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## Appeal Decision

Site visit made on 13 August 2025

**by G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 04 September 2025**

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**Appeal Ref: APP/G4620/W/25/3364905**

**180 Ashes Road, Oldbury, B69 4RB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
  - The appeal is made by Sukhdev Singh for Tramond Properties Ltd against the decision of the Sandwell Metropolitan Borough Council.
  - The application Ref is DC/24/70109.
  - The development proposed is a change of use from single dwelling house to a 10-bed House in Multiple Occupation (HMO) with garage conversion into habitable room and fenestration alterations.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The Council relies on its officer report and associated documents and has not therefore produced an appeal statement. Nor has it commented on the appellant's grounds of appeal.
3. Some external alterations are proposed, but the Council has raised no objection to the building works. I have no reason to object to these either.

### Main Issues

4. The main issues are the effects of the proposed development on local residential living conditions with reference to noise and other disturbance, and on highway safety.

### Reasons

5. The appeal property is an extended end of terrace property set in a predominantly residential area. Next to the property to the west is an open green area, not accessible to the public, and beyond that an elevated section of motorway. The dwelling has a generously sized rear garden, which is accessed along a private lane, shared with other residents. Diagonally opposite the site is a flatted development, but the remainder of the area consists primarily of family housing. I have not been made aware of any other HMOs having been established in the immediate area.
6. The proposed change of use would result in the creation of 5 bedrooms and a single bathroom on each floor, with a communal kitchen/sitting area provided on the ground floor. The Council is satisfied that the internal space standards and requirements set out in its Revised Residential Design Guide SPD are satisfied.

Most of the rear garden would be laid out as a parking and manoeuvring area. A car space would also be provided to the front of the house. Although the Council considers that the HMO could possibly accommodate more than 10 people, the density could be governed by condition in the event of a successful appeal. Accordingly, my assessment is based on a maximum occupation of 10 persons.

7. The appellant engaged in pre-application discussions with the Council. At that time he was informed that the Council had no objection to the principle of a change of use, and that remains the case now. The Council's concerns relate to the proposed density of the development and its impacts. The appellant, in the Design and Access Statement accompanying the original application, acknowledges that the use of the site would be intensive. However, mitigation was proposed, including ensuring that the internal party wall was designed to a high standard.
8. The Council relies principally on policy HOU2 of the Black Country Core Strategy (BCCS), which requires a range of housing types, tenures and densities to provide choice and create sustainable communities. It is satisfied that the proposal conforms with some of the criteria set out therein to inform decisions. However, the Council's objection arises from its application of the third informative criterion set out in the body of the policy.
9. In this regard, the proposal would clearly be uncharacteristic of the locality, which is comprised in the main of family housing. Little or no information has been provided as to the identity of the likely occupants or management provisions, which in my experience, are factors that normally affect the conduct of HMO uses and consequent impact on the locality. HMOs invariably attract transient residents, who may display less commitment to community cohesion than long term residents. It is therefore understandable, given the lack of information provided in association with the application, that local residents and indeed the West Midlands Police are concerned with issues of general amenity and a fear of increased crime.
10. It is almost inevitable in my view that the residents of the next-door property and possibly beyond would be materially affected by the coming and goings of up to ten probably unrelated persons residing in the HMO. This is irrespective of the possible noise insulating measures that could be applied to the party wall. This could be at all times of the day and night, front and back, and would probably be the source of nuisance to residents.
11. Turning to parking, in all 4 spaces are to be provided, whereas the Highway Authority call for 5, without however relating the requirement to a published standard. I saw at my visit that the demand for on-street parking to the east of the appeal property was reasonably high, as intimated by several local residents. However, there was ample on-street parking space available towards the motorway on the nearside of the highway. The absence of a single onsite car space is not therefore likely to result in congestion or a diminution in highway safety.
12. However, the intended car parking provision means that most of the property's garden would be lost. To my mind, although not raised as an issue by the Council, I consider the remaining area of garden would be unlikely to satisfactorily cater for the reasonable amenity needs of 10 persons, particularly if unrelated. This accordingly adds further weight to my view that the proposal would result in an unacceptable overdevelopment.

13. The Framework<sup>1</sup> advises that planning decisions should ensure that proposals are sympathetic to local character and 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. The development, particularly at the density proposed, would not meet the main objectives of this national expression of policy guidance.
14. I therefore conclude that the proposal conflicts with the objectives of BDDS policy HOU2 in that it is uncharacteristic of the area and would materially harm the living conditions currently enjoyed by the residents of 178 Ashes Road by reason of increased noise and disturbance. The use, at the proposed density, would also likely undermine local quality of life and community cohesion contrary to the advice of the Framework.

### **Other matters**

15. I have taken account of all other matters raised in the representations including the views of local residents and the Police. I have already dealt with the planning-related points raised. The possible effect on property values, as feared by some residents, is not a material planning consideration. No other matter is of such strength or significance as to outweigh the considerations leading to my conclusions.
16. Accordingly, the appeal is dismissed.

*G Powys Jones*

INSPECTOR

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<sup>1</sup> The National Planning Policy Framework