
Appeal Decision

Site visit made on 12 June 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 June 2017

Appeal Ref: APP/Z4310/W/17/3171714
2 Barrington Road, Liverpool L15 3HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Whelan against the decision of Liverpool City Council.
 - The application Ref 15F/2995, dated 18 November 2015, was refused by notice dated 23 January 2017.
 - The development proposed is 'change of use from 6 bed HMO, to a 10 bed HMO and to erect 3 storey extension to the side'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address and description of development provided by the application form have been updated in subsequent documents. The amended site address and description of development provided by the appeal form are accurate in terms of the proposal before me and I adopt them accordingly.

Main Issues

3. The main issues are:
 - the effect on the character and appearance of the host building and the area;
 - whether the proposal would provide a suitable living environment for existing and future residents, with particular regard to outlook, light and amenity space, and;
 - the effect on the living conditions of occupiers of neighbouring properties on Smithdown Road, with particular regard to outlook and light.

Reasons

Character and appearance

4. No 2 Barrington Road (No 2) is an end terrace property located at the junction with Smithdown Road. The building is three storey in height and has a dual frontage with an existing commercial unit accessed at ground floor level from Smithdown Road. The remainder of the ground floor and the upper floors of the building consist of a 6-bed house in multiple occupation (HMO) which is accessed from Barrington Road. The other properties in the terraced row are accessed from Smithdown Road or via a shared alleyway at the rear.
-

5. The building has a hipped roof design with a scale, materials and window detailing that are complementary to the adjoining terrace and a building on the opposite corner of the junction. The fenestration includes wraparound feature windows at the corner similar to the building opposite and a distinctive hierarchy of windows with vertical emphasis on the Barrington Road elevation that reduce in proportions to upper floors. The windows in the neighbouring terraced row on Barrington Road also have a similar vertical emphasis, with an appropriate transition between the differing window heights of No 2 and No 4 afforded by existing separation of the respective buildings at first floor level.
6. The appeal proposal would consist of a three storey extension to the side which would infill the existing space between No 2 and No 4. It would incorporate a hipped roof design and utilise matching materials in seeking to replicate the characteristics of the host building. The reduced ridge and eaves height of the roof would assist the subservience of its bulk, scale and massing and the transition to the two storey height of No 4. However, in doing so, the extension would incorporate different floor levels to the original building and scaled down windows that lack vertical emphasis. The resultant visual effect would be an awkward, incongruous and incompatible extension which would detract from the established character of the host building and the harmony and rhythm of the terraced street typified by windows with vertical emphasis that are locally distinctive. Consequently, the development would be viewed as a harmful addition to the host building and the Barrington Road street scene in a prominent position close to the Smithdown Road junction.
7. In reaching the above findings, I have taken into account that there is a variation in style, scale, proportions, building heights and roof forms visible in the vicinity of Smithdown Road. However, such a diversity of built form does not offer precedent for or justify the harmful effect of the extension on the character and appearance of the host building and the surrounding area.
8. Turning to other influences upon the character of the area, it is reasonable to consider that the activity associated to comings and goings related to the HMO would be greater than associated to family housing within the surrounding area. However, the scale of increase in activity from 6 bedrooms to 10 bedrooms would not be perceptible relative to the high levels of activity associated with the mixed character of residential and commercial properties along Smithdown Road. Nevertheless, the absence of concern in that respect does not justify the harm otherwise identified.
9. I conclude that the development would harm the character and appearance of the host building and the area. The proposal, therefore, conflicts with Saved Policy HD18 of the City of Liverpool Unitary Development Plan (UDP), adopted November 2002, which seeks to ensure a high quality design which includes, amongst other things, characteristics of local distinctiveness. The policy is consistent with the National Planning Policy Framework (the Framework) to which there is also conflict in that respect.

Living environment – existing and future residents

10. The appeal property is currently in use as a commercial unit, accessed separately from Smithdown Road, and a 6 bedroom HMO with communal facilities consisting of a kitchen at ground floor level, together with a lounge, bathroom and a WC/shower room at first floor level. The proposal would include the addition of a further 4 bedrooms each with en-suite WC/shower

rooms, together with a lounge and dining area and a bin / cycle store at ground floor level. The extension would be accessible from the existing HMO via an internal door at ground floor level, with an additional access also provided from Barrington Road. The bin / cycle store would be accessed separately via an access from a shared alleyway which adjoins the property and also serves the rear of neighbouring properties which face Smithdown Road.

11. Saved Policy H7 of the UDP sets criteria for the conversion of buildings for multiple occupation, including amongst other things, the suitability of premises and the design of internal spaces and external spaces. Saved Policy HD18 of the UDP sets out general design requirements which are relevant to the extension in those respects, including that there is no severe loss of amenity or privacy to adjacent residents. The approach of Saved Policies H7 and HD18 of the UDP, when taken together, are consistent with the core planning principle of the Framework which states that housing applications should be considered in the context of the presumption in favour of sustainable development and encourages Councils to plan for a mix of housing to meet the needs of different groups in the community. However, balanced against this, a core planning principle of the Framework is that planning should seek a good standard of amenity for all existing and future occupants of land and buildings.
12. Based upon the submitted plans, the property would exceed the minimum floor areas of internal space set out in the Liverpool UDP Supplementary Planning Guidance Note 7: Conversion of Buildings into Flats and Bedsits (SPG) for each of the 4 new units within the HMO with no reduction in the size of accommodation within the existing HMO. Each bedroom would be in excess of 6.5 sq.m, the kitchen would be larger than 4.5 sq.m and the living rooms larger than 9 sq.m as required by the SPG. The individual bedrooms would easily accommodate suitable furniture such as a single bed, wardrobe and chest of drawers/desk, with adequate circulation space. Furthermore, the provision of a dining room and lounge at ground floor level close to the kitchen would be beneficial to the communal living environment. The SPG does not include any specific guidance in terms of an acceptable number of WCs and shower rooms for a specific number of bedrooms in a HMO. However, to my mind, the inclusion of en-suite facilities for each of the 4 new bedrooms would be satisfactory arrangements for future occupiers of the extension and would prevent undue pressure on existing bathroom facilities in the HMO.
13. Notwithstanding the above, the extension would result in the loss of an existing window which provides light and ventilation to Bedroom 4 at second floor level of the existing HMO. An alternative window within a new alcove would have an enclosed outlook above a parapet and would provide some ventilation to the room. However, due to the window position on the side elevation of the alcove, it would offer little daylight or direct sunlight provision to Bedroom 4. To my mind, the cumulative effect of limited levels of natural light and direct sunlight to Bedroom 4, together with the limited outlook which can only be achieved from within the alcove, would not provide a satisfactory living environment for its occupiers.
14. The Council also expressed concern in terms of the absence of provision of amenity space as part of the development. The existing HMO is not served by any private outdoor amenity space. Similar to other neighbouring properties which face Smithdown Road within the terrace, the property has an existing single storey flat roof extension which covers the original rear yard. The

absence of private or communal outdoor amenity space to serve the existing HMO suitable as a multi-functional space, including as a seating area or to hang washing, is a substandard living environment. In that regard, the addition of further occupants of 4 bedrooms would worsen the deficit of private or communal outdoor amenity space relative to the needs of residents of the building. The resultant harm would be an indication of over-development and an over-intensive use of the site and would not be mitigated by the additional communal living space proposed within the extended HMO.

15. In reaching the above findings, I have taken into account that there are a number of open spaces within walking distance in the local area, including Sefton Park, with good access to public amenity spaces and recreation facilities. However, the presence of public open space in the locality does not offset the harm arising from an absence of adequate private or communal amenity space to serve the development.
16. I conclude that the proposal would not provide for a satisfactory living environment for the occupiers of the development in terms of private or community amenity space, and also Bedroom 4 of the existing HMO in terms of light and outlook. The proposal, therefore, conflicts with Saved Policies H7 and HD18 of the UDP, the associated guidance in the SPG and the Framework in that respect.

Living conditions – neighbouring properties

17. The proposed three storey extension would introduce a significant rear projection of built form with additional bulk and massing at first and second floor levels up to the rear boundary with the alleyway and an adjoining property facing Smithdown Road. However, the neighbouring property also does not have an existing rear yard due to the presence of a single storey rear extension. Furthermore, the upper floor windows in the rear elevation of that property which adjoin the boundary with No 2 are obscure glazed and serve non-habitable rooms. Consequently, there would be adequate separation distance to the nearest habitable windows in the rear elevation of the adjoining property facing Smithdown Road to prevent any harmful overbearing or overshadowing impact upon it.
18. The proposal would also preserve the living conditions of occupiers of No 4 Barrington Road as the extension would face only a blank side gable of that property. The facing windows are indicated as to be fitted with obscure glazing which would prevent any overlooking of the rear yard of No 4. There would be adequate separation distance to properties opposite on Barrington Road to preserve the living conditions of their occupiers in terms of outlook, light and privacy.
19. As previously mentioned, the occupation of a large HMO has the potential to increase general levels of activity associated to a building above that of a typical dwelling occupied by a single household. However, given that the scale of development relates to conversion of an existing 6-bed HMO to a 10-bed HMO with the additional 4 bedrooms within an extension that is detached from neighbouring properties, any increase in activity and associated noise would be insignificant. In that respect, I have taken into account that the property adjoins Smithdown Road which is a busy through route and commercial setting where neighbouring residents would be unlikely to experience a quiet living environment during the day and late into evenings. As a consequence, the

proposal would not result in additional noise and disturbance to an extent that would be harmful to the living conditions of occupiers of neighbouring properties.

20. I conclude that the proposed development would not harm the living conditions of the occupiers of neighbouring properties. The proposal, therefore, would not conflict with Saved Policies H7 and HD18 of the UDP, the associated guidance in the SPG and the Framework in that respect.

Other Matters

21. The property is reliant upon on-street parking, which is a common feature of the local setting, as the garage does not appear to be in current use due to the absence of a dropped crossing and a bollard which restricts access. There are some parking restrictions along the frontage of the property due to the close proximity to the junction with Smithdown Road, but otherwise Barrington Road remains unrestricted apart from some marked disabled spaces. The Council have offered no concerns relating to highway and pedestrian safety. Based on the evidence before me and my observations of the site I have no reason to take a different view. During my site visit undertaken in the early morning, I observed low levels of traffic along Barrington Road, together with significant availability of on-street parking in the surrounding area. It is reasonable to consider that demand at peak times (i.e. evenings and overnight) would likely be higher. However, I have no evidence that the local area is subject to significant parking pressure or that the modest increase in car parking demand arising from the development could not be adequately accommodated.
22. In that respect, I have also taken into account that a cycle store would be provided. Furthermore, the presence of nearby local services and sustainable modes of travel, including Smithdown Road which has regular bus services to Liverpool City Centre, would reduce the reliance upon private car use.
23. There is no substantiated evidence before me which would indicate that the proposal would have an unacceptable impact in terms of pressure on infrastructure, local services or ground conditions. Furthermore, the provision for refuse and cycle storage could be conditioned accordingly were the appeal to be allowed. However, the absence of concern in those respects is a neutral factor.

Conclusion

24. I have found no harm in terms of the effect on the living conditions of occupiers of neighbouring properties. However, I have found harm relating to the character and appearance of the host building and the area. In addition, I have concluded that the development would not provide a satisfactory living environment for existing and future residents. The harm in those respects is decisive upon the outcome of this appeal and reflects conflict with the development plan and the Framework that is significant and overriding.
25. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be dismissed.

Gareth Wildgoose

INSPECTOR