

Council/Committee:	Planning Committee
Date of Meeting	7 January 2026
Application Reference	DC/25/70672
Application Description	Proposed single/two storey side and single storey rear extensions with parking to front to increase from a 3 No. bedroom house in multiple occupation (HMO) to 5 No. bedroom HMO.
Application Received	28 May 2025
Application Address	110 Ashtree Road, Oldbury B69 2HB
Report Author	Carl Mercer
Lead Officer	Tammy Stokes
Ward	Oldbury
Appendices (if any)	<ol style="list-style-type: none"> 1. Location plan - 01 2. Site plan/floor plans – 05 - 26.09.2025 3. Elevation plans – 06 - 26.09.2025

1. Application Summary

- 1.1 The application is being reported to Planning Committee because two material planning objections and a petition against the proposal have been received.
- 1.2 To assist members with site context, a link to Google Maps is provided below:

[110 Ash Tree Road, Oldbury](#)

2. Recommendations

That planning permission is granted subject to the following conditions relating to:

- i) External materials;
- ii) Provision and retention of waste storage;
- iii) Provision and retention of cycle storage;
- iv) Provision and retention of parking;
- v) Provision and retention of shared areas; and
- vi) All rooms to be single occupancy only.

3. Reasons for the recommendation and conditions

The proposed development would be acceptable as the extensions accord with design policy and adequate parking provision and amenity areas are provided for the additional residents.

4. Key Considerations

4.1 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.

4.2 The material planning considerations which are relevant to this application are:

- Government policy (NPPF)
- Amenity concerns – overlooking/loss of privacy, loss of light and/or outlook and overshadowing
- Design and appearance of the extensions
- Highways considerations - traffic generation, access, highway safety, parking and servicing
- Character of the area and anti-social behaviour

5. The Application Site

5.1 The application property is a semi-detached house on the south side of Birch Road, Oldbury. The character of the surrounding area is residential. The house is already a small-scale house in multiple occupation for three residents.

5.2 Planning History

None relevant.

6. Application Details

6.1 The applicant proposes single/two storey side and single storey rear extensions with parking to front to increase the occupancy of the property from a three-bedroom HMO to a five-bedroom HMO. The property would accommodate two ensuite bedrooms, a kitchen diner with waste and cycle storage at ground floor and three bedrooms (two with ensuite facilities) and a bathroom at first floor. Off-street parking for up to three cars is shown to the driveway.

6.2 The proposal was originally submitted as a seven-bedroom HMO; however, the proposed single storey rear extension was excessive in projection and would have had a significant impact on light and outlook to the attached property. The proposal has been amended to the smaller scheme now before

members. It should be noted that, due to the number of occupants remaining under six, the property remains a C4 HMO. Accordingly, as the property is already a HMO, the application will be determined with reference to the design of the extension and the impact of two additional residents to the existing HMO on the amenity of the surrounding area.

7. Publicity

The application has been publicised by 37 neighbour notification letters and by site notice. Two objections and a petition against the proposal carrying 15 signatures have been received. The reasons for objection are summarised below:

- i) Inadequate parking and road safety concerns.
- ii) Impact on character of the area and anti-social behaviour concerns.
- iii) Impact on wildlife.

Non-material points have also been raised regarding a legal covenant on the property which allegedly restricts the use of property as a private dwellinghouse. This is a property law issue and is separate from the planning regime.

8. Consultee Responses

8.1 Planning Policy

No objection.

8.2 Highways

Highways initially commented on the larger HMO scheme and stated that a plan showing 2.4m by 4.8m minimum spaces with appropriate buffer zones, amenity space and manoeuvring space should be provided. The reduced scheme requires three parking spaces, and these are shown on the amended site plan. The existing wall is also shown to be removed, thereby increasing the parking and manoeuvring space.

8.3 West Midlands Police

Request that a security and management plan is attached as a condition if the application is approved. The property would remain a small-scale HMO but would require a HMO licence for five residents: thereby ensuring greater control by the council's HMO licencing team. As the HMO is existing and the number of occupants would not significantly increase, I do not think it proportionate to request a management plan in this instance.

9. Relevant Planning Policy Considerations

9.1 National Planning Policy Framework (NPPF)

The NPPF sets out government's planning policies for England and how these are expected to be applied.

Design

The framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts. The internal layout would be adequate for HMO use and would provide a good living environment, whilst the appearance of the extensions is of good design and would assimilate into the overall form and layout of the site's surroundings in accordance with the design principles of the NPPF

Highway safety

The framework promotes sustainable transport options for development proposals and states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The property would have the requisite number of parking spaces and the increase in residents would not have a severe, cumulative impact on on-street parking provision or highway safety.

9.2 **Development Plan Policy**

9.3

The following policies of the council's development plan are relevant:

Black Country Core Strategy (BCCS)

ENV3 – Design Quality - Refers to well-designed schemes that provide quality living environments. The proposed layout and design are considered to be acceptable as discussed below.

Site Allocations and Delivery Development Plan Document (SADDPD)

SAD EOS 9 - Urban Design Principles – The proposal is appropriate to the location and existing property in terms of scale and design.

10. **Material Considerations**

10.1 **Amenity concerns – overlooking/loss of privacy, loss of light and/or outlook and overshadowing**

The single storey rear extension has been reduced from a projection of 11.8 metres to 4.5 metres. The reduced extension is considered to be acceptable and would not cause undue harm to the attached property, which is also extended and therefore mitigates significant harm. The two-storey extension would be wholly to the side of the existing property and of a sufficient distance from neighbouring properties as to raise no appreciable concerns.

10.2 **Design and appearance of the extensions**

The extensions would be subservient to the existing property and proportionate to it. The design is thereby policy compliant in the context of residential extensions and the council's design guidance.

10.3 Highways considerations - traffic generation, access, highway safety, parking and servicing

HMOs in Sandwell require one off-street car parking space per two bedrooms. The proposal would have five bedrooms and three parking spaces and therefore exceeds this requirement.

10.4 Character of the area and anti-social behaviour

The area is characterised by mixed house types of differing ages, some of which have been extended over the years. The proposed extensions would assimilate into the area, and the extended HMO would appear as any other property in the street. I have no evidence before me that the occupants would be more likely to engage in anti-social behaviour than those of any other larger family home in the street. Indeed, the property already functions as a HMO and no claims of wrongdoing by residents has been raised.

10.5 Other matters

Concerns have been raised regarding the impact on wildlife. The property is not within an area designated for wildlife conservation and the extensions would have a minor impact on any surrounding ecology. Furthermore, as C4 (small HMO) is a use class within the broader definition of a 'dwellinghouse', the extensions qualify as 'householder development' and are exempt from biodiversity net gain requirements.

10.6 Conditions

Planning conditions must be necessary, relevant to planning, relevant to the development, enforceable, precise, and reasonable in all other respects, ensuring conditions are fair, proportionate, and genuinely needed to make a development acceptable. As well as a condition requiring external materials to match, I recommend conditions which would ensure that potential harm to the surrounding area caused by the HMO as extended would be limited; namely: by ensuring sufficient waste and cycle storage, provision and retention of parking, adequate shared internal areas for residents and that the rooms remain single occupancy.

11 Conclusion

All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the 'planning balance'. To summarise: the proposal should be approved unless any adverse impacts of granting the permission would significantly and demonstrably outweigh the benefits when assessed against development plan policies or, where those policies are out of date, the NPPF as a whole. Where national policy takes precedence over the development plan, this has been highlighted in

paragraph 9 (National Planning Policy Framework). On balance, the proposal accords with the provisions of relevant development plan policies and there are no significant material considerations which warrant refusal that could not be controlled by conditions.

12. Legal and Governance Implications

The Planning Committee has delegated powers to determine planning applications within current Council policy. Section 78 of the Town and Country Planning Act 1990 gives applicants a right to appeal when they disagree with the local authority's decision on their application, or where the local authority has failed to determine the application within the statutory timeframe.

13. Other Relevant Implications

None relevant.

14. Background Documents

None.

15. How does this deliver the objectives of the Strategic Themes?

The development will provide good homes that are well connected and will contribute towards improving the local environment with a focus on cleanliness, ensuring that the community takes pride in its surroundings.

Relevance Check

Budget Reduction/Service Area:

Service Lead Tammy Stokes

Date:16/12/25

In what ways does this Budget reduction have an impact on an outward facing service? How will the service feel different to your customers or potential customers?

N/A

If not, how does it impact on staff e.g. redundancies, pay grades, working conditions? Why are you confident that these staff changes will not affect the service that you provide?

N/A

Is a Customer Impact Assessment needed? No