

PLANNING CONTROL

Document Title: Area of Restraint Wheelwright Road – Review of Non-Family Dwelling houses



*“Securing a **Better** environment for all the people of **Birmingham**”*

REPORT OF DIRECTOR OF PLANNING AND ARCHITECTURE

PLANNING COMMITTEE

4 February 1999

WARDS: ERDINGTON, STOCKLAND GREEN

**REVIEW OF NON-FAMILY DWELLINGHOUSES USES IN
WHEELWRIGHT ROAD, ERDINGTON**

1. Purpose of Report

- 1.1 To inform your Committee of the results of public consultation comments on the interim draft Area of Restraint in Wheelwright Road and secondly the results of an extended survey of all properties in Wheelwright Road and to recommend to your Committee that it confirms an Area of Restraint in Wheelwright Road.

2. Background

- 2.1 Members may recall that on 17 July 1997 your Committee considered a report on non-family dwellinghouse uses in Church and Wheelwright Roads. Members approved the adoption of all of Church Road and part of Wheelwright Road (south frontages between Kingsbury and Downside Roads) as an Area of Restraint.
- 2.2 Church Road was adopted as an Area of Restraint on 8 January 1998 following consideration of public consultation comments.

3. Public Consultation Comments

- 3.1 Residents of the affected frontages in Wheelwright Road, Ward Councillors and the Erdington and Stockland Green Ward Sub-Committee's were informed of the report. The two Ward Sub-Committee's considered the report at their September 1997 meetings; both Committee's passed resolutions noting the report.
- 3.2 Councillor Margaret Wells noted that the frontage from Kingsbury Road to Downside Road was almost all in non-family dwellinghouse use and that there is little point in an Area of Restraint along this frontage. She requests that an investigation be carried out into the case for an Area of Restraint extending along the whole of the south side of Wheelwright Road from its frontage with Kingsbury Road to Bromford Lane.
- 3.3 A residential occupier on the north side of Wheelwright Road, opposite the interim Area of Restraint (No. 30) has requested that it covers both sides of Wheelwright Road, on the north side from No. 24 to properties opposite Downside Road. She states that residents are becoming concerned with the gradual reduction in private family dwellinghouse uses in the road. They wish to maintain the balance and offer to provide detailed information on non-family dwellinghouse uses in the road.
- 3.4 The Director of Social Services (Inspection Division) made no adverse comment on the proposed Area of Restraint.

4. **Observations**

- 4.1 The Appendix identifies dwellinghouses converted or currently known to be used for non-family dwellinghouse use (C3 Use Class) uses in the road. There are a number of properties in the road which are shared houses, ie. households of not more than six people where occupiers live as a household sharing bills. Three of these are care homes for people with disabilities but because of the small number of people occupying do not require planning consent. They fall within the C3 Dwellinghouse Use Class of the Town and Country Planning (Use Classes) Order 1987.
- 4.2 I have examined the October 1998 Electoral Register for Wheelwright Road, together with other sources of information such as the planning application register, enforcement records and information provided by the Housing Action Team. These do not indicate any concentrations of uses outside the interim Area of Restraint apart from three properties either side of the junction with Ansell Road.
- 4.3 A report on a possible Area of Restraint along a frontage of the Chester Road is included elsewhere on this agenda. It refers to an appeal decision on the change of use to non-family dwellinghouse use at 155 Church Road, Erdington, located within an Area of Restraint. In upholding the appeal the Inspector stated that an Area of Restraint frontage cannot be justified simply by a high proportion of non-family dwellinghouse uses in a frontage. It needs to be justified by factors which can adversely affect amenity and the residential character of the road. A list of possible factors is included in that report.
- 4.4 Factors which exist in a number of the non-family house uses in Wheelwright Road include litter and rubbish in front gardens and poor building maintenance standards. Also, a number of properties have inadequate parking facilities giving rise to occupiers parking their cars in front of adjacent properties. Another common feature of some of these properties are hard surfaced and often continuous parking spaces along the frontages which have involved the removal of shrubs and boundary walls.
- 4.5 The interim frontage includes 11 of 38 (30%) properties in non-family dwellinghouse use.
- 4.6 In respect of the public consultation comments I do not believe that there is a substantive case for an Area of Restraint frontage on the north side, opposite the interim restraint frontage extending from No 24 to opposite Downside Road. There is no recent evidence of non-dwellinghouse uses being established in this frontage.
- 4.7 In respect of other frontages in the road I consider there is a case for an extension of the interim frontage further along the south side of Wheelwright Road to the junction with Ansell Road. This additional frontage includes two properties, 95 and 97, which previously were occupied as an elderly persons care home and in recent years has been occupied as houses in multiple paying occupation. Your Committee deferred two planning applications on 23 July last year for the change of use of these two properties for further consideration of the Area of Restraint frontage.
- 4.8 There is a reasonable case for an extension into this frontage. If the 11 properties in this frontage between Downside Road and Ansell Road are included it would make the total number of properties in the area of restraint 13 out of 49 (26%) still above the threshold of 20% set by your Committee as a threshold above which an Area of Restraint might be considered. Properties in this frontage are larger than the next block along and there has been recent evidence of development pressure for further non-family dwellinghouse uses.

- 4.9 In 1994 your Committee refused a proposal for a change of use to a six bedroom hostel at No 71-73 Wheelwright Road, with grounds of refusal including over-intensive use and that it would adversely affect the amenity of adjoining occupiers.
- 4.10 In conclusion, I recommend that your Committee confirms as Supplementary Planning Guidance an Area of Restraint frontage on the south side of Wheelwright Road extending from Kingsbury Road junction to Ansell Road.
- 4.11 I will continue to monitor the situation in Wheelwright Road and investigate complaints relating to breaches of planning control concerning changes of use of properties to non-family dwellinghouse uses.
5. **Implications for Women, Black and Minority Ethnic People, Race Relations and People with Disabilities**
- 5.1 Two small care homes exist for people with disabilities in Wheelwright Road, no other planning implications have been identified.
6. **Implications for Pedestrians and Cyclists**
- 6.1 No planning implications have been identified.
7. **Financial Implications**
- 7.1 No financial implications have been identified.
8. **Recommendation**
- 1) That the frontages of Wheelwright Road on the south side frontage between its junction with Kingsbury Road and Ansell Road be included as an Area of Restraint in respect of non-family dwellinghouse uses and adopted as Supplementary Planning Guidance and incorporated into the UDP Review Process.
- 2) That this report be referred to the Erdington and Stockland Green Ward Sub-Committee's for information.

DIRECTOR OF PLANNING AND ARCHITECTURE

Contact Officer

G Mitchell
Planning Control, Policy and Co-ordination Group
Tel. No. 303 3208

Background Papers

17 July 1997. Planning Committee resolved to adopt on an interim bases for public consultation purposes an Area of Restraint in Church Road and Wheelwright Road.

8 January 1998. Planning Committee adopted Church Road as an Area of Restraint.

Appeal relating to 155 Church Road, Erdington - App. No. N/02180/97/FUL.

Memo - Director of Social Services - 23 September 1997.

Public Consultation letters - 23 September 1997, 21.12.97, 31.1.98.

Planning Committee - 3 November 1994 - App. No. N/03200/94/FUL - 71-73 Wheelwright Road.

23 July 1998 - Planning Committee deferred two planning applications for 95 and 97 Wheelwright Road. App. Nos. N/01904/97/FUL and N/01905/97/FUL.

The contact details within this leaflet have been updated since its publication. Please use the contact details below.

Contact Us

Address

Planning
PO Box 28 Alpha Tower
Suffolk Street Queensway
Birmingham B1 1TU

Opening Hours

08.45 - 17.15 Monday to Thursday
08.45 - 16.15 Friday

Telephone

(0121) 303 1115

Email

planning.enquiries@birmingham.gov.uk

Website

www.birmingham.gov.uk/planning



*“Securing a **Better** environment for all the people of **Birmingham**”*