
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/Z4310/W/17/3171743
61 Brookdale Road, Liverpool L15 3JE

- 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 N & F Property against the decision of Liverpool City Council.
 - The application Ref 16F/2878, dated 19 September 2016, was refused by notice dated 21 February 2017.
 - The development proposed is conversion of property into 7 bed HMO.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of property into 7 bed HMO at 61 Brookdale Road, Liverpool L15 3JE in accordance with the terms of the application, Ref 16F/2878, dated 19 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan – dated 19 November 2016;
Site Plan and Floor Plans - Proposed Conversion to 7 bed HMO Sept 16.
 - 2) The maximum number of occupants residing at the building subject of this planning permission shall not, at any one time, exceed 7 persons.

Application for costs

2. An application for costs was made by N & F Property against Liverpool City Council. This application is the subject of a separate Decision.

Procedural Matters

3. The site address has been updated by the appeal form. The amended site address is accurate and I adopt it accordingly.
 4. At the time of my visit, the appeal property had an existing rear dormer and single storey rear extension. The evidence before me indicates that the extensions were undertaken via permitted development rights and do not form part of this appeal. I have determined the appeal on that basis.
 5. Additional internal works have also taken place with the property now consisting of 7 bedrooms in total. However, the internal layout is differs from the submitted plans upon which the Council made its decision and amended plans have not been provided as part of this appeal to reflect the changes. In the interest of certainty, I, therefore, confirm that my determination of the
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appeal is based on the layout within the plans submitted and not the internal works as constructed.

6. The appellant has queried whether planning permission is required for the proposal having regard to Circular 08/2010¹. However, that document was replaced upon publication of Planning Practice Guidance (PPG) in 2014. Taking account of the guidance in the PPG, together with the GPDO² and the Use Classes Order³, the proposal would require planning permission for change of use from a dwellinghouse or small HMO (up to 6 residents) to a large HMO (more than 6 residents). I determine the appeal accordingly.

Main Issues

7. The main issues are:

- the effect on the character and appearance of the host building and the surrounding area;
- whether the proposal would provide a suitable living environment for future residents, and;
- the effect on the living conditions of occupiers of neighbouring properties.

Reasons

Character and appearance

8. 61 Brookdale Road (No 61) is a mid-terraced property in a predominantly residential area located to the north of Smithdown Road where broader mixes of residential and commercial properties with local services are present. The surrounding residential streets, including the neighbouring Garmoyle Road, Avondale Road and Ferndale Road, consist of similar terraces of properties of a similar age and size. When taken together, the terraces create a distinctive residential character of high density accommodation with shallow front gardens and rear yards with shared access in many cases via alley gates.
9. Saved Policy H4 of the City of Liverpool Unitary Development Plan (UDP), November 2002, amongst other things, states that planning permission will be granted for new housing development that satisfies other UDP policies. In addition, it also states that other forms of development, redevelopment or changes of use will also be granted, provided there is no adverse impact on residential amenity or the character of the area and subject to other policies of the Plan. Saved Policy H7 of the UDP sets criteria for the conversion of buildings for multiple occupation, including the suitability of premises, the impact on the amenity of neighbouring properties and the character of the surrounding area.
10. The approach of Saved Policies H4 and H7 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.

¹ Communities and Local Government Circular 08/2010 – Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation – November 2010

² Town and Country Planning (General Permitted Development) (England) Order 2015

³ The Town and Country Planning (Use Classes) Order 1987 (as amended)

11. As the proposal relates to a reconfiguration of the internal layout of the property, no further external changes are proposed to the appeal property, with the internal changes indicated in the submitted plan relating to the formation of one additional bedroom at second floor level. The building is well-maintained and harmonises with the appearance of other residential properties in Brookdale Road and the surrounding area. There is no evidence to suggest that the quality of accommodation or the visual appearance of the property would deteriorate in the future through use as a house in multiple occupation (HMO) given that other similar properties in the area assimilate appropriately with surrounding family housing. The development would, therefore, maintain the residential appearance of the surrounding area.
12. It is reasonable to consider that the activity associated to comings and goings related to the HMO would be an increase to those typical of family housing within the surrounding area. However, the scale of increase from 6 residents to 7 residents would not be a significant change and would not harm the prevailing residential character of the surrounding area. As the accommodation consists of 7 single bed units, a condition could reasonably be imposed to restrict the number of residents accordingly.
13. In reaching the above findings, I have taken into account that conversions of houses into flats and HMOs are an existing feature of the surrounding area. In that respect, there is no evidence before me that the area is subject to an Article 4 direction removing permitted development rights in the GPDO for changes of use from dwellings to smaller HMOs (up to 6 residents). The UDP also does not specify a maximum threshold for the proportion of HMOs in an area. It is evident that family housing remains the predominant house type within the local area, despite the presence of HMOs of a similar size nearby on Garmoyle Road, Avondale Road and Langdale Road. Based on my observations, the individual or cumulative effect of a further HMO as proposed and the loss of a potential family house would not reach a tipping point where the balance of accommodation in the area would be significantly altered or harm to the character and appearance of the area would occur.
14. The transient nature of student living does not appear to have reduced social cohesiveness in the local area in circumstances where HMOs remain in the minority. In that regard, although concerns have been raised with respect to the issue of precedent for large HMOs, each application and appeal must be determined on its own individual merits. Therefore, a generalised concern of that nature does not justify withholding planning permission in this case.
15. I conclude that the development would not harm the character and appearance of the area. The proposal would not, therefore, conflict with Saved Policies H4 and H7 of the UDP and the Framework in that respect.

Living environment – future occupiers

16. No 61 has been previously extended and converted to a 7 bedroom property, but at the time of my visit was not occupied. Based on the submitted plans, the HMO would consist of living accommodation arranged over the ground floor, first floor and second floor with each floor having a WC and shower, although during my visit only 2 WCs / shower rooms to the upper floors and a WC at ground floor were present. The ground floor also has a communal living area and kitchen within a single storey rear extension to the property. At the

- rear is a small communal rear yard with space for bin storage and existing cycle stands that is accessible from the street via a rear alleyway.
17. Based upon the submitted plans, the property and each of the 7 single person units would exceed the minimum floor areas of internal space within HMOs set out in the Liverpool UDP Supplementary Planning Guidance Note 7: Conversion of Buildings into Flats and Bedsits (SPG). Each bedroom would be in excess of 6.5 sq.m, the kitchen would be larger than 4.5 sq.m and the living room larger than 9 sq.m. The individual bedrooms would easily accommodate suitable furniture such as a single bed, wardrobe and chest of drawers/desk, with adequate circulation space. Each bedroom would be served by a window, aside from a second floor bedroom served by 2 rooflights, which would provide appropriate outlook, light and ventilation. The internal layout would offer acceptable relationships between bedrooms and communal living areas to prevent unacceptable levels of noise and disturbance for future residents.
 18. The SPG does not include any specific requirements in terms of WCs and shower rooms for a certain number of units or residents in a HMO. However, it is not uncommon for 6 residents to have a suitable living environment whilst sharing a single bathroom within a property. Consequently, 2 or more WCs and shower rooms within No 61 would adequately serve 7 bedroom accommodation consisting of single units suitable for 7 persons.
 19. The provision of amenity space and private gardens to serve HMOs is also not guided by specific standards in the SPG. 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. No 61 has a small rear yard enclosed by boundary walls that has been reduced in functional size by a recent single storey extension, cycle stands and the bin storage area. Nevertheless, the rear yard is no smaller than those which serve other properties along Brookdale Road that have also been previously extended.
 20. The activity arising from the occupation of the seventh bedroom would intensify the use of the existing private amenity space. However, this does not in itself justify harm or overdevelopment of the property where functional space remains. Although the rear yard is smaller than the majority along Brookdale Road, it compares favourably to residential accommodation nearby along Smithdown Road where private amenity space is generally more limited. On balance, the rear yard would, therefore, provide adequate functional space to meet the needs of occupants of HMOs for smaller communal amenity areas.
 21. In reaching the above findings, I also observed 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. I, therefore consider that the appeal proposal would be served by an adequate level of public amenity space, together with the private amenity space. In addition, the property is close to local services, facilities and sustainable modes of travel located on Smithdown Road and there is no substantiated evidence that an additional resident would place undue pressure on the capacity of local infrastructure. I am satisfied that appropriate means of access and fire safety would be capable of being achieved in accordance with Building Regulations.
 22. I conclude that the proposal would provide a suitable living environment for future occupiers and would not be overdevelopment. The development would not, therefore, conflict with Saved Policies H4 and H7 of the UDP or the core

planning principle of the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Living conditions – neighbouring properties

23. There are no evident issues with respect to the existing relationship of the dwelling to surrounding properties in terms of matters of privacy and outlook, or the provision of sunlight and daylight. Furthermore, following the completion of the rear dormer, single storey rear extension and installation of rooflights under permitted development rights, the conversion of the existing property to a 7-bed HMO would not involve any significant external changes to the property that would affect surrounding properties.
24. 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 dwelling to a 7-bed dwelling with no extra floorspace proposed, any increase in activity and associated noise would not be significant. 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.
25. Interested parties have raised concerns regarding the effect of the existing rear dormer and rear extension in terms of outlook and light. However, as those alterations to the property do not form part of the proposal for which planning permission was sought they are not determinative factors upon this appeal.
26. I conclude that development would not harm the living conditions of occupiers of neighbouring properties. The proposal would not, therefore, conflict with Saved Policies H4 and H7 of the UDP and the Framework in that respect.

Other Matters

27. The property is reliant upon on-street parking, which is a common feature of the local setting and there are no existing parking restrictions on Brookdale Road at the front of the site. During my site visit undertaken in the early morning, I observed low levels of traffic along Brookdale Road, together with significant availability of on-street parking both at the front of the property and in the surrounding area. It is reasonable to consider that demand at peak times (i.e. evenings and overnight) is likely to be higher. However, I have no substantive evidence before me which would indicate 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 on-street. In that respect, the existing provision of cycle stands and the presence of nearby local services and sustainable modes of travel on Smithdown Road which has regular bus services to Liverpool City Centre would reduce the reliance upon private car use.
28. I note that the appellant refers to the planning decision being contrary to officer advice. The planning application was determined by the Members of the Planning Committee and the Planning Committee are not obliged to follow the recommendation of their Officers. Such matters are not, therefore, an influential factor upon the outcome of this appeal.

Conditions

29. The Council provided a suggested list of conditions which I have considered relative to paragraph 206 of the Framework and the associated guidance in PPG. A time limit condition is not necessary as works on the conversion to 7-bedrooms has commenced. However, a plans compliance condition is necessary in the interest of certainty as to the development for which planning permission is granted. As previously mentioned, a condition relating to maximum occupancy levels is required to ensure that the development would provide future residents with a satisfactory living environment and to preserve the living conditions of occupiers of neighbouring properties. Appropriate facilities for refuse storage within the rear yard are indicated on the approved plan with access available from the street. Consequently, a condition relating to refuse storage and collection is not necessary to make the development acceptable.

Conclusion

30. I have found no harm relating to the development in terms of the character and appearance of the area, the living environment for future residents or the living conditions of occupiers of neighbouring properties. I, therefore, consider that the development complies with the UDP and the Framework when taken as a whole.
31. For the reasons given above and taking all other matters into consideration, I conclude the appeal should be allowed and planning permission granted subject to conditions set out in the formal decision.

Gareth Wildgoose

INSPECTOR