
Appeal Decision

Site visit made on 31 October 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 7th November 2017

Appeal Ref: APP/Z4310/W/17/3179424
47 Blantyre Road, Liverpool, L15 3HS

- 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 LSH Developments against the decision of Liverpool City Council.
 - The application Ref 17F/0554, dated 4 January 2017, was refused by notice dated 15 June 2017.
 - The development proposed is described as "conversion of 6 bed house into a 7 bed HMO".
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of 6 bed house into a 7 bed HMO at 47 Blantyre Road, Liverpool, L15 3HS in accordance with the terms of the application, Ref 17F/0554, dated 4 January 2017, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Proposed Conversion of 47 Blantyre Road into a Seven Bed HMO Rev. A.
 - 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 LSH Developments Ltd against Liverpool City Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal development has already been implemented and the appeal is therefore retrospective in nature.
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 these extensions were undertaken via permitted development rights, and they do not form part of this appeal.

Main Issues

5. The main issues are the effect of the development, firstly, on the living conditions of the occupiers of neighbouring properties with regard to noise and

disturbance and, secondly, on the living conditions of occupiers of the host property with regard to access to adequate private amenity space.

Reasons

Living conditions – neighbouring occupiers

6. The appeal property comprises a mid-terrace dwelling on the north western side of Blantyre Road. It was previously in use as a 6 bedroom house in multiple occupation (HMO), and the development proposes the sub-division of an existing room to create an additional bedroom.
7. The development does not involve the creation of any additional floor space, and only results in a modest increase in the occupancy of the property. Whilst the extra bedroom would create some additional activity, including comings and goings to the property, this would be incremental in nature. Any increase in activity and associated noise, over and above that generated by the previous level of occupancy, would not be significant in my view.
8. I therefore conclude that the development would not significantly harm the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance. It is therefore accord with Policies H4 and H7 of the Liverpool Unitary Development Plan (UDP) (2002), and the Conversion of Buildings into Flats and Bedsits Supplementary Planning Guidance (SPG) (2001). These policies and guidance seek to ensure, amongst other things, that development does not lead to adverse impacts on residential amenity. It is also consistent with the Framework which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Living conditions – occupiers of the host property

9. The appeal property is served by a small yard at the rear that is surrounded by a high wall. The yard has been reduced in size following the construction of the single storey extension. It currently contains a small cycle storage rack with space for 3 bicycles.
10. The cycle storage rack is located next to a gate that leads onto an alleyway at the rear. This provides adequate secure cycle storage for the HMO, and there is sufficient space for the gate to open whilst cycles are being stored. In addition, there is space to accommodate 2-3 wheelie bins against the rear wall of the property beyond the cycle storage area. This arrangement allows a passage to be left clear for occupiers to move between the back door of the property and the rear gate. In my view, this yard is sufficient to accommodate the cycle parking and waste / recycling storage needs of the property, and would not lead to the storage of bins on the street. Whilst the bin storage area is not within a dedicated enclosure, the yard is surrounded on all sides by a high wall that ensures the bins are not visible from the public realm.
11. The yard is not sufficiently large to provide a useable recreational space for occupiers of the dwelling. However, as the property is occupied by students rather than a family with children, this matter is less critical and would not justify withholding permission in this case.
12. For the above reasons, I conclude that the development does not result in unacceptable living conditions for occupiers of the host property with regard to access to adequate private amenity space. It therefore accords with Policies

H4 and H7 of the Liverpool UDP (2002), and the Conversion of Buildings into Flats and Bedsits SPG (2001). These policies and guidance seek to ensure, amongst other things, that external spaces should provide easy and convenient access to bin storage and parking. It is also consistent with the Framework which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

13. An interested party states that the new windows in the front and rear roof slopes are intrusive to neighbouring properties. However, these windows were installed under permitted development rights and do not form part of the current appeal proposal.
14. There is no detailed evidence before me that an over-concentration of HMOs exists along the street.
15. The properties along Blantyre Road make use of on-street parking, and have no dedicated off-street spaces. However, a single additional bedroom would not place a significant additional strain on parking in the area.
16. The issue of impact on property values has also been raised. However, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

Conditions

17. I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty. A condition relating to maximum occupancy levels is also required to ensure that the development would provide future residents with a satisfactory living environment and to prevent overcrowding.
18. The Council suggested a condition that would have required details of the waste facilities located in the rear yard to be submitted to and approved in writing by the Council. However, this condition is unnecessary as I have found that the rear yard is large enough to accommodate the bins and cycle storage associated with the development. Moreover, I have not imposed a condition requiring bins to be only left out on collection day as there would be problems with enforcing such a condition and there is other legislation with which to deal with obstructions on a highway.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR