



# Walsall Council

Item No.

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**DEVELOPMENT CONTROL COMMITTEE**

**26 June 2007**

**HEAD OF PLANNING AND BUILDING CONTROL**

**Junction 9 Accommodation**  
**Change of use to Houses in Multiple Occupation and Flats**

**1.0 PURPOSE OF REPORT**

- 1.1 This report relates to a company known as J9 Accommodation who have converted a number of properties across the borough to Houses in Multiple Occupation or self contained flats without planning permission and act as a letting agency. The report identifies each of the properties and recommends enforcement action where it is expedient to do so.
- 1.2 Given that this report relates to 22 sites it has been produced two sections. The first section is comprised of the main report which deals with recommendations and general matters relating to residential conversions of this type and the second section contains an appendix which identifies each site and provides more detailed information on the expediency of taking enforcement action.

**RECOMMENDATIONS**

- 2.2 That authority is delegated to Assistant Director - Legal and Constitutional Services and the Head of Planning and Building Control for the issuing of Enforcement Notices and Requisition for Information Notices at 13 sites across the borough as detailed in the table below:

<b>Address</b>	<b>Breach of Planning Control</b>
261 Walsall Road Darlaston	Change of Use to HMO
14 Walsall Road, Darlaston	Erection of timber building in rear garden

12 Walsall Road, Darlaston	Change of use to flats and erection of timber buildings for use as residential accommodation
3 Pinfold Street, (Former 3 Horseshoes PH) Darlaston	Change of use to flats
33 Walsall Street, Willenhall	Change of use to flats and erection of timber buildings
112 Temple Road, Willenhall	Change of Use to HMO and erection of timber building
21 Slaney Road, Walsall	Change of use to HMO
23 Slaney Road Walsall	Change of use to HMO
24 Slaney Road Walsall	Change of use to HMO
New Street Walsall	Change of use to flats
41 Westbourne Road, Walsall	Change of use to HMO
42 Hilary Street	Restriction of the use of the garden buildings
7 Broadway North, Walsall	Change of use to HMO/Flats

Further information for each of the above properties can be found in the attached appendix.

- 2.3 That the decision as to the institution of legal proceedings in the event of non-compliance with the Notices, or the non-return of Requisitions for Information, Notices be delegated to the Assistant Director – Legal and Constitutional Services and the Head of Planning and Building Control.
- 2.4 That authority be delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Building Control to amend and add to or delete from the wording stating the nature of the breach(es) the reason(s) for taking enforcement action, and the requirement(s) of the Notice

or the boundaries of the site for each of the properties detailed in the above table.

### **Details of the Enforcement Notice**

#### **The Breaches of Planning Control:**

As in the appendix.

#### **The reasons for taking enforcement action and period for compliance:**

As in the appendix , as the Enforcement Notices relate to different sites and therefore the reasons for issuing them and their requirements will differ.

#### **3.0 FINANCIAL IMPLICATIONS**

For the Council none arising directly from this report.

#### **4.0 POLICY IMPLICATIONS**

None arising directly from this report.

#### **5.0 LEGAL IMPLICATIONS**

Non-compliance with a Planning Contravention Notice is an offence.

#### **6.0 EQUAL OPPORTUNITY IMPLICATIONS**

None arising directly from this report.

#### **7.0 ENVIRONMENTAL IMPACT**

The report seeks enforcement action to remedy adverse impacts.

#### **8.0 WARD(S) AFFECTED**

This report identifies sites across the borough.

#### **9.0 CONSULTEEES**

Public Protection, Housing and Building Control.

#### **10.0 CONTACT OFFICER**

Tonia Upton – Planning Enforcement Team  
Tel; 01922 652411.

#### **11.0 BACKGROUND PAPERS**

Planning enforcement file

HEAD OF PLANNING AND BUILDING CONTROL

## **DEVELOPMENT CONTROL COMMITTEE**

**26 June 2007**

### **Junction 9 Accommodation**

#### **12.0 BACKGROUND AND REPORT DETAIL**

- 12.1 Junction 9 Accommodation is a residential letting agency who also acquire and convert properties. It would appear that approximately 8 years ago the company began to purchase properties in the borough and convert them to Houses in Multiple Occupation (HMO's) or flats. In many cases planning permission was not sought. The properties are often former dwellings, converted internally to provide individual rooms and studios. The company also operate in neighbouring local authority areas primarily Sandwell and Wolverhampton.
- 12.2 Planning Officers first received enquiries about the company in 2004 in respect of 42 Hilary Street. However works done here were considered acceptable and enforcement action was not expedient (members will be familiar with the concept that the Local Planning Authority must decide whether it is necessary to enforce against a breach of control). Further details on the Hilary Street case are provided in the appendix. At that time planning officers were unaware of the number of properties involved.
- 12.3 Until 2006 few complaints about the company were received however from last summer onwards to the present date many complaints from both members of public and councillors have been received. It is not clear as to why the number of complaints has recently risen or why the Company has operated since 2000 and few complaints have been received. It may be that as the number of properties which Junction 9 have acquired has increased, the impact caused by the intensification of the houses has likewise increased and become more noticeable. Further, the company have recently begun to erect a number of timber buildings on the properties involved and these works have attracted much public interest and concern about the uses which they may be put to.
- 12.4 Given the number of complaints Planning Officers commenced a detailed investigation in order to ascertain how many properties may have been converted without planning permission. A total of 22 properties have been identified, however it is likely that this list is not exhaustive and further investigations are under way. Other Council departments including Housing and Council Tax are aware of the investigation.
- 12.5 Most of the properties identified within this report have been inspected internally and the owner of the company has present at most of the inspections.
- 12.6 Retrospective planning applications have been invited however none have been submitted and the owner has expressed a reluctance to do so. In addition the company have been advised to exercise caution before they commence any further conversions or erect any new buildings and to obtain planning advice before they invest further.
- 12.7 The owner has expressed concern about the investigation and considers that planning permission is not required as the Company is providing a housing need

and any action by the Council is over zealous. Planning Officers have acknowledged the housing need that is being met by these conversions, however, have advised that this cannot override the need to apply for planning permission if it is required. One of the main arguments put forward by the Company relates to the interpretation of the C3 use class (dwelling house) which defines a dwelling house as one which can be occupied by people living together as a family **or** by not more than 6 residents living together. It is the latter that the Company suggest should be applied in this case. Officers can not accept that suggestion. For 6 people to share a house, requires that they genuinely share the house (cooking, eating washing etc), and they the house is not subdivided into bedsts or flats. The issue is explored in more detail below, but that is generally not how these properties have been organised.

- 12.8 From the investigation it appears that all of the properties can be described as either HMO or self contained flat. The following paragraphs provide the reasoning behind the need for planning permission.

### **HMOs**

- 12.9 Circular 12/93 refers to the definition of a HMO as one “occupied by persons who do not form a single household”. The key words are “not forming a single household” where people may choose to live on a communal basis for example a group of students. The residents in Junction 9 properties do not appear to form single households as their mode of living means that they share very little communally. A number of factors have been identified from site inspections made which indicate that there has been a change of use.

- The rooms are locked and numbered
- Each room is let on an individual basis with each resident responsible for his own rent.
- Many of the rooms have electricity meters
- Residents are transient
- Vacancies and room allocations are controlled by the company
- Tenants are not necessarily known to each other
- Properties are serviced by Junction 9 e.g., weekly clean – leading to a lack of need to share chores communally.
- Council tax, and heating bills are paid by Junction 9 – again negating the need to share bills in common.

- 12.10 Whilst residents do, in some cases, share a bathroom and kitchen (although some properties have en-suite shower rooms) the properties do not fall within the C3 dwelling house definition. It is likely that whilst residents may interact with each other to a small degree this will not be enough to suggest that they live communally. It is evidential that each resident can, and does, live as a separate household whilst sharing some facilities in common

- 12.11 It is therefore considered that those properties which have been converted to provide lockable numbered individually let rooms by Junction 9 are HMOs for which planning permission is required. As planning permission has not been granted it is therefore open to the Council to take enforcement action where it is expedient to do so. The main factors for consideration include, the level of activity, noise, disturbance and impact on nearby parking provision which may

exceed what can reasonably be expected from a dwelling house of the same size occupied by a family.

- 12.12 The intensification of the use of a property as a HMO is not in itself a reason to refuse planning permission nor is the absence of a planning approval. It should be acknowledged that this type of accommodation provides relatively cheap furnished accommodation and therefore a housing need is being met. The standard of accommodation provided is good and well maintained and it is understood that the company complies with the codes of practice for HMOs as regulated by Housing Standards and Improvements. In respect of the Housing Act officers are advised that it is only mandatory for HMO's to be licensed if they are more than 3 storeys and house 5 or more people. Few of Junction 9's properties therefore require a license although they still need to conform to certain standards. It is known that this type of housing due to its intensive character can lead to complaints from members of the public who might consider this to be substandard accommodation or perceive that residents are more likely to cause nuisance. Whilst multiple occupation may be alleged by complainants to have a damaging impact on residential surroundings, planning authorities need to be very careful about how these impacts are judged particularly in the light of the revised policy guidance in PPG3 (2000) where it is advised that there is a need for housing of different types and size and new ways should be found to utilise existing housing stock. It is therefore likely that if the activity and other effects of the use do not significantly exceed what might be expected from occupation of a house by a large family in some detrimental way then enforcement action should not be taken.
- 12.12 It should be noted that public protection have received only one complaint in relation to all of the 22 properties under investigation. This complaint relates to 7 Broadway North and further details on this are being sought from Public Protection.
- 12.13 The need for the provision of parking for HMOs has also recently diminished due to the recently revised guidance in PPG13 whereby parking provision has been relaxed. This is particularly so in HMOs where car ownership might be low. It is possible that the success rate for the Council would be low at appeal if lack of car parking spaces was the only reason for refusal. Where properties are located near to local transport links and are in town centres this may be sufficient to overcome the parking objections. However where on-road parking is already limited and the intensive use of housing in such areas would lead to exacerbation of the problems then this could be a reason to refuse, and enforce. This is particularly so as planning conditions cannot be used to restrict car ownership and therefore in some cases parking objections may be used as valid reason for taking enforcement action.
- 12.14 It is therefore recommended that enforcement action is only taken in respect of the HMOs listed in the table on page 2 of this report . It should also be noted that HMOs do not have the benefit of Permitted Development rights and therefore building works such as extensions and garden sheds will all require planning permission. This affects some properties where buildings have been erected in the gardens.

## **Flats**

- 12.15 Junction 9 in addition to converting properties into HMOs are also responsible for the conversion of properties into self contained flats. The company refers to these as Studios and consider again that these properties are shared communally by the residents and therefore fall within the C3 use class definition of a dwelling house. Officers do not agree with this. The properties have been converted to provide individual lockable rooms each having its own ensuite shower room with wc and kitchenette area. The kitchenette has a sink and microwave and fridge. Residents are therefore able to live independently. Whilst in some properties there may be a shared kitchen this is usually small and often used as a communal laundry area. Residents do not appear to use the kitchen communally and no utensils or food were noted in the cupboards or fridge.
- 12.16 The flats usually contain a double bed or 2 single beds and therefore if a property contains 6 flats it is conceivable that 12 people could reside there. The characteristics of all the properties as noted at site inspections include:
- The flats are locked and numbered
  - Each flat is let on an individual basis with each resident responsible for his own rent.
  - The flats have electricity metres
  - Residents are transient
  - Vacancies and room allocations are controlled by the company
  - Tenants are not necessarily known to each other
  - Properties are serviced by Junction 9 e.g., weekly clean – leading to a lack of need to share chores communally.
  - Council tax, and heating bills are paid by Junction 9 – again negating the need to share bills in common.
  - Each flat has its own en-suite
  - Each flat has its own kitchenette area.
- 12.17 The properties which have been converted to flats could not realistically fall within the C3 use class dwelling house definition as there is very little shared in common and there is a significant degree of self containment. Given that planning permission is required and approval has not been given enforcement action should be considered for each property which has been converted.
- 12.18 Similarly to the discussion earlier in respect of HMOs, enforcement action should only be taken where it is expedient to do so and therefore for reasons previously outlined only those properties for which intensification and over development has lead to parking problems and a detrimental impact on the amenities of the area or where the amenities of the occupiers has been compromised should be enforced.
- 12.19 There may also be problems with lawful immunity from enforcement action as the four year rule applies to flats (the HMO limit is ten years). It is considered that this will only affect the conversion of 12 Walsall Road which was possibly converted in 2000 when it is known that Junction 9 acquired the property. The conversion also appeared older than 4 years when the inspection took place. Further details about this address can be found in the appendix.

### **Erection of garden buildings**

- 12.20 It has recently been brought to the attention of Officers that Junction 9 Accommodation have erected a number of timber garden buildings at various addresses across the borough. Officers are aware of 7 addresses where timber buildings have been erected.
- 12.21 Nearby residents and Councillors have expressed their concern about these buildings and the use they may be put to. Many feel that they may be used for additional residential accommodation.
- 12.22 There may be some grounds to justify these concerns. At one site (12 Walsall Road) timber buildings have been erected and are in use for residential purposes. These have a chalet like appearance and enforcement action is recommended as detailed in the appendix. However at other addresses it is clear that the buildings are only used for storage purposes. Nonetheless the new buildings which are currently being erected at 3 addresses across the borough (Westbourne Road, Walsall Street and Temple Road) do look like residential chalet buildings with french doors and windows. In many of these cases the use of these buildings for residential purposes would be unacceptable due to overdevelopment of the site and the detrimental impact on amenity for both occupiers and nearby residents.
- 12.23 Officers are also concerned about the size of the buildings and the fact that the tenants are not likely to need such facilities. Indeed the owner of Junction 9 has himself said that in some cases they are used (Hilary Street) or will be used (Westbourne Road) not by the tenants but for the storage of company equipment and materials. In this way it is conceivable that the gardens of some properties could become small scale builder's storage yards which could detrimentally impact upon both the amenities of the tenants and nearby residents.
- 12.24 It is therefore recommended that enforcement action is taken at each of these addresses where the sheds are not immune from enforcement action by virtue of the 4 year rule. Enforcement action may require removal of the shed or in some cases it may be more appropriate to require that the shed is only used for domestic storage in connection with the dwelling on the site, which would control the future use. It is important that enforcement action requires only the minimum that is required to overcome the objections and therefore in some cases where the shed is acceptable in principle Members are advised to control the use rather than require removal.



### **Period for Compliance with the Enforcement Notices**

- 12.25 Members will note from the recommendations on page 1 that the time scale recommended for compliance with the enforcement notice is 6 months. This may seem generous however this time scale is considered appropriate because enforcement action may lead to many occupiers of the properties needing to find alternative accommodation. A 6 month compliance period should give adequate time for relocation and in any case most tenancies are conducted on a short term basis and can be terminated after this period of time.

### **Reasons for Issuing the Enforcement Notices**

- 12.26 Members will also note that unlike usual enforcement reports the reasons for issuing the notices and the requirements of the notices are brief. This is due to the number of properties which need to be dealt with. The Enforcement Notices will contain more detailed information.

HEAD OF PLANNING AND BUILDING CONTROL

## **Appendix – Junction 9 Properties**

### **285 Darlaston Road, Pleck, Walsall**

#### **Breach of Planning Control**

Change of Use to HMO

#### **Background and detail**

This is an end-terraced residential property which was acquired by J9 in December 2003. The property has been converted to an HMO. There are 5 lockable and numbered rooms and a shared bathroom and kitchen. The property has a rear garden. There is no off-street parking, however there is on-road parking on Hough Road, at the side of the property.

Given that there are only 5 rooms and on-road parking is available it is not considered that the use of this property as a HMO gives rise to any detrimental impacts on amenity. Any impact would be unlikely to differ from that which may be reasonably expected of a family residing at this house. In addition there is also a garden area available for amenity purposes including the drying of washing and bin stores.

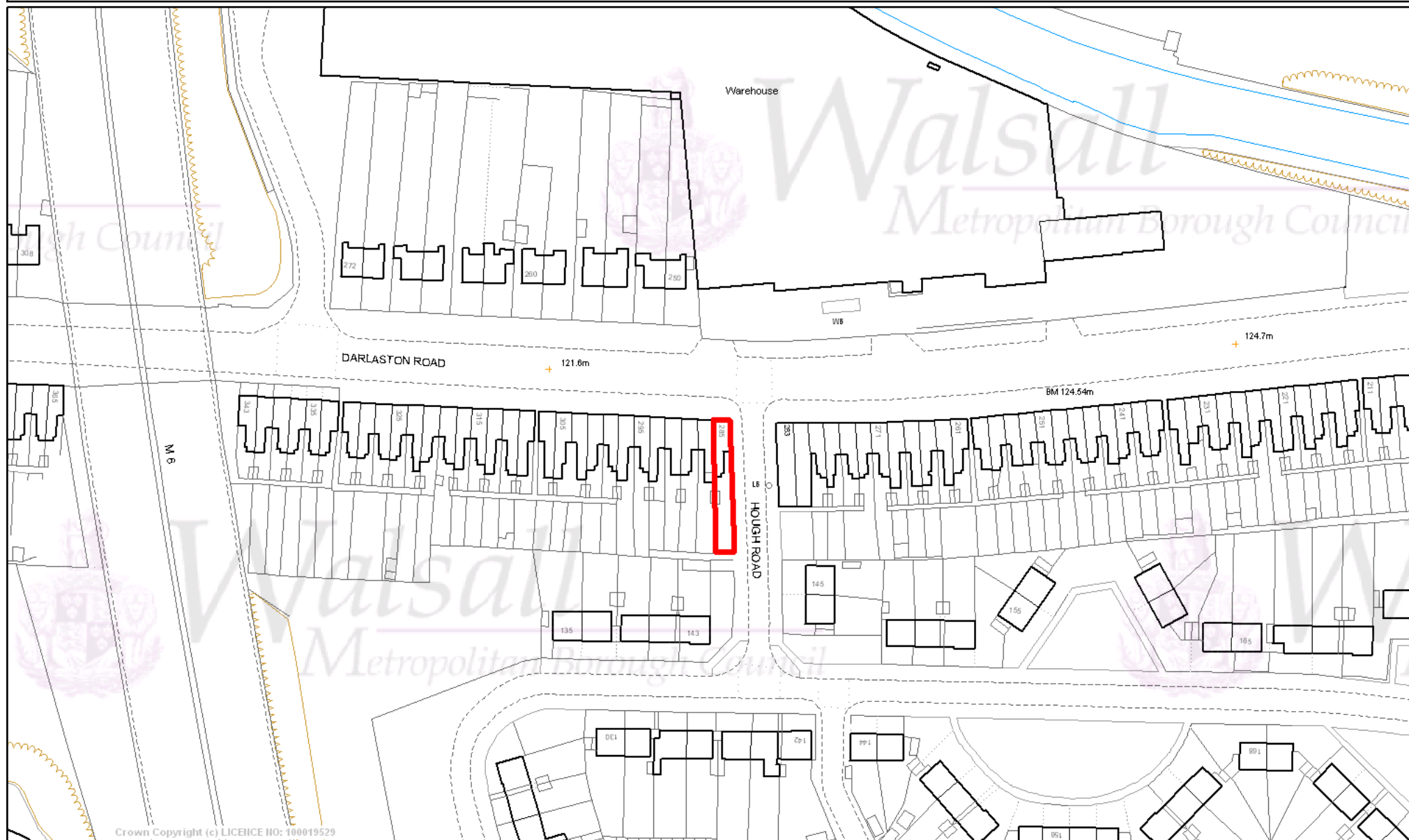
There is however a rear extension at this property and officers are currently assessing whether or not enforcement action should be taken in respect of this. It will be the subject of a separate report

#### **Recommendation**

Enforcement action is not expedient in respect of the use.

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# 285 Darlaston Road



## **21 Slaney Road, Walsall**

### **Breach of Planning Control**

Change of Use to HMO

### **Background and detail**

This is a semi detached residential property which was acquired by J9 in November 2001. The property has been converted to an HMO. There are 12 lockable and numbered rooms and a shared bathroom and kitchen. Three of the rooms have an en-suite shower room. The property has a rear garden. There is no off-street parking provision and no space is available within the site to create spaces. There is a rear garden and room for bin stores and private amenity space.

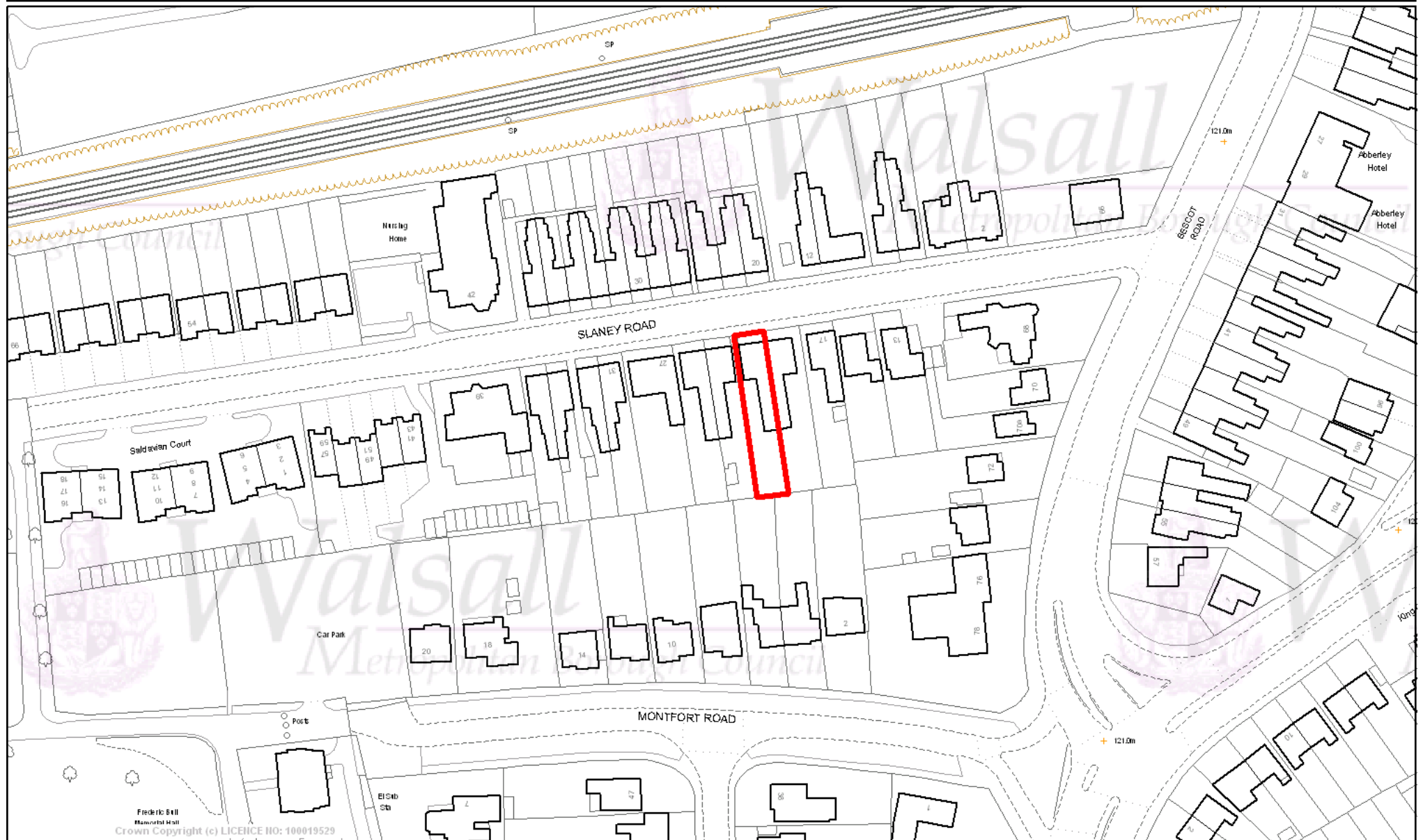
There are parking problems and congestion on Slaney Road and the change of use to create a 12 roomed HMO does nothing to help this. In addition due to the fact that the adjoining property has also been converted by J9 to create 12 letting rooms and the property opposite to create a 7 roomed HMO the change of use has a significant and cumulative affect in this location. It is considered that the impact of intensification is more than would be expected if the property was to be used a single dwelling house. Whilst it may be argued that the residents do not have their own cars there is little that planning can do to control this. It is therefore considered that the change of use to a HMO has strained the capacity of the street to absorb the use causing conflict with neighbours and giving rise to parking problems and loss of amenity.

### **Recommendation**

Enforcement action is recommended requiring cessation of the use.

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## 21 Slaney Road



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## **23 Slaney Road, Walsall**

### **Breach of Planning Control**

Change of Use to HMO

### **Background and detail**

This is a semi detached residential property which was acquired by J9 in November 2001. The property has been converted to an HMO. There are 12 lockable and numbered rooms and a shared bathroom and kitchen. Three of the rooms have an en-suite shower room. The property has a rear garden. There is no off-street parking provision and no space is available within the site to create spaces. There is a rear garden and room for bin stores and private amenity space.

There are parking problems and congestion on Slaney Road and the change of use to create a 12 roomed HMO does nothing to help this. In addition due to the fact that the adjoining property has also been converted by J9 to create 12 letting rooms and the property opposite to create a 7 roomed HMO the change of use has a significant and cumulative affect in this location. It is considered that the impact of intensification is more than would be expected if the property was to be used a single dwelling house. Whilst it may be argued that the residents do not have their own cars there is little that planning can do to control this. It is therefore considered that the change of use to a HMO has strained the capacity of the street to absorb the use causing conflict with neighbours and giving rise to parking problems and loss of amenity.

### **Recommendation**

Enforcement action is recommended requiring cessation of the use.

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23 Forge Road



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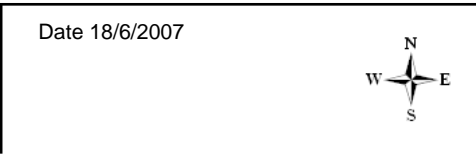

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Scale 1/1250

Centre = 397000 E 296735 N

Date 18/6/2007



## **24 Slaney Road, Walsall**

### **Breach of Planning Control**

Change of Use to HMO

### **Background and detail**

This is a semi detached property which has been converted to a HMO. There are 7 lockable and numbered rooms and a shared bathroom and kitchen.. The property has a rear garden. There is no off-street parking provision and no space is available within the site to create spaces.

There are parking problems and congestion on Slaney Road and the change of use to create a 7 roomed HMO does nothing to help this. In addition due to the fact that the properties opposite have also been converted by J9 to create 12 letting rooms in each the change of use has a significant and cumulative affect in this location. It is considered that the impact of intensification is more than would be expected if the property was to be used a single dwelling house. Whilst it may be argued that the residents do not have their own cars there is little that planning can do to control this. It is therefore considered that the change of use to a HMO has strained the capacity of the street to absorb the use causing conflict with neighbours and giving rise to parking problems and loss of amenity.

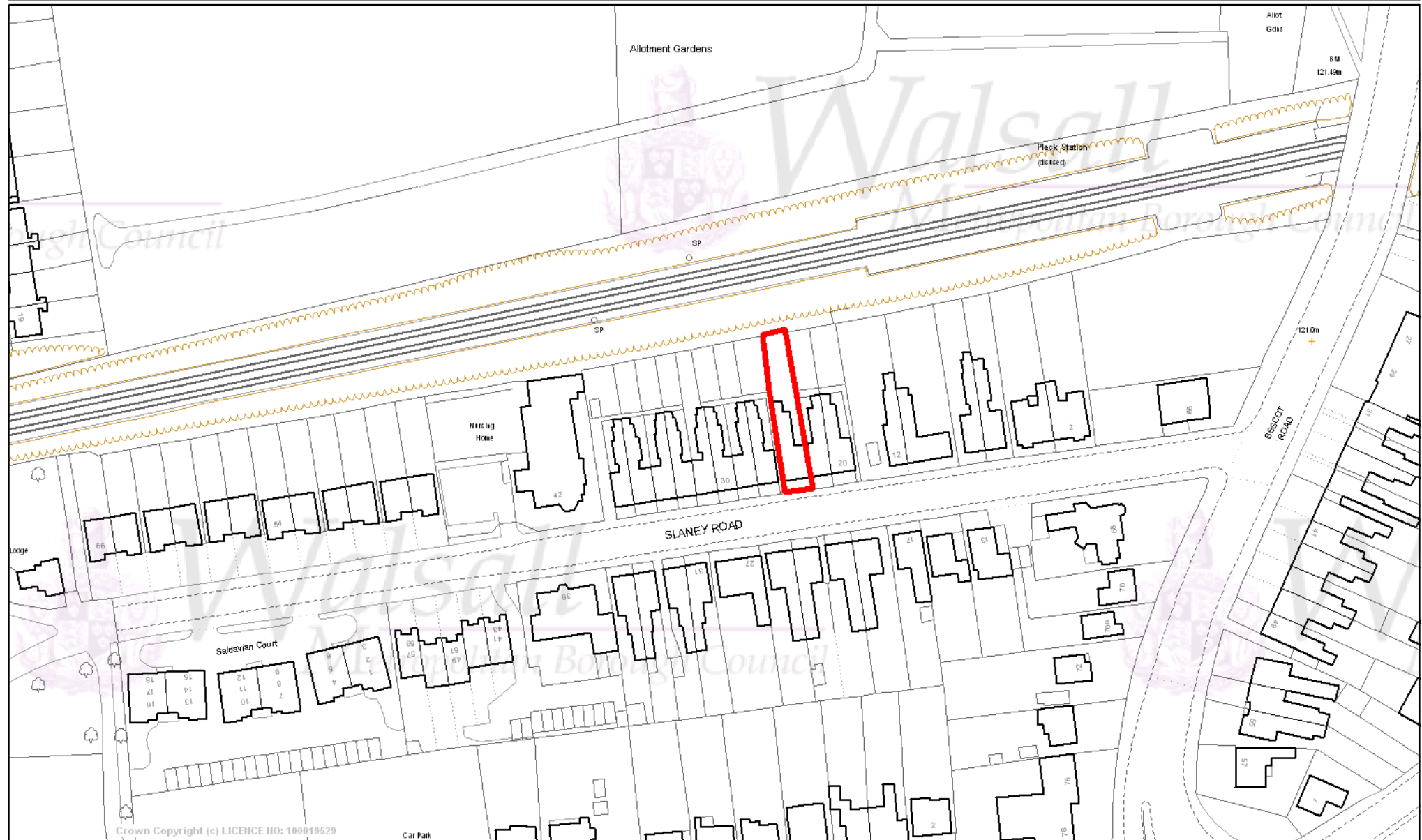
### **Recommendation**

Enforcement action is recommended requiring cessation of the use.

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## 24 Slaney Road



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## **42 Hillary Street, Walsall**

### **Breach of Planning Control**

Change of Use to flats and erection of sheds

### **Background and detail**

This is an end terraced property which has been converted to 6 flats. The 6 flats are individually numbered and each has its own en-suite shower room and kitchenette area. There is also a communal kitchen with laundry facilities. There is a large side garden and whilst there are no formally laid out car parking spaces there is space to the rear to create spaces.

Planning permission was granted within the curtilage of this site for a detached dwelling.

It is not considered that the change of use of this property to flats creates any detrimental impacts on amenity or parking in the locality and therefore enforcement action in respect of the use is not recommended.

Large timber sheds have been erected in the side garden probably in 2004. These are not used for residential purposes and are clearly used for the storage of J9 materials. The use of the sheds for builder's storage materials could give rise to amenity issues affecting both the residents of this property and also nearby residents if deliveries are frequent and not controlled. On balance it is considered that this type of use within a residential curtilage is not acceptable and could give rise to a number of problems, it is therefore recommended that enforcement is taken requiring that the sheds should be used only for ancillary domestic purposes incidental to the enjoyment of the occupiers of 42 Hillary Street.

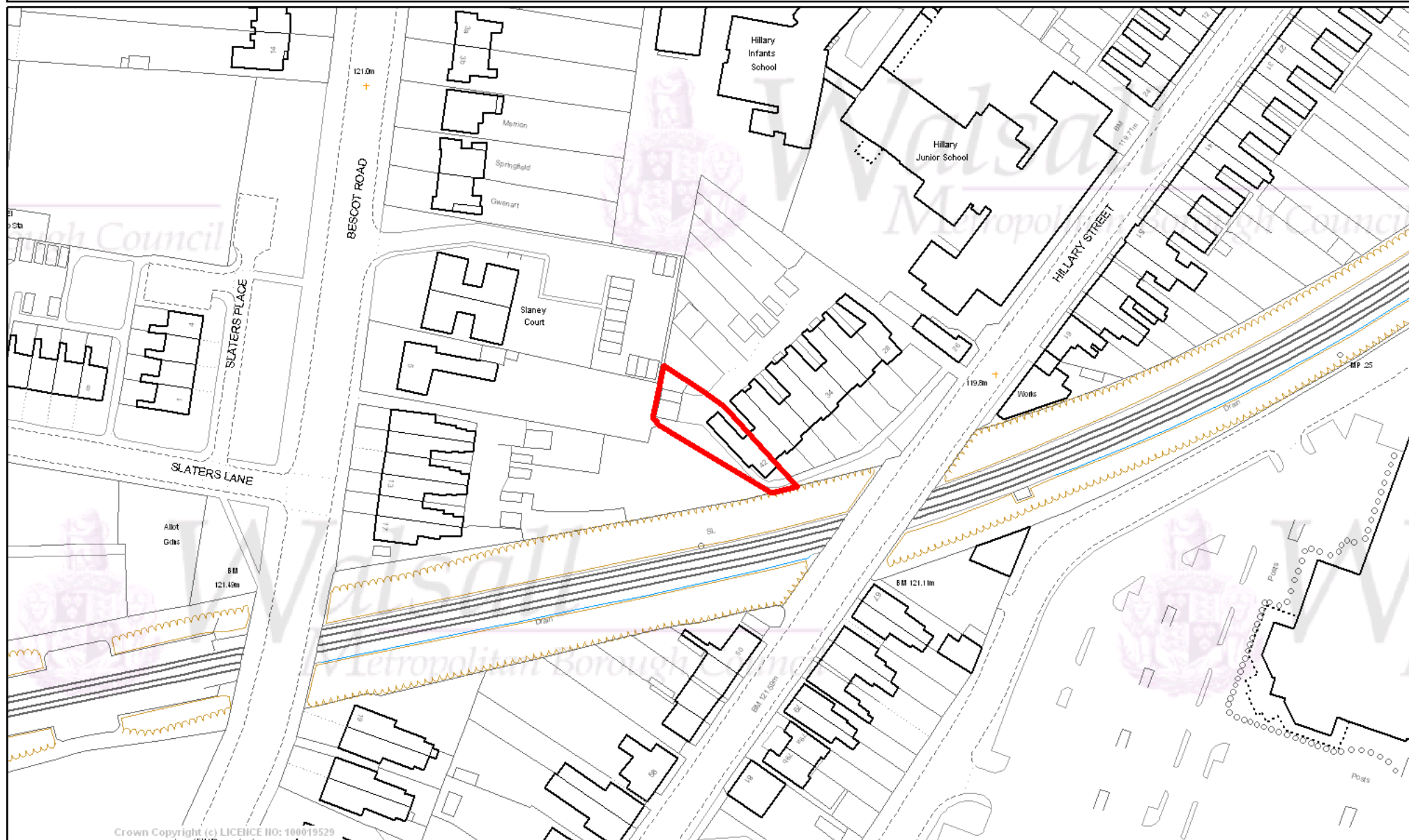
### **Recommendation**

Enforcement action is not recommended in respect of the use.

Enforcement action is recommended requiring the restriction of the use of the garden buildings to purpose incidental to the enjoyments of the occupiers of 42 Hillary Street.

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## 42 Hillary Street



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## **7 Broadway North, Walsall**

### **Breach of Planning Control**

Change of Use to rooms and flats

### **Background and detail**

This is a semi-detached property which is currently being refurbished by J9 to provide 8 letting rooms. It is understood from the owner that these will each share a kitchen and bathroom. At the site inspection however, whilst work was not complete it did appear that some of the rooms may have their own kitchenette and en-suite. There is a rear garden but no off-street parking. Housing Officers are currently inspecting this property in respect of HMO legislation and they have been informed that the property will not be a HMO.

Clearly a further inspection will be required once the works are complete however it is considered that an 8 roomed HMO would be significant over intensification of the property more than would be expected if this property was in use as a single dwelling house and used by one family.

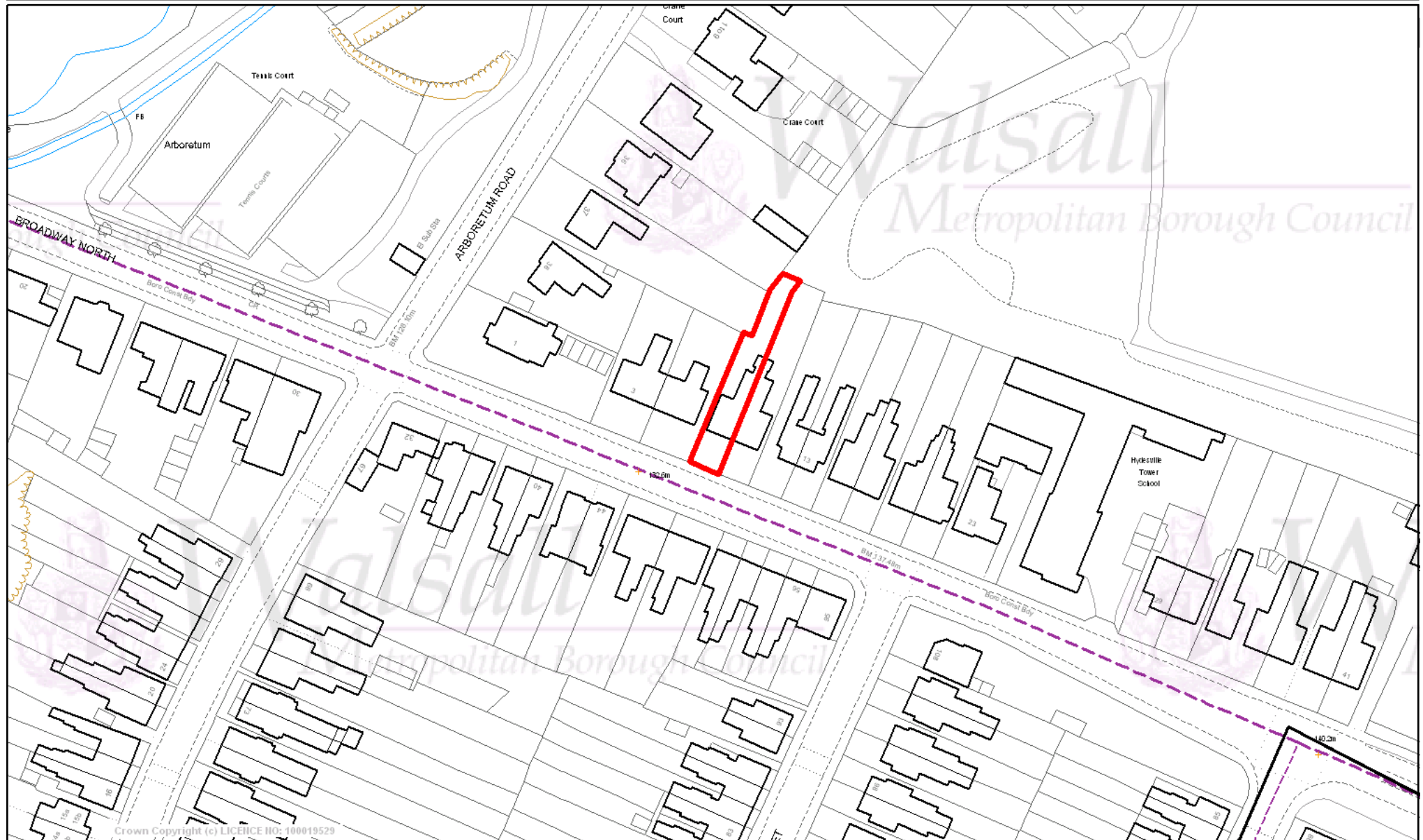
There are parking problems in this location and whilst it is within walking distance of Walsall town centre and transport links it is considered that the change of use is overdevelopment of the site which could give rise to problems.

### **Recommendation**

Enforcement action is recommended requiring cessation of the use of the property as an HMO or as Flats should this be the case.

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## 7 Broadway North



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## **43/44 New Street, Walsall**

### **Breach of Planning Control**

Change of Use to flats

### **Background and detail**

This is an office building which has been converted by J9 to provide 14 flats each with its own kitchenette and en-suite shower room. The flats are numbered and lockable. There is a small kitchen on the ground floor which provides laundry facilities. There is no off street parking or garden area. The owner advises that this property is still in use as an office. Officers do not agree with this.

Planning permission was refused for a change of use to a single dwelling (03/2217/FI/W1). A subsequent ministerial appeal was dismissed. J9 made the application and appeal but chose to undertake the work in spite of the decisions made. Planning Officers first became aware of this matter in January 2007.

Given the inspectors decision it is unlikely that planning permission would be granted for 14 flats in this location and therefore enforcement action is recommended.

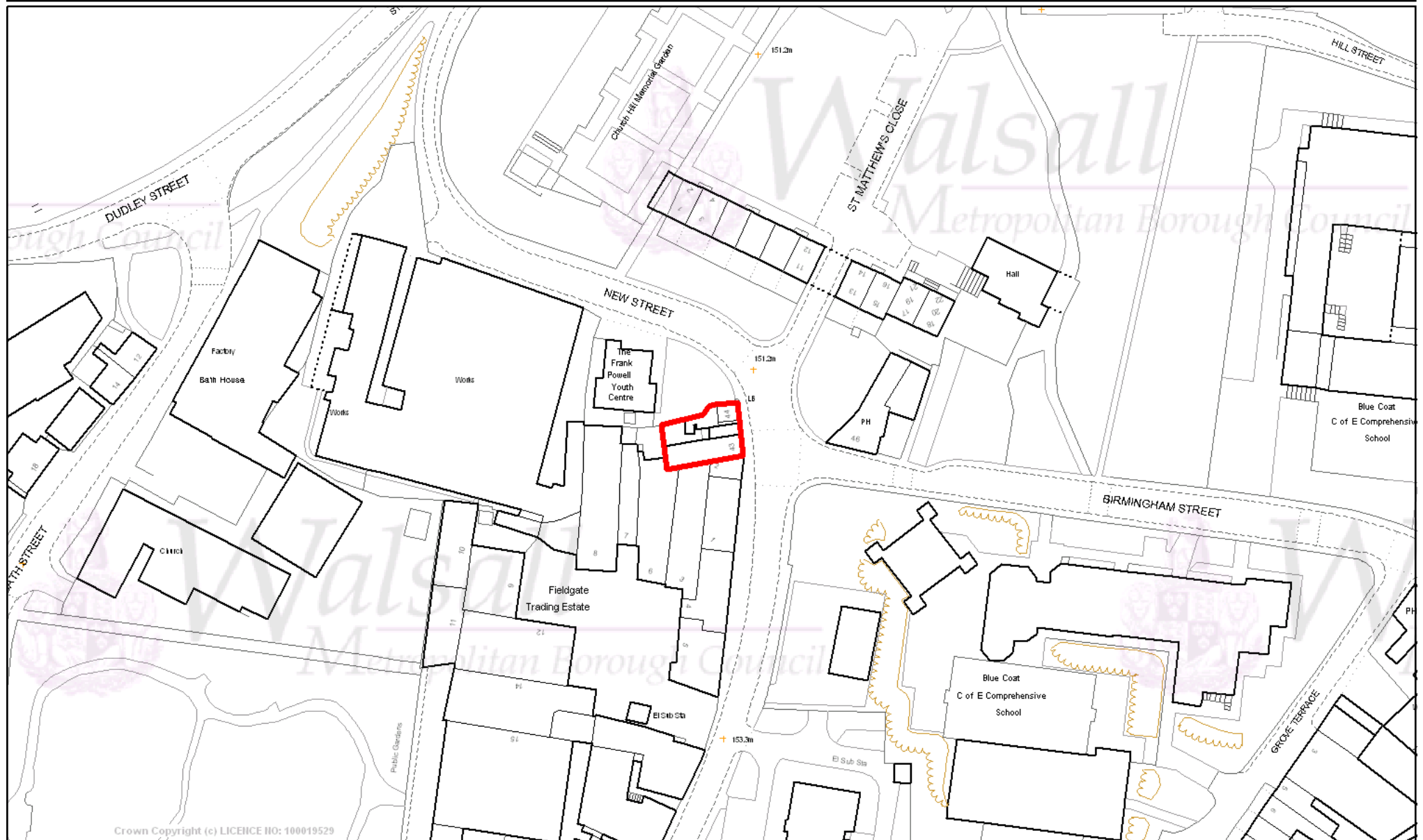
### **Recommendation**

Enforcement action is recommended requiring cessation of the use of the property for flats.

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# 43/44 New Street



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## **41 Westbourne Road Walsall**

### **Breach of Planning Control**

Change of Use to flats and erection of a timber garden building

### **Background and detail**

This is a former 3 bedroom mid terraced property which has been converted to provide 6 flats each with its own kitchenette and en-suite shower room. There is a small kitchen on the ground floor which provides laundry facilities. There is no off street parking. There is a rear garden.

It is considered that the creation of 6 flats in this type of property is over development. It is conceivable that 12 residents could live here at any one time and this could give rise to an unacceptable degree of disturbance to nearby residential occupiers and would also give rise to problems in respect of on-street parking and conflict with other users. This is particularly the case in this location as there are existing on-street parking problems.

A timber building was under construction in the rear garden and it is understood that residents are concerned about this. At the time of the inspection (10<sup>th</sup> May 2007) the shed was not complete and the owner advised it would be used as a storage facility. Whilst the shed is large (approx 8 x 6.5 metres) it is not considered to have a detrimental impact on the amenities of nearby residents. If the property had Permitted Development rights it would have been possible to have built this shed without the need for planning permission. Officers consider that it is the use that the shed might be put which could cause the most problems. It is therefore recommended that enforcement action should be taken recommending that the building is used only for purposes incidental to the enjoyment of the residents of 41 Westbourne Road. In this way it would not be possible for the shed to be used for residential purposes or for a commercial use.

### **Recommendation**

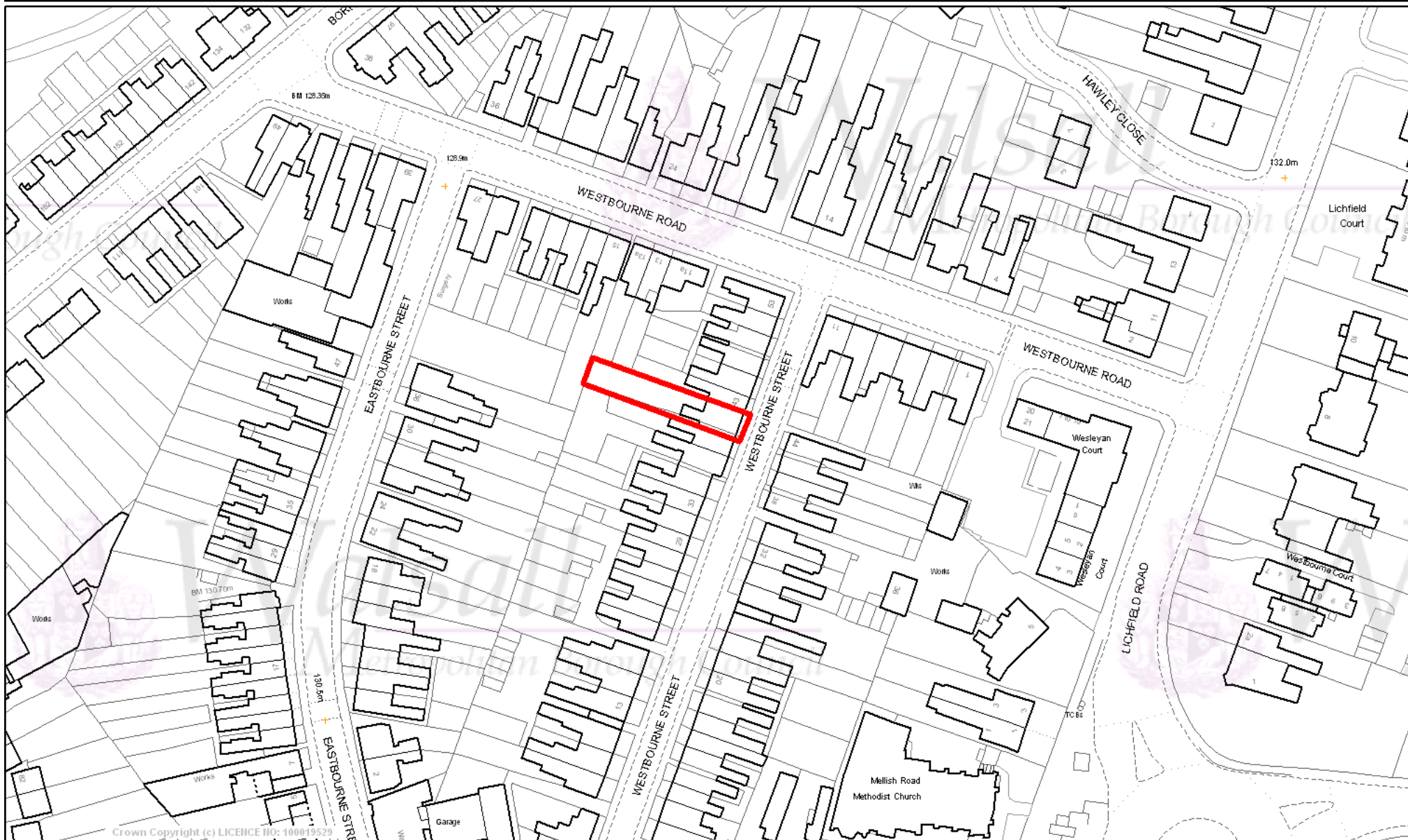
Enforcement action is recommended requiring cessation of the use of the property for flats.

Enforcement action is recommended requiring a restriction on the use of the building in the rear garden.

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# 41 Westbourne Street



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Date 15/6/2007



### **3 Hart Street, Walsall**

#### **Breach of Planning Control**

Change of Use to HMO.

#### **Background and detail**

This is a former end terraced house which has been converted to provide 6 letting rooms. There is a shared kitchen and bathroom and a rear garden. There is some off street parking.

It is considered that the creation of an HMO is acceptable in this location and due to the fact that there is a garden and parking provision there are no detrimental impacts that arise from the development.

#### **Recommendation**

Enforcement action is not recommended.

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### 3 Hart Street



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Scale 1/1250

Centre = 401323 E 297887 N

Date 15/6/2007



**649 Bloxwich Road, Leamore, Walsall**

**Breach of Planning Control**

Change of Use to HMO

**Background and detail**

This is an end terraced property which has been converted to an HMO with 6 lockable and numbered rooms and a shared bathroom and kitchen. The property has a rear garden. There is the potential to create off-street parking at this property.

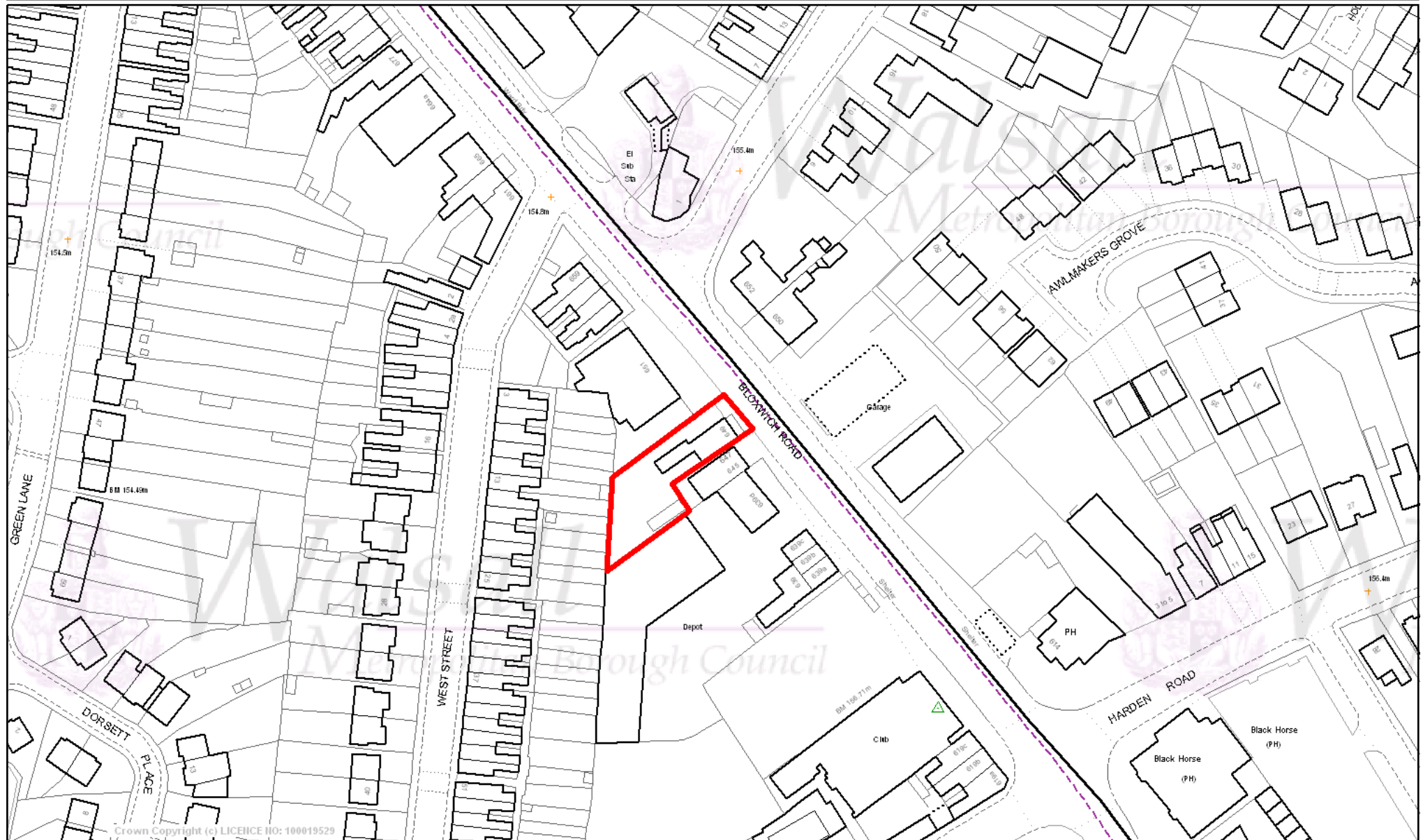
Given the number of rooms and that the fact that off-road parking is available it is not considered that the use of this property as a HMO gives rise to any detrimental impacts on amenity. Any impact would be unlikely to differ from that which may be reasonably expected of a family residing at this house. In addition there is a garden area available for amenity purposes including the drying of washing and bin stores.

**Recommendation**

Enforcement action is not expedient in respect of the use.

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# 649 Bloxwich Road



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Centre = 400374 E 301230 N

Date 15/6/2007



## **112 Temple Road Willenhall**

### **Breach of Planning Control**

Change of Use to HMO and erection of a timber garden building

### **Background and detail**

This is a former 3 bedroom mid terraced property which has been converted to provide 6 letting rooms with a shared kitchen and bathroom. There are no off street parking facilities. There is a rear garden.

It is considered that the change of use to create 6 letting rooms at this property has not led to any significant detrimental impacts on amenity or parking in the area, as there does not appear to be a problem with on-road parking in this location. It is unlikely that the use of the property as an HMO with 6 rooms creates any more of an impact than a family would and for these reasons enforcement action is not recommended.

Nearby residents and Councillors are however very concerned about a timber building which has recently been erected in the in the rear garden.

The building is very large (approx 18 metres in length) and almost the width of the garden. The building is very prominent from neighbouring gardens and it has an unacceptable visual impact. It is unlikely that planning permission would be granted for this building in a garden of this size. Residents are also concerned about what use the building might be put to. At the time of the inspection the building was not complete and therefore no conclusions could be drawn however it does have a chalet like appearance with french windows and a veranda and therefore it is likely that this building was intended to be used for residential accommodation. A garden building of this size would not be required by residential occupiers and it minimises their amenity space.

Given the size of shed and its overbearing impact it is recommended that enforcement action is taken requiring its removal.

### **Recommendation**

Enforcement action is recommended requiring removal of the building in the rear garden.

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# 112 Temple Road



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Centre = 396520 E 299031 N

Date 15/6/2007



### **33 Walsall Street, Willenhall**

#### **Breach of Planning Control**

Change of Use to flats and erection of two timber garden buildings.

#### **Background and detail**

This is a detached former single dwelling house which has been converted to provide 6 flats each with a kitchenette and en-suite shower room. There is also a shared kitchen to the ground floor. There are no off street parking facilities. There is a rear garden. J9 acquired the property in July 2004.

Planning permission was refused for 3 flats in 1989 (BC26737P).

It is considered that the change of use to create 6 flats is over development of this site. It is conceivable that 12 residents could live here at any one time and this could give rise to an unacceptable degree of disturbance to nearby residential occupiers and would also give rise to problems in respect of on-street parking on this main road. This is particularly the case in this location as there is no on-street parking outside the property and if residents own cars they would have to park their vehicles as far away as Birmingham Street which is already congested.

At the time of the inspection two timber buildings were under construction and the owner advised that these would be used storage purposes. The buildings looked like individual residential chalets with windows and french doors and it also appeared that attempts were being made to provide drainage to each of the buildings.

It is considered that the two buildings should be removed and that enforcement action should be taken requiring the use of the property to cease.

#### **Recommendation**

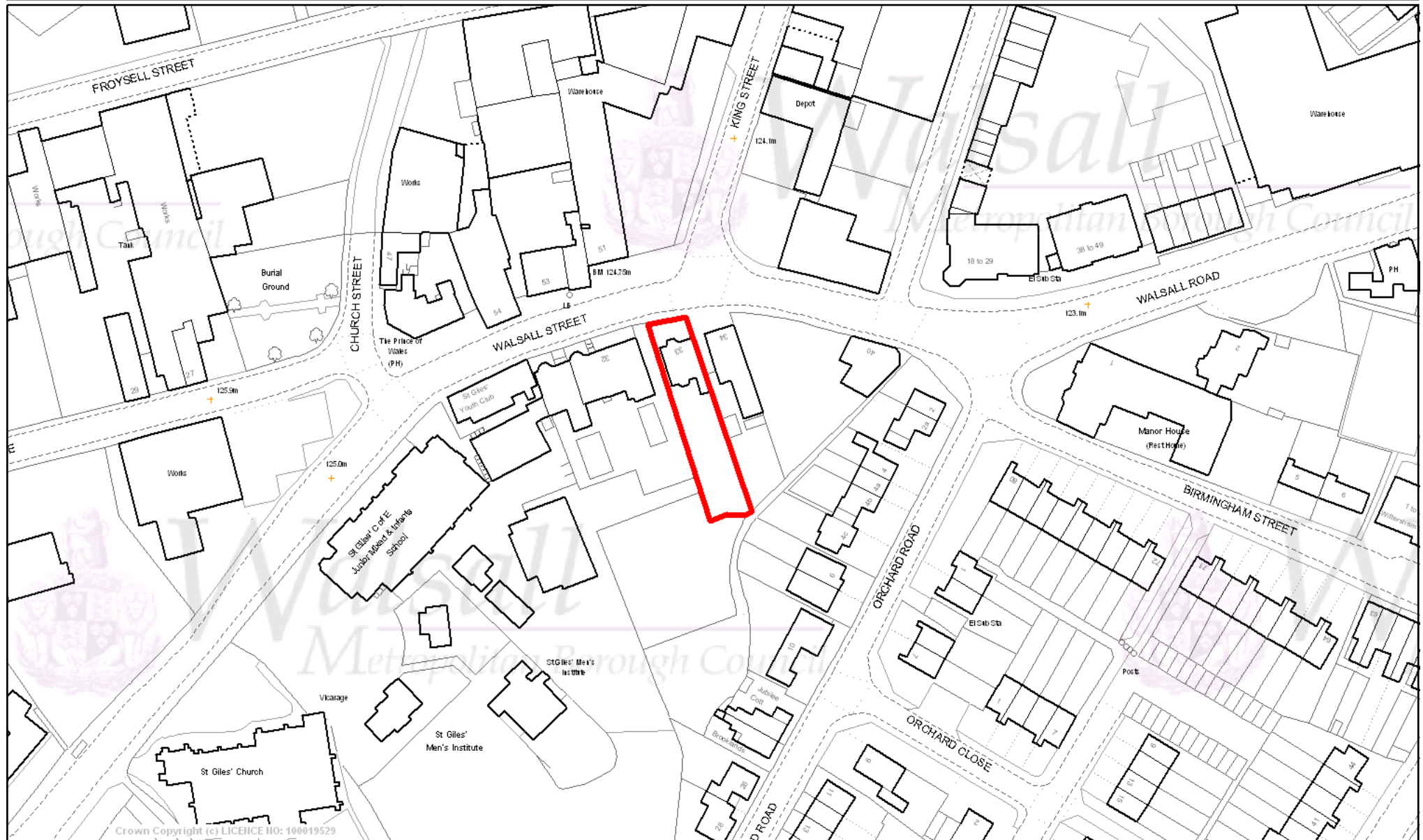
Enforcement action is recommended requiring cessation of the use of the property for flats.

Enforcement action is recommended requiring removal of garden buildings.

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# 33 Walsall Street



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Centre = 396820 E 298562 N

Date 15/6/2007



## **261 Walsall Road, Darlaston**

### **Breach of Planning Control**

Change of Use to HMO

### **Background and detail**

This is a former mid terraced dwelling house which has been converted to provide 6 letting rooms with a shared kitchen and bathroom. There are no off street parking facilities. There is a rear garden. The property was acquired by J9 in May 2002.

It is considered that the change of use to create 6 letting rooms at this property could give rise to a significant impact on the parking problems and congestion in the area.

There is no on-street parking and no nearby side road which could possibly be used for resident parking. Given the original layout of the property as a 3 bed room terrace the conversion to provide 6 letting rooms has the potential to create a significant impact and more than what could have been reasonably expected by a family residing here.

It would not be possible to create the parking spaces on the site and whilst it is acknowledged that the occupiers may not have vehicles, planning cannot not control future car ownership.

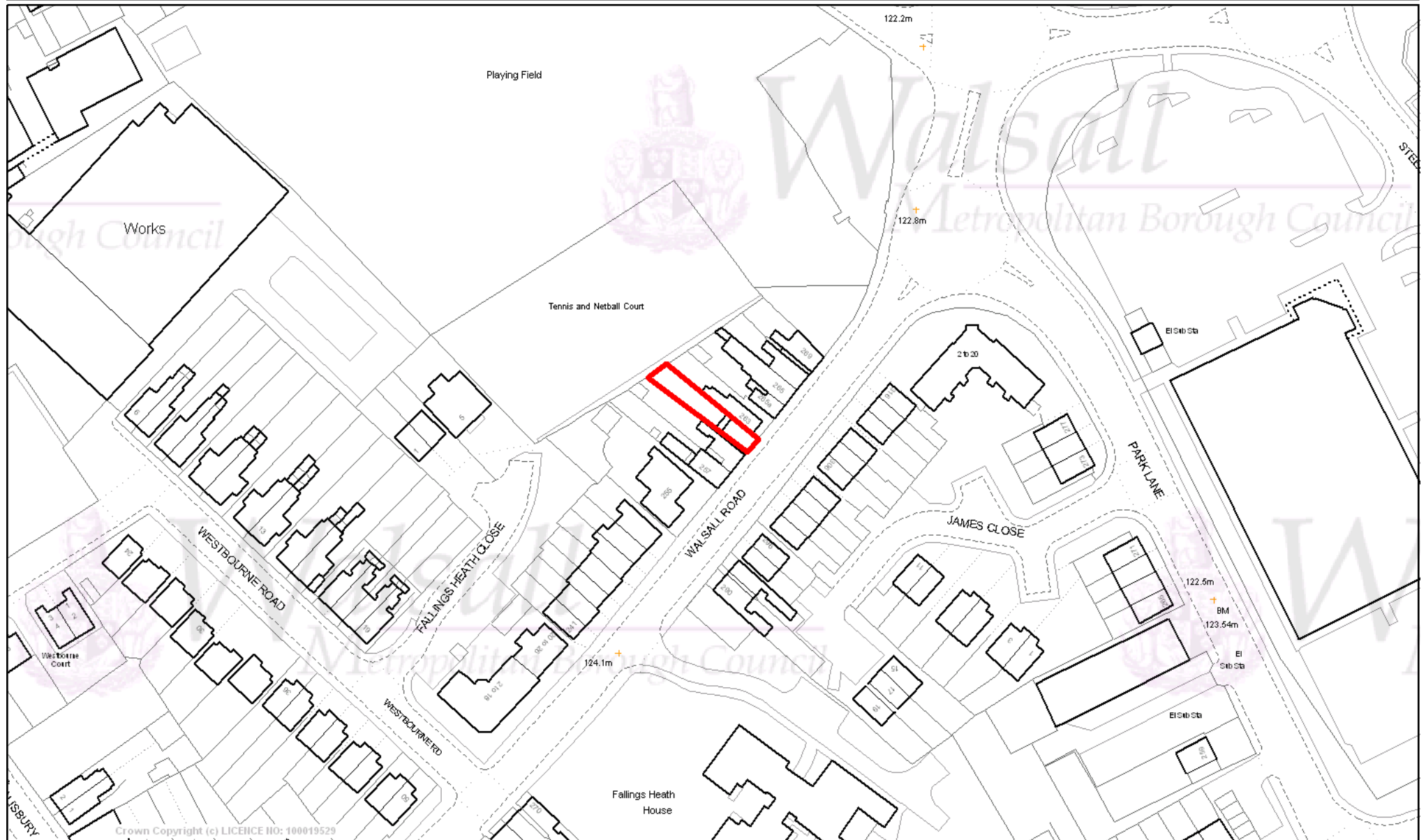
Given the type and size of the property this is overdevelopment and enforcement action is recommended.

### **Recommendation**

Enforcement action is required requiring cessation of the use as a HMO.

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## 261 Walsall Road



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Centre = 398700 E 297060 N

Date 18/6/2007



**69a Walsall Road, Darlaston**

**Breach of Planning Control**

Change of Use to HMO

**Background and detail**

This is a former end terraced dwelling house which has been converted to provide 6 letting rooms with a shared kitchen and bathroom. There may be potential to create off-street parking facilities.

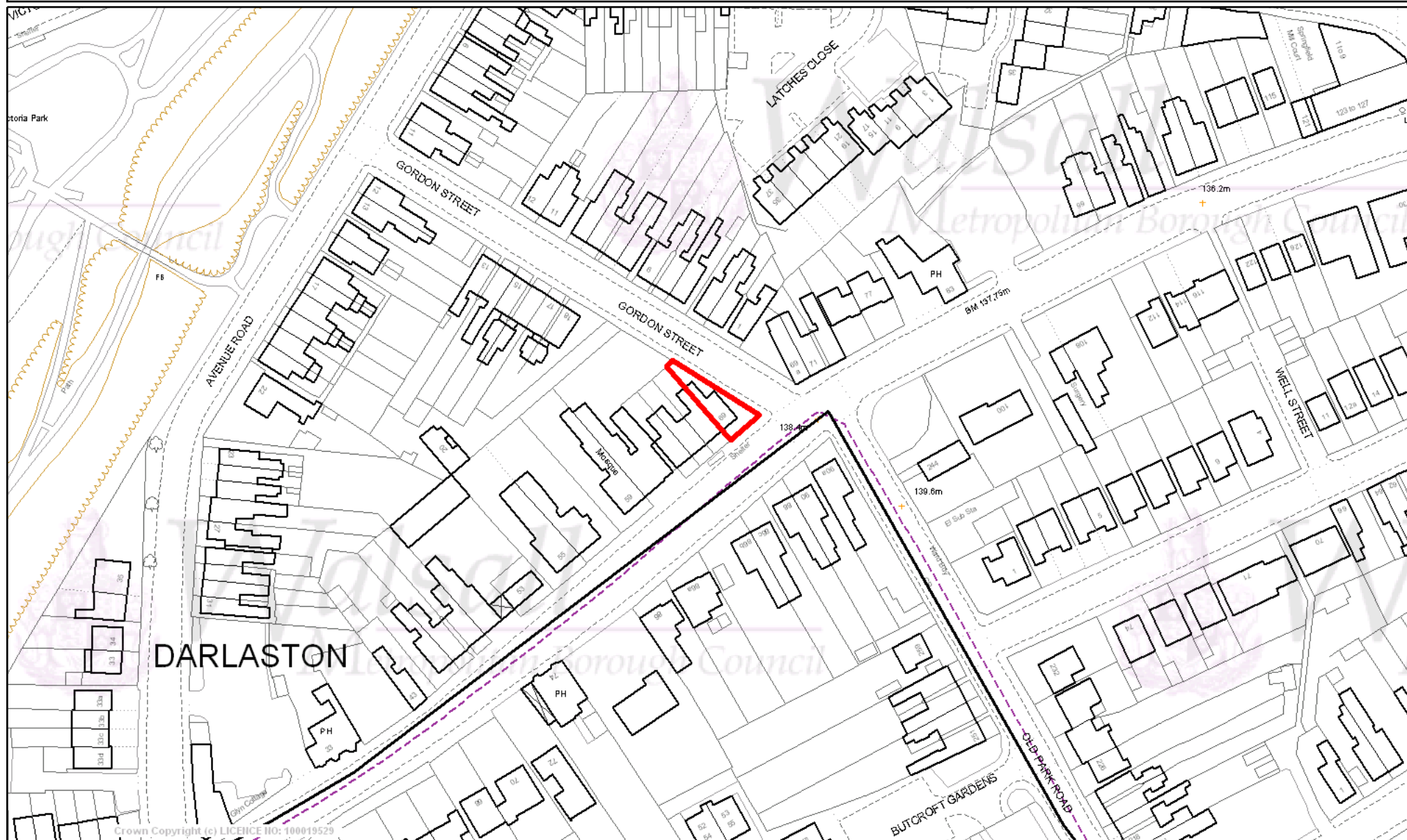
It is considered that the change of use to create 6 letting rooms at this property does not give rise to any significant impacts on amenity or parking in this location as residents could use Gordon Street for parking.

**Recommendation**

Enforcement action is not recommended.

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# 69 Walsall Road



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Centre = 398041 E 296698 N

Date 18/6/2007



## **Fomer Lock up garages – land adjacent 22 Walsall Road, Darlaston**

### **Breach of Planning Control**

Change of Use of lock up garages for builders storage

### **Background and detail**

This site is comprised of 7 lock up garages that were probably in use previously for residential parking.

The land was acquired by J9 and subsequently the garages have been used to store equipment and materials which are connected to the company. Sign written vehicles are often seen parked here.

The use of the garages for storage purposes only does not appear to create any detrimental impact on nearby residential occupiers. Adjacent the site on one side lies a doctor's surgery and no 22 on the other side is owned by J9 and has been converted to flats (see next item). Although there is a public right of way which runs adjacent the site, this is a footpath only and would not normally be affected by the use of the garages. In any case the use of the garages by domestic vehicles or for domestic storage could give rise to similar problems.

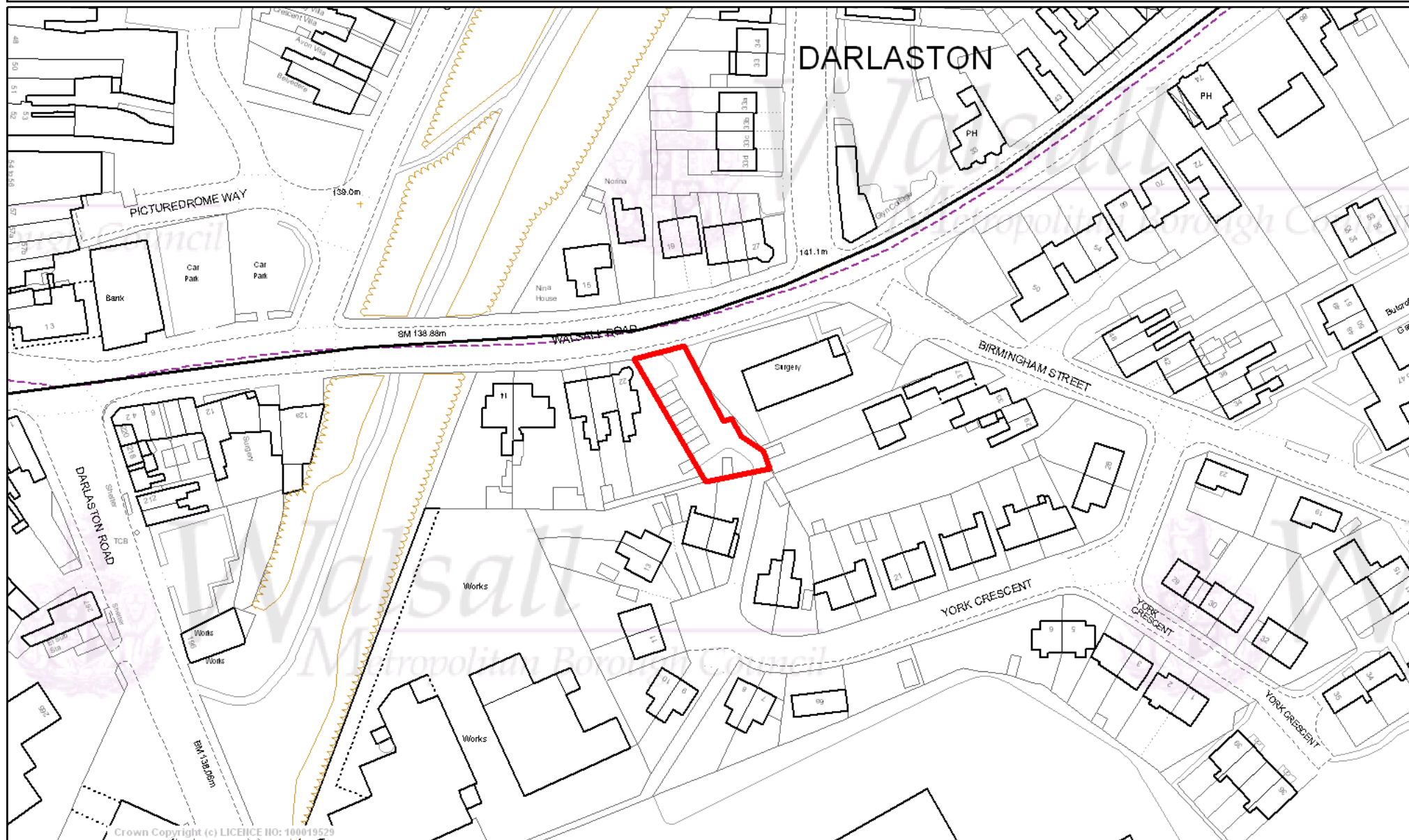
### **Recommendation**

Enforcement action is not recommended.

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# Land Adj 22 Walsall Road



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Centre = 397888 E 296555 N

Date 18/6/2007



## **22 Walsall Road, Darlaston**

### **Breach of Planning Control**

Change of Use to flats.

### **Background and detail**

This is an end terraced 3 storey property with basement which has been converted to provide 6 flats, each with a kitchenette and en-suite shower room. There is also a shared kitchen in the basement which provides laundry facilities. There is access to a rear yard for drying of washing and there is also space to park a number of vehicles to the rear.

It is considered that the change of use to create 6 flats at this site is acceptable as there is parking provision and adequate amenity space and the property is of a size that the flats have been accommodated in an acceptable way.

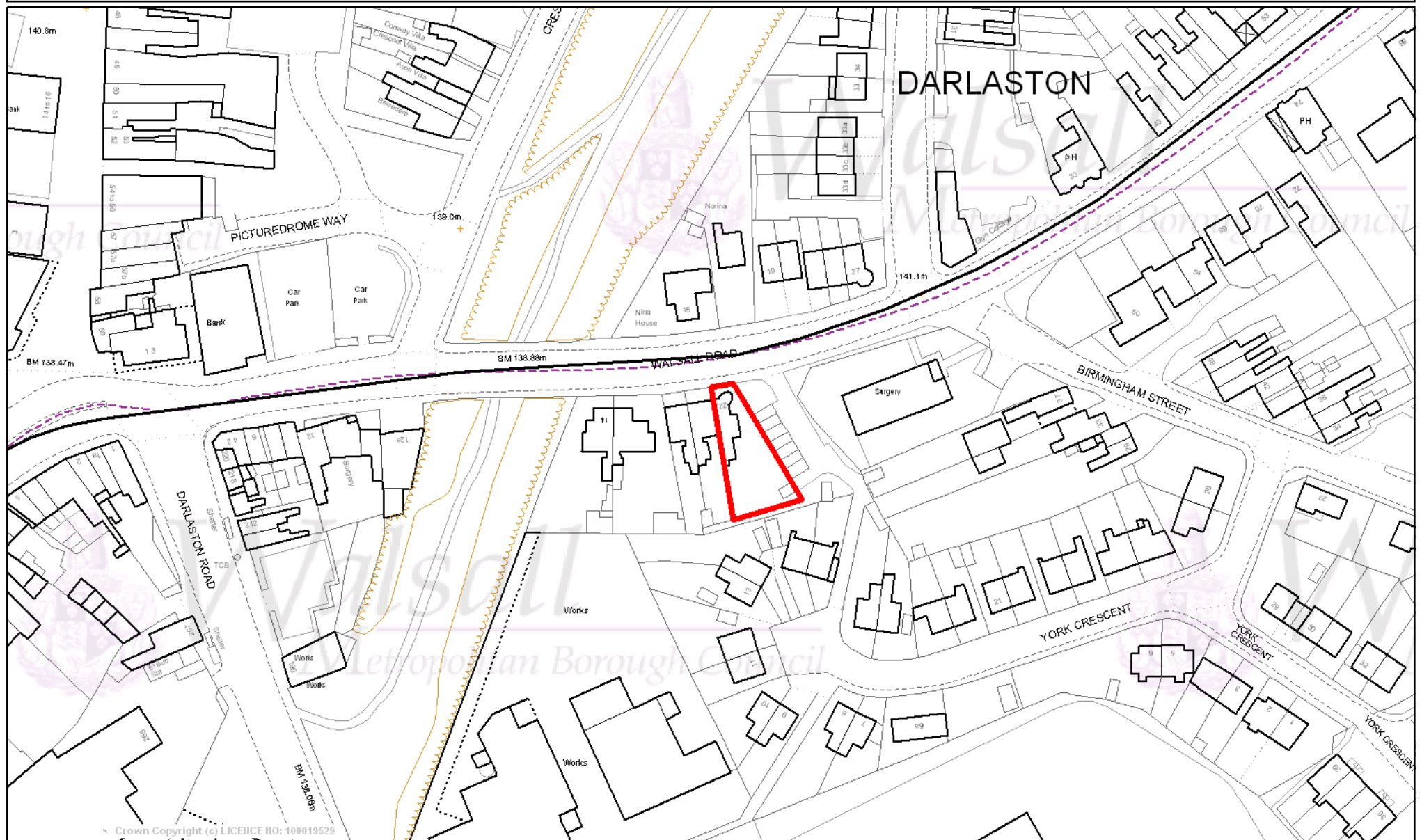
### **Recommendation**

Enforcement action is not recommended.

---



## 22 Walsall Road



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Centre = 397864 E 296561 N

Date 18/6/2007



## **20 Walsall Road, Darlaston**

### **Breach of Planning Control**

Change of Use to flats and office.

### **Background and detail**

This is a mid terraced property which has been converted to provide a ground floor office and one first floor flat, There is a rear yard and some off-road parking provision to the rear.

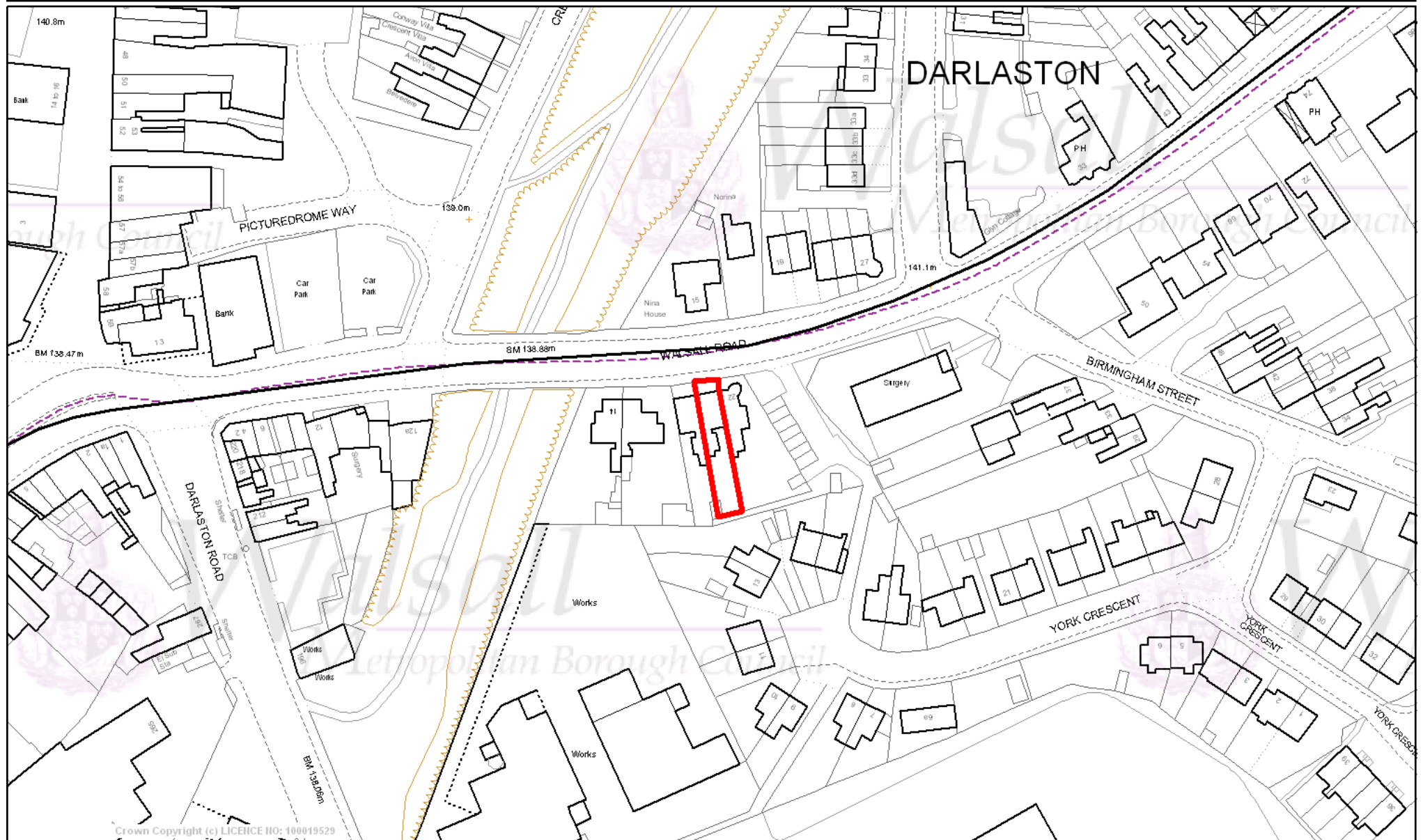
It is considered that this change of use does not raise any significant problems in this location where mixed uses are not uncommon. This is particularly so in this case as parking can be provided together with amenity space for the residential occupiers. At the present time it is the occupiers of the flat who also work in the office.

### **Recommendation**

Enforcement action is not recommended.

---

## 20 Walsall Road



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Centre = 397862 E 296559 N

Date 18/6/2007



## **12 Walsall Road Darlaston**

### **Breach of Planning Control**

Change of Use to flats and erection of timber chalets

### **Background and detail**

This is a mid terraced property which has been converted to provide 9 flats each with a kitchenette and en-suite shower room. J9 acquired the property in August 2000 and at the time of the inspection the conversion did not appear recent. Given that there is a 4 year immunity from enforcement action for flats which have been converted for 4 or more years then they have now become lawful by virtue of time and there is no action that the Council can take in respect of the conversion. However problems associated with the over-development of this site have been exacerbated by the erection of 3 timber chalets to the rear of the property. The chalets are in residential use and each has its own shower room and kitchenette. The owner advised that the chalets have been erected for 7 years however they appeared to be of fairly recent construction. It is considered that the erection of the chalets for residential purposes is over-development of the site and not appropriate development.

An access has been created to the rear of the site onto a Council owned car park which appeared to be in use by the residents of 12 Walsall Road. Whilst the presence of the car park provides a facility for the residents which could number 22 when the property is fully occupied it could lead to a lack of spaces available in the centre of Darlaston for shoppers.

In addition a boundary fence has been built to the rear of the property which is approximately 4 metres in height, possibly to screen the chalets and this has an unsightly appearance together with being visually dominant

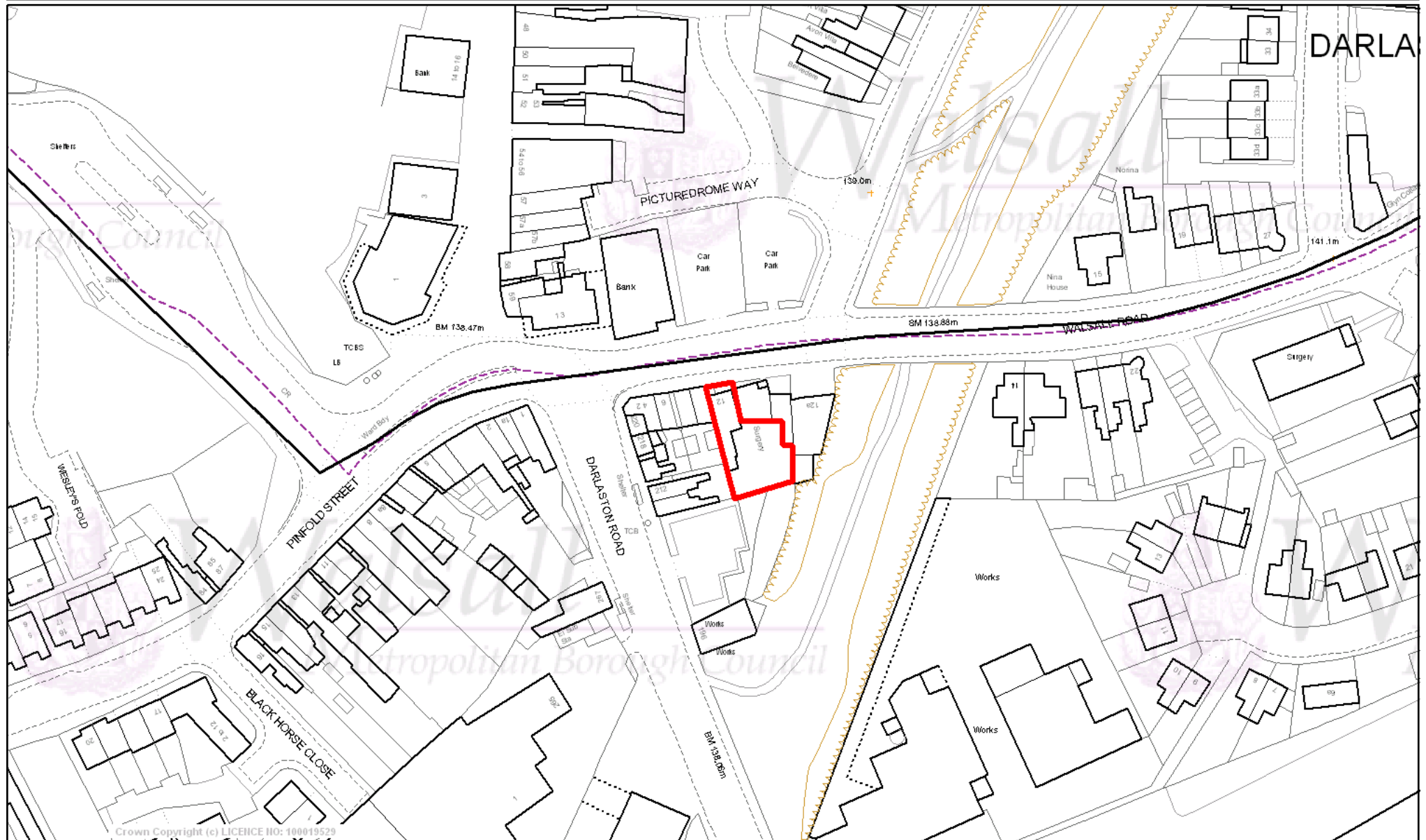
It is considered that the erection of 3 residential chalets and the fence is not acceptable in planning terms and that enforcement action is required seeking the reduction in height of the fence to 2 metres and the removal of the chalets.

### **Recommendation**

Enforcement action is recommended requiring removal of the chalets and the reduction in height of the fence.

---

## 12 Walsall Road



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Centre = 397767 E 296553 N

Date 18/6/2007



## **14 Walsall Road Darlaston**

### **Breach of Planning Control**

Erection of a timber building

### **Background and detail**

This is an end terraced property which is in use as a dwelling house. A timber building has recently been erected in the rear garden. It is a two storey building and is in excess of 4 metres in height. Planning permission is required for the building.

Whilst the building is high and has a first floor window it does not give rise to adverse impacts including over-looking or loss of residential amenities or privacy. This is due to the fact that to the south of the site is an industrial site and to the west is the former railway track. It is very difficult to see this building from outside of the site.

The building in principle is therefore acceptable however given its size it could be used as a separate residential property. The owner advises that it is used for storage and as an office for his own use and these uses would be acceptable. Enforcement action is therefore recommended but only to control any future use of the building and restrict its use to being incidental to the enjoyment of the dwelling house only.

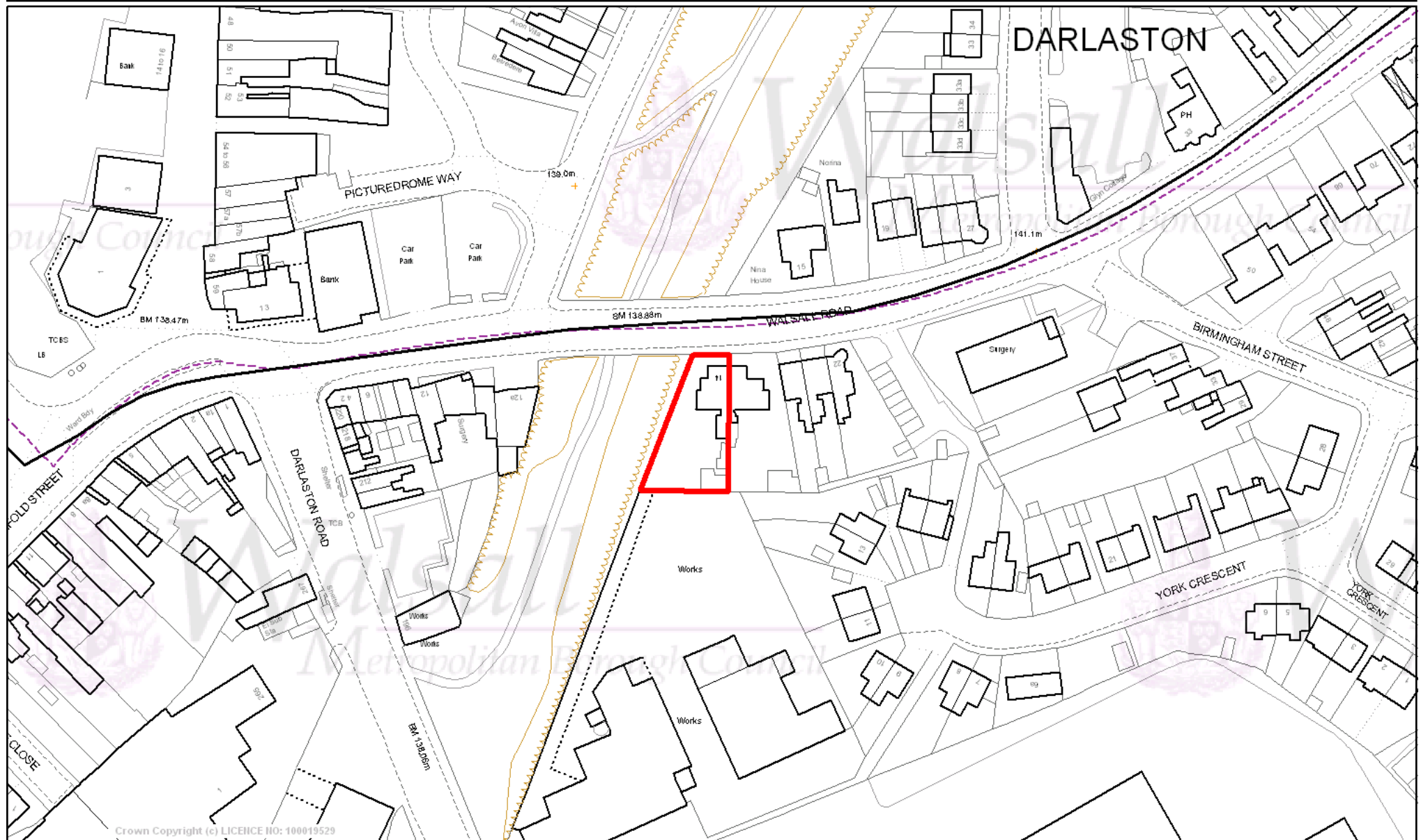
### **Recommendation**

Enforcement action is recommended requiring the use of the building to be restricted to domestic purposes only.

---



# 14 Walsall Road



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Centre = 397837 E 296551 N

Date 18/6/2007



### **3 Pinfold Street, Darlaston**

#### **Breach of Planning Control**

Change of Use to flats

#### **Background and detail**

This is a former public house which has been converted to provide 14 flats each with its own kitchenette and en-suite shower room. There is also a small kitchen on the ground floor which provides laundry facilities. There is no off street parking. There is no amenity space. J9 acquired the site in November 2003.

It is considered that the creation of 14 flats is over development of the site. It is conceivable that 28 residents could live here at any one time which could give rise to a number of problems including vehicular parking and traffic congestion. This is particularly the case in this location as there are existing on-street parking problems and parking restrictions are in force.

In addition Officers are concerned about the amenities of the occupiers as there is no amenity space and therefore no area available for either bin stores or drying of laundry as a minimum. Neither does there appear to be any shared space available within the property other than a small kitchen. It is considered that as this property could accommodate 28 persons therefore amenities could be seriously compromised. In addition residential amenity is further compromised as the rear access opens directly onto a vehicular repair garage.

#### **Recommendation**

Enforcement action is recommended requiring cessation of the use of the property for flats.



### 3 Pinfold Street



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Centre = 397710 E 296549 N

Date 18/6/2007



## **23 Forge Road, Darlaston**

### **Breach of Planning Control**

Change of Use to HMO

### **Background and detail**

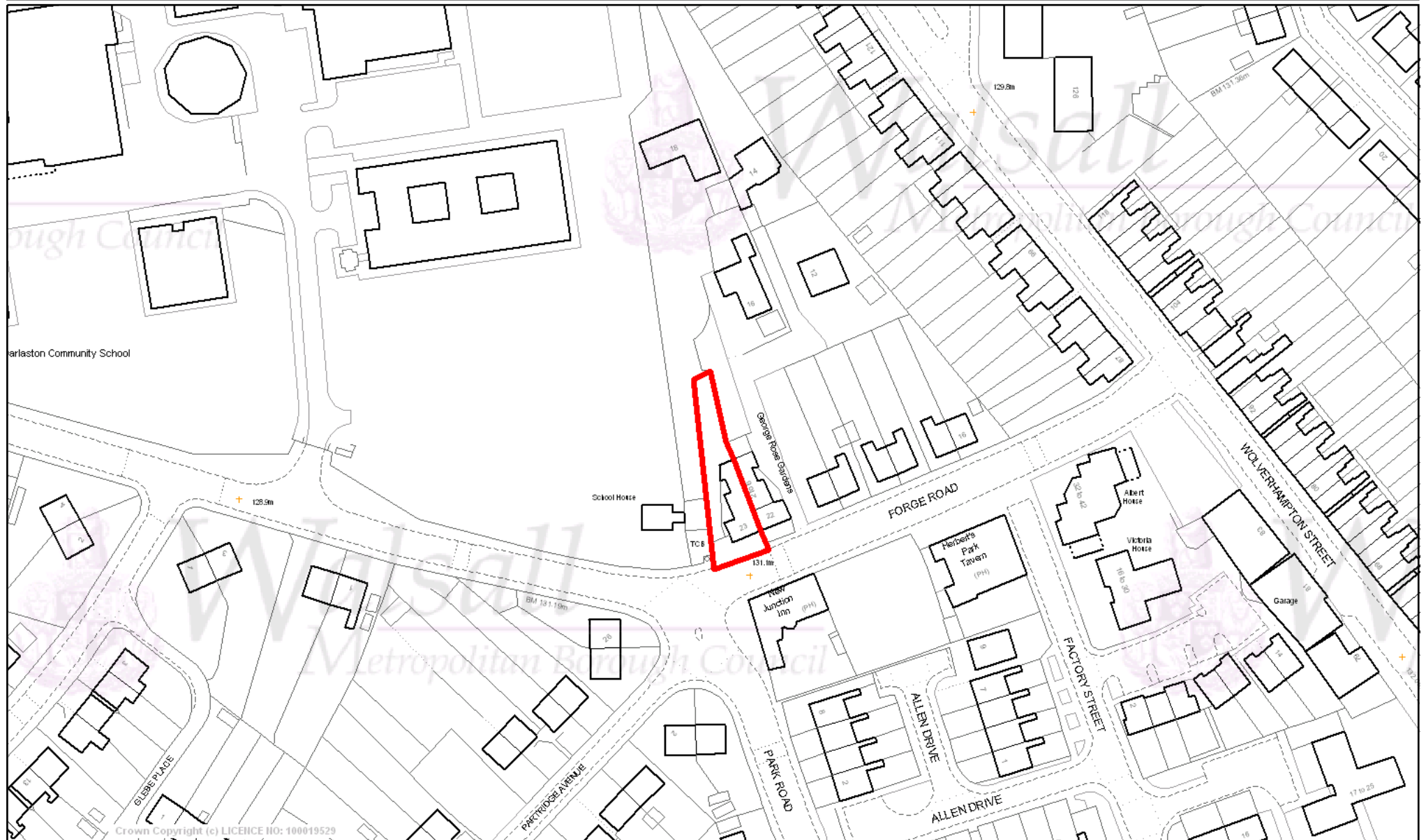
This is semi-detached property which has been converted to provide 9 letting rooms with a shared kitchen and bathroom. There is a garage a garden and two off-road parking spaces.

It is considered that the change of use to create 9 letting rooms at this property does not give rise to any significant impacts on amenity or parking in this location.

### **Recommendation**

Enforcement action is not recommended.

## 23 Forge Road



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