
Appeal Decision

Site visit made on 31 July 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 3 August 2017

Appeal Ref: APP/Z4310/W/17/3174442

31 Borrowdale Road, Liverpool L15 3LE

- 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 Jerome Broderick against the decision of Liverpool City Council.
 - The application Ref 17F/0157, dated 15 January 2017, was refused by notice dated 7 April 2017.
 - The development proposed is to continue to use premises as a HMO for 8 students and retain a single storey extension to rear.
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Decision

1. The appeal is allowed and planning permission is granted to continue to use premises as a HMO for 8 students and retain a single storey extension to rear at 31 Borrowdale Road, Liverpool L15 3LE in accordance with the terms of the application, Ref 17F/0157, dated 15 January 2017, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 17_31BPP 102A; 17_31BPP 103A; 17_31BPP 104A and 17_31BPP 105A.

Application for costs

2. An application for costs was made by Mr Jerome Broderick against Liverpool City Council. This application is the subject of a separate Decision.

Preliminary Matter

3. I have, for completeness, used the appellant's full name which is set out on the appeal form in my decision.

Main Issue

4. The main issue is whether occupiers of the House in Multiple Occupation (HMO) are likely to experience acceptable living conditions in terms of the provision of bathroom facilities.

Reasons

5. The appeal site is in the middle of a terrace. On the ground floor there are two bedrooms, a living room, kitchen / dining room and a bathroom. There are four bedrooms and a bathroom on the first floor while the second floor has two bedrooms. The ground and first floor bathrooms each have a shower, a toilet and a wash basin. The first and second floor bedrooms also all have wash basins, with most having a mirror.

6. In refusing planning permission, the Council did not refer to a specific development plan policy. However, in their 'Statement of Appeal' refers to saved Policy H7 of The City of Liverpool Unitary Development Plan (UDP). This requires, among other matters, development proposals to take account of *the design of internal spaces, which should reflect the advice contained in the City Council's "Code of Practice for Houses in Multiple Occupation" regarding minimum sizes, acoustic insulation, light and ventilation and consideration of the suitability of premises, in terms of size and location, for full or part conversion*. The Council suggest that the use property is not suitable for a HMO use for the proposed number of occupiers due to its modest size and limited bathroom facilities. I note that the property has been used as a HMO for around five years, but this does not mean that occupiers should not enjoy a satisfactory standard of accommodation in tune with Supplementary Planning Guidance Note 7 'Conversion of Buildings into Flats and Bedsits' (SPG 7).
7. The property is fairly large and it has three floors. The size of each room is greater than the size standard found in SPG 7, which enables each bedroom to have a wardrobe and a desk, with some also containing a chest of drawers or shelves. The bathrooms contain the only toilets in the property. As a result, occupiers are not able to use a shower or toilet while both bathrooms are in use. I grasp this concern given the number of occupiers using the property. However the evidence does not suggest that occupiers are unable to use at least one of the bathrooms within a reasonable time period. It is not uncommon for residents to wait for a short period until a bathroom becomes available, even when they are in greater demand.
8. I am also mindful of the Council's *Guidance on Standards and Management of Houses in Multiple Occupation* which sets out a general expectation that for 6 to 10 persons there should be a bathroom and WC sharing ratio of 2 *bath/shower and 2 WCs*. The document also clarifies that *WC's maybe contained within the bathroom or a separate closet*. The property meets this level of provision and hence separate WC and shower facilities are not required. Occupiers would not need to travel more than one floor to use a bathroom, with five occupiers also able to use a wash basin within their own rooms.
9. I gather 8 and 14 Borrowdale Road¹ have been granted planning permission so that they can be used as HMO accommodation for students. The scheme at No 8 has a WC and two bathrooms each with toilets in, while the scheme at No 14 has separate WC and shower room facilities. Thus, I give these cases very little weight. Even so, the appeal site is not occupied by too many people and there are enough suitable bathroom facilities that they can use. As a result occupiers would not need to unduly wait to use a bathroom and they would be able to enjoy a satisfactory standard of accommodation.
10. For these reasons, I therefore conclude that the proposed development would comply with saved UDP Policy H7, SPG 7 and with Guidance on Standards and Management of Houses in Multiple Occupation. Jointly these seek, among other things, development to achieve a satisfactory standard of accommodation.

Other Matters

11. Despite concerns in respect of car parking and the lack of cycle storage, there are no parking restrictions on Borrowdale Road and the rear yard is large and capable of providing storage for bicycles for all eight occupiers. The site is also

¹ Council Application Refs: 16F/2487 and 16F/2094

close to a regular bus service and a mixture of services and facilities on Smithdown Road which would lessen the need for occupants to use a car. The property benefits from wheelie bins to cater for refuse and recycling created by residents. These are to the front of the property. Although concerns are raised in terms of anti-social behaviour, water pressure, noise, disturbance and crime, there is no substantive evidence before me to support these claims.

12. The rear extension is within the curtilage of the site and behind a boundary wall. Beyond this are the rear elevations of properties in the terraced row on Langdale Road. While there are rear facing habitable windows, I do not consider that the extension would result in harm to the living conditions of occupants. Also, I am not aware of any restriction stopping a property used as a HMO from being extended, subject to obtaining planning permission.
13. I acknowledge the points made about the concentration of HMO's in the area and I am mindful of the separate appeal at 10 Borrowdale Road². In any event, I have considered this appeal based on the development that has been applied for on the basis of the evidence before me in accordance with the development plan, unless material considerations indicate otherwise.

Conclusion and Conditions

14. I have had regard to the planning conditions suggested by the Council. I have not imposed the standard commencement condition as the proposal is already in use. A condition is also not necessary, given the description of development to control the number of occupiers. I have not imposed a condition concerning refuse and recycling given that there is sufficient scope within the confines of the curtilage for the storage of such materials. I have, however imposed a condition regarding the plans in the interests of certainty.
15. For the reasons set out above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

² Appeal Ref: APP/Z4310/W/17/3174265