19-21 Park Road, Moseley, Birmingham, B13 8AB

Change of use from therapeutic community residential use (Sui Generis) to 20 bed HMO (Sui Generis)

Applicant: Connect Therapeutics Community
19 Park Road, Moseley, Birmingham, B13 8AB
Agent: Brophy Riaz & Partners
48a Hylton Street, Jewellery Quarter, Birmingham, B18 6HN

Recommendation
Approve Subject To Conditions

1. Proposal

1.1. This application is for the conversion of Nos. 19-21 Park Road from a therapeutic community residential use (Sui Generis) to a 20 bed House in Multiple Occupation (HMO), with each property accommodating 10 bedrooms. Until recently the therapeutic community residential use run by the Applicant comprised of a 15 bed residential care home for women with complex mental health needs, together with a day service element.

1.2. The ground floor of No. 19 would accommodate three bedrooms, a communal living room, a communal kitchen, and a communal bathroom; the first floor would accommodate four bedrooms and a communal bathroom; and the second floor would accommodate three bedrooms, a communal kitchen/living room, and a communal bathroom.

1.3. The ground floor of No. 21 would accommodate three bedrooms, a communal living room, a communal kitchen, a communal utility room, and a communal bathroom; the first floor would accommodate four bedrooms, a communal kitchen, and a communal bathroom; and the second floor would accommodate three bedrooms (one with en-suite), a communal kitchen, and a communal bathroom.

1.4. The existing front doors, entrance halls and staircases would provide communal access to bedrooms within each of the properties. No. 21 has a lift to enable access to all floors. There is a laundry outbuilding located immediately to the rear of both properties. The cellars and lofts of each property would be used for storage/service purposes.

1.5. No external alterations are proposed under this application.

1.6. There is no off-street parking provision proposed for the site.
1.7. The application site only includes those sections of the rear gardens of the properties that are located nearest to the rear elevations. As such I estimate that approximately 230sqm of communal amenity space would be provided to the rear of the site, although the rear garden of No. 21 is currently hard surfaced and used for car parking.

1.8. Link to Documents

2. Site & Surroundings

2.1. Nos. 19-21 Park Road are a pair of large, three storey, mid-terraced, Victorian properties. Both are attractive brick built properties, with landscaped front gardens remaining. There is a shared vehicular access located to the rear of the site off Augusta Road.

2.2. The surrounding area is predominantly residential in character, with many former single family dwellinghouses having been converted into flats/HMOs/institutional uses, both lawfully and unlawfully. The site is located within the Moseley/Sparkhill Area of Restraint. Nos. 23 and 17 Park Road, which immediately adjoin the site on either side, are respectively in use as flats. There is an elderly care home located at No. 16 Augusta Road East (diagonally opposite the site) and the Birmingham Buddhist Centre is located at No. 11 Park Road.

Location Map

Street View

3. Planning History

3.1. 1st October 1998 - 1998/02644/PA - Change of use from elderly persons care home to therapeutic community use – Approved-conditions

4. Consultation/PP Responses

4.1. Transportation Development – No objection - Subject to a condition to secure five cycle parking spaces

4.2. Regulatory Services – No objection.

4.3. West Midlands Police – No objection

4.4. Local residents, Ward Councillors, Residents Associations and M.P. notified. One letter of objection has been received from a local resident who is objecting on the basis that this is a residential area.

Moseley Society – Object – Site falls within Area of Restraint, but it is disputed that because a sui generis therapeutic community is already there it is acceptable to overlook the Area of Restraint terms. The point of establishing Areas of Restrtaints is to decrease the number of HMOs in a given area, not to maintain it, and the fact that a managed "sui generis" use exists should not help a change to a large HMO which, from experience may cause considerable problems. It would deliver living conditions for the hapless occupants that are sub-optimal bordering on dreadful, with
queues for toilet and bathroom facilities and minimal kitchen facilities. Finally, there would be no provision for parking in an area where parking provision is already inadequate.

5. Policy Context

5.1. The following local policies are relevant:
- Birmingham Unitary Development Plan (2005)
- Draft Birmingham Development Plan (2013)
- SPG: Moseley/Sparkhill Area of Restraint
- SPG: Residential Needs Specific Uses (1992)
- Moseley SPD (2014)
- Car Parking Guidelines SPD (2012)

5.2. The following national policy is relevant:

6. Planning Considerations

6.1. Policy 8.24 of the Birmingham UDP relates to HMOs. It states that the following criteria will be referred to in determining planning applications:

- Effect of the proposal on the amenities of the surrounding area, and on adjoining premises
- Size and character of the property
- Floorspace standards of the accommodation
- Facilities available for car parking
- The amount of provision in the locality

6.2. Policy 8.25 of the UDP explains that generally small terraced or small semi-detached houses would not be suitable for HMOs. It goes on to explain that where a site lies within an Area of Restraint planning permission may be refused on the grounds that further development of such uses would adversely affect the character of the area.

Effect on Character of Area

6.3. Policy H3 of the Moseley SPD states that where the conversion of large domestic properties into HMOs requires planning permission such use will be resisted. As the property is not in C3 dwellinghouse use, this policy is not applicable.

6.4. Policy 5.19B of the Unitary Development Plan states that some residential areas contain properties which have been converted into institutional uses, day nurseries, nursing homes, flats or houses in multiple occupation and that concentrations of such uses can have an adverse effect upon the essential residential character of a particular street or area. Areas of Restraint have been identified where further changes of use of large dwellinghouses to non-family dwellinghouse uses will be resisted.

6.5. Policy 17.32 identifies the Moseley/Sparkhill Area of Restraint as being an area consisting of large Victorian and Edwardian houses many of which have been converted in to flats and bedsits and others to institutional uses such as care homes
and hostel accommodation. It states that within this area planning permission for non-family dwelling uses such as those listed above may be refused on the grounds that further development of such uses would adversely affect the character of the area. The policy also notes continuing demand for the retention of large properties for family use. Whilst I acknowledge the concerns raised by the Moseley Society, this application would not result in the loss of any existing single family accommodation, this use having not existed for decades at the properties (prior to the current care home the properties were used as a convent and an elderly care home). The key consideration in the assessment of this application is whether the proposed HMO use would be any more harmful to local amenity and character than the existing care home use.

6.6. I have surveyed the stretch of Park Road between the junction of Augusta Road/Augusta Road East and Alcester Road and note that only 18% (2 out of 11) of properties fronting the south west side of Park Road remain in single family dwellinghouse use. I note that only 33% (4 out of 12) properties fronting the north east side of Park Road remain in single family dwellinghouse use. With such a high number of conversions having already taken place, it is considered that a threshold has already been crossed by which changing the use of the application property from one non-C3 use (care home) into another non-C3 use (HMO) would make no material difference to the overall character of the area. As such, I do not consider any further, material, cumulative harm would occur, and there would not be any justifiable reason to refuse the application on this principle point.

6.7. I note that no external alterations or internal alterations are proposed under this application. As such, the internal layout remains unaltered with original, generous-sized rooms and the external appearance unchanged, allowing for a reasonably straightforward de-conversion in the future.

Impact on Amenity of Adjoining Occupiers

6.8. I note both adjoining properties, Nos. 17 and 23 Park Road, are already converted into flats and these adjoining occupiers would not necessarily expect to enjoy the same standard of amenity as those that might occupy a single family dwellinghouse. In any event, given rooms within the proposed HMO would likely be used in a similar way to rooms within the existing care home use i.e. communal rooms and bedrooms, together with similar numbers of people coming and going to/from the property I consider there would be no material difference in terms of noise and disturbance impact on the amenity of adjoining occupiers. I note Regulatory Services have raised no objection to the proposal, and there have been no objections from Ward Councillors and only a single objection from a local resident.

6.9. As rooms within the properties are generally large, and additional space could potentially be used to accommodate more bedrooms e.g. in the cellar, loft, laundry etc. I recommend attaching a condition to any consent limiting the number of bedrooms at the property to 20 in order to allow control/assessment of any future proposed occupancy intensification.

Living Conditions for Future Occupiers

6.10. Specific Needs Residential Uses SPG states that single bedrooms should measure a minimum of 6.5sqm in size and double bedrooms should measure a minimum of 12.5sqm in size. All bedrooms would exceed these guidelines, with the smallest single bedroom measuring 12sqm in size, and the largest double bedroom measuring 36.2sqm in size. The SPG also states that kitchens/living rooms should
either measure 11.5sqm or 15sqm in size depending on whether they are one person or two person lettings. Whilst first and second floor kitchens in No. 21 would fall short of this size guideline, the property would still benefit from large ground floor living and kitchen rooms (30sqm and 29sqm respectively). I am therefore satisfied that adequate living accommodation would be provided for future occupiers.

6.11. Notwithstanding the concerns that the current rear gardens of the properties either are, or are proposed to be, subdivided off, they also appear rather neglected and unusable, with hard surfaced car parking on much of the rear garden of No. 21. Therefore I recommend attaching a landscaping condition to any consent to ensure that the rear gardens within the red edge are improved for the benefit of the amenity of the future occupiers of the proposed HMO.

Traffic and Parking

6.12. There are no specific car parking guidelines for HMOs set out in the Council’s Car Parking Guidelines SPD. Transportation Development have raised no objection to the proposal. They advise that on-street parking at this location is unrestricted, whilst acknowledging that demand can be fairly high at times they advise that space can typically be found close to the site. They note that regular buses run within short walking distance of this site, along Alcester Road, throughout the day. They do not anticipate that there would be a significant increase in parking demand as a result of the proposal and I concur. The existing use also accommodated a day centre element so was likely to receive similar numbers of people coming and going to/from the site. Transportation Development advise that whilst there are no specific standards for cycle parking for HMOs a condition should be attached to any consent to ensure provision of a minimum of five sheltered and secure cycle spaces.

7. Conclusion

7.1. I do not consider the proposed use would have a wholly different or harmful effect on the character of the area, parking/traffic demand, or the amenity of adjoining occupiers, when compared to the existing 15 bed care home use. As such I consider the proposal would constitute sustainable development and I recommend that planning permission be granted.

8. Recommendation

8.1. Approve Subject to Conditions

1 Requires the scheme to be in accordance with the listed approved plans
2 Requires the prior submission of hard and/or soft landscape details and landscaped rear gardens to Nos. 19 and 21 prior to first occupation
3 Restricts number of bedrooms at the premises to no more than 20
4 Requires the prior submission of cycle storage details
5 Requires the prior submission of boundary treatment details
6 Limits the approval to 3 years (Full)

Case Officer: Andrew Conroy
Figure 1 – Front elevation (No. 19 centre left, No. 21 centre right)