
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: 27 June 2017

Appeal Ref: APP/W4325/W/17/3171320

Laird Street Police Station, Laird Street, Birkenhead CH41 7AJ

- 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 Dr Ahmed against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/16/01304, dated 26 September 2016, was refused by notice dated 16 February 2017.
 - The development proposed is 'change of use to 10 bed HMO, window openings and ramp removal'.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use to 10 bed HMO, window openings and ramp removal at Laird Street Police Station, Laird Street, Birkenhead CH41 7AJ in accordance with the terms of the application, Ref APP/16/01304, dated 26 September 2016, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Dr Ahmed against Wirral Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development provided by the application form has been updated in subsequent documents, following submission of revised plans to reduce the number of bedrooms from 12 to 10 before the Council made its decision. I adopt the description of development provided by the appeal form accordingly as it is accurate in terms of the proposal before me and upon which the Council made its decision.
 4. The description of development has been corrected as part of this appeal in the interest of certainty. However, to my mind the original description of development was not misrepresentative of the proposal to an extent that it would have prejudiced interested parties when considering the proposal or making representations. As the amendments to the development reduced the number of bedrooms of the development, the Council's approach in choosing not to undertake further consultation with interested parties at that stage was not inappropriate. Based on the evidence before me, I am, therefore, satisfied that the Council met its obligations under the Town and Country Planning (Development Management Procedure) Order 2015 before making its decision. I proceed to determine the appeal on that basis.
-

Main Issue

5. The main issue is whether the development would provide a suitable living environment for future residents, with particular regard to internal living space.

Reasons

6. The appeal property is a former police station consisting of a large detached two storey flat roofed building, a small outbuilding, a narrow rear yard and areas of hardstanding at the front and rear. At the time of my visit, the building was not in use and appears redundant, given that the community police station has relocated into a mixed use building on the opposite side of Laird Street. Based on the submitted plans, the proposal would consist of a large HMO (sui generis use) consisting of 10 bedrooms distributed evenly between each floor, together with communal kitchen and lounge facilities located on both floors. The development would also include shared bathroom facilities for residents provided by a bathroom and a separate shower room/WC located on the ground floor, together with a shower room/WC and a separate shower room located at first floor level.
7. Policy HS14 of the Unitary Development Plan for Wirral (UDP), adopted February 2000, relates specifically to proposals for the conversion of existing buildings to houses in multiple occupation (HMO), supplementing the approach to housing development in Policy HS4. It sets out that proposals will not be permitted unless they fulfil all of its listed criteria. In that respect, the specific criteria in dispute are whether the proposal would be of sufficient size to accommodate the proposal. The approach of Policies HS4 and HS14 of the UDP when taken together, is consistent with the core planning principle of the National Planning Policy Framework (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' is that planning should seek a good standard of amenity for all existing and future occupants of land and buildings.
8. Based upon the submitted plans and observations during my visit, the individual bedrooms would accommodate suitable furniture such as a single bed, wardrobe and chest of drawers/desk, with adequate circulation space remaining to provide suitable internal space for single person occupation. Each bedroom would be served by at least one window which would provide appropriate outlook, light and ventilation for the occupier. However, it is the extent of communal facilities to which the Council expresses concern. In that regard, Policy HS14 of the UDP does not provide any specific guidance as to the level of communal facilities required to serve any number of residents or bedrooms in a HMO. Consequently, determining whether the level of provision of communal facilities would be suitable is a matter of judgement.
9. With regard to the above, appeal decisions relating to HMO proposals have been drawn to my attention in Wirral^{1&2} and the neighbouring district of Liverpool³. However, the individual circumstances of each of those proposals were different to the proposal before me. Consequently, whilst I have taken

¹ APP/W4325/A/13/2191054 – 63A Argyle Street, Birkenhead, Wirral CH41 6AB - Dismissed - 4 June 2013

² APP/W4325/A/13/2208022 – 151 Victoria Road, Wallasey, Merseyside CH45 9LB - Dismissed - 24 March 2014

³ APP/Z4310/W/15/3132451 – 14 Alroy Road, Anfield, Liverpool, L4 0RP – Allowed - 3 February 2016

those decisions into account when determining this appeal, it is necessary that I consider the suitability of the living environment afforded by the proposal on its own merits.

10. The internal layout would provide kitchens on each floor that would be conveniently located with suitable size and proportions to accommodate essential facilities for food to be kept, prepared, and cooked and to allow dishes to be washed. In addition, space would be available for circulation and to provide other essential facilities such as a washing machine. Furthermore, each lounge would be of an adequate size and shape to accommodate suitable furniture as a sitting area and an appropriate shared recreation space.
11. The Council's concerns relate specifically to the number and position of communal washing and toilet facilities. As each bedroom consists of single person accommodation, the potential number of occupants could be up to 10 persons which could be controlled by condition on that basis if necessary. In that regard, it is not uncommon for a suitable living environment for 6 residents in a property to include a shared bathroom, with only a single WC and washing facility. In comparison, the development would consist of 5 bedrooms accommodating a total of 5 residents on each floor. Consequently, the provision of a bathroom and a separate shower room/WC located on the ground floor and a shower room/WC and a separate shower room located at first floor level would be sufficient as shared facilities to provide a suitable living environment for residents on each floor.
12. In reaching the above findings, I have taken the Council's concerns regarding matters of privacy into account. The WC/shower room and the individual shower room would be in close proximity to bedroom 6 at first floor level. Furthermore, a bathroom at ground floor level would be close to communal facilities and the main entrance. Nevertheless, I am satisfied that each room has sufficient space to allow residents to wash and dress privately to prevent unacceptable harm to their privacy.
13. Turning to other matters relating to the living environment, the provision of amenity space and private gardens to serve HMOs is also not guided by specific standards in Policy HS14 of the UDP. The privacy and form of amenity space required to serve a dwelling functioning as a single household differs to the communal amenity space that characterises a HMO. The appeal property has a yard enclosed by boundary walls with sufficient space in the outbuilding and hardstanding area for cycle stands and bin storage. Although the rear yard is relatively small, when taken together with a proposed enclosed area facing Laird Street as indicated on the submitted plans, the external areas would provide adequate communal and multi-functional space to suitably meet the needs of future residents. Parks and other open spaces within walking distance of the site also offer additional opportunities for amenity space and recreation.
14. I conclude that the proposal would provide a suitable living environment for future occupiers. The development would not, therefore, conflict with Policies HS4 and HS14 of the UDP or the Framework in that respect.

Other Matters

15. The proposal would not have an adverse effect on the character and appearance of the area which consists of a mix of residential, community and commercial uses, including through removal of the ramp, minor external

alterations and the provision of railings indicated on the submitted plans. Furthermore, the development has sufficient separation distance to the nearest neighbouring properties on Laird Street, Arkle Road and Deans Way to ensure no adverse effect on the living conditions of their occupiers in terms of noise and disturbance when compared to the previous use. Although the western elevation of the building is in close proximity to neighbouring properties (337 Laird Street and 1 Arkle Road), the layout has been designed to prevent any bedroom windows on that elevation. Furthermore, the windows on that elevation which serve communal rooms and staircases can be obscure glazed by condition in the interest of privacy.

16. The Council have offered no concerns relating to highway and pedestrian safety or in terms of parking standards set out in an SPD, but interested parties have expressed concern in terms of those matters. The property would be reliant upon on-street parking, which is a common feature of the local setting despite some side roads having a narrow carriageway width. The frontage of the site onto Laird Street has parking restrictions due to the proximity to the junction with Vulcan Street and a signalled pedestrian crossing. However, there are some on-street spaces without parking restrictions nearby on Laird Street, together with areas without parking restrictions on Vulcan Street adjacent to the site and in the surrounding streets of Arkle Road, Deans Way, Lansdowne Road, Vaughan Street, Deakin Street, Miriam Place and Connaught Way suitable for overspill parking. During my site visit undertaken in the late morning, I observed significant capacity for and availability of on-street parking in the surrounding area.
17. It is reasonable to consider that demand for on-street parking at peak times (i.e. evenings and overnight) is likely to be higher. However, I have no substantiated evidence before me which would indicate that the local area is subject to significant parking pressure or that any modest increase in traffic or car parking demand arising from the development, when compared to the previous use, could not be adequately accommodated nearby or in doing so would result in unsafe highway conditions. In reaching that view, I have also taken into account that the proposed provision of cycle stands and the presence of nearby local services and sustainable modes of travel along Laird Street, which has regular bus services, would reduce reliance upon private car use. I have no reason to consider that the development would encourage unsafe reversing manoeuvres onto Laird Street, given the layout of Vulcan Street would remain unaltered and is currently in use. The adjacent children's play area is adequately served by pedestrian footways and close to existing crossings on Laird Street which minimises the potential for conflict between pedestrians and vehicles. Consequently, I find no unacceptable impact upon highway and pedestrian safety and, therefore, no conflict with Policies TRT3 or TR9 of the UDP, or in terms of paragraph 32 of the Framework.

Conditions

18. I have had regard to the planning conditions that have been suggested by the Council and where necessary, I have amended the wording to ensure consistency with paragraph 206 of the Framework. The standard conditions regarding the time limit and plans compliance are imposed to provide certainty in terms of the planning permission granted. As previously mentioned an obscure glazing condition is necessary for windows on the western elevation at first floor level to prevent an adverse effect upon the privacy of neighbouring

properties. In the interest of the character and appearance of the site and highway safety, a condition requiring approval of details of refuse storage and collection is necessary, together with implementation of cycle parking indicated on the submitted plan.

19. As I have found that the living environment is acceptable for a development consisting of a HMO with 10 single bedroom units as indicated on the submitted plans, it is necessary to restrict the number of occupiers to no more than 10 persons to make the development acceptable.

Conclusion

20. I have found no harm relating to the main issue or any other matters. I, therefore, consider that the development complies with the UDP and the Framework when taken as a whole.
21. For the reasons given above and taking all other matters into consideration, I conclude that the appeal should be allowed and planning permission granted as set out in the formal decision, subject to conditions in the attached schedule.

Gareth Wildgoose

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 114_2017_04 Revision A; 114_2016_01; 114_2016_02 Revision E (Proposed Elevations); 114_2016_02 Revision E (Proposed Floor Plans).
- 3) The development hereby permitted shall not be occupied until the first floor windows on the western elevation of the building have been fitted with obscured glazing, and no part of a window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing in accordance with the approved details shall be retained thereafter.
- 4) The development hereby permitted shall not be occupied until a scheme for the storage and disposal of refuse shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development and retained in accordance with the approved details thereafter.
- 5) The development hereby permitted shall not be occupied until space shall have been laid out within the site in accordance with drawing no. 114_2016_02 Revision E (Proposed Floor Plans) for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 6) The maximum number of occupants residing at the building subject of this planning permission shall not, at any one time, exceed 10 persons.