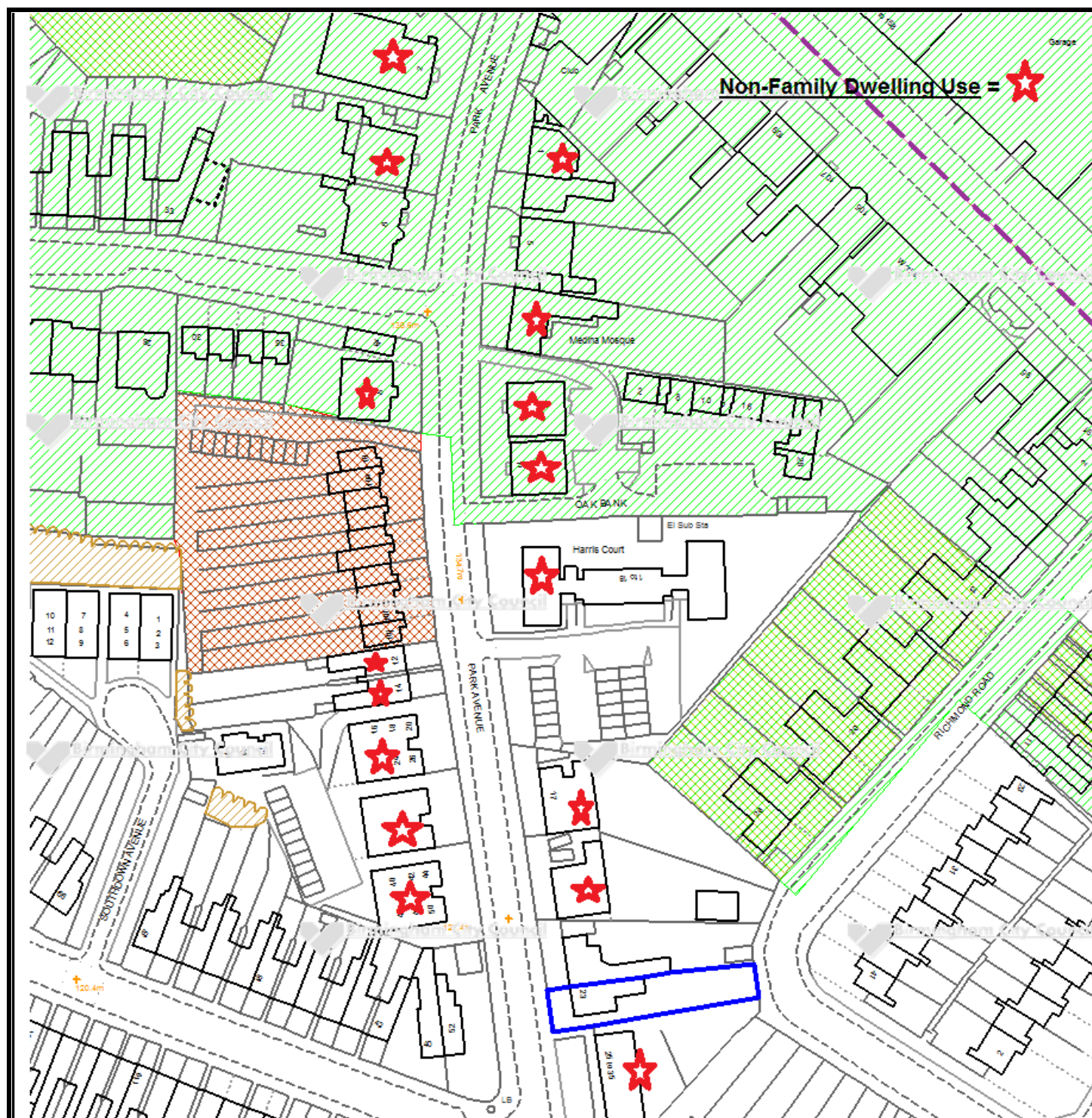


Front Elevation



Rear Elevation

Location Plan



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