



Appeal Decision

Site visit made on 7 November 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 16th November 2017

Appeal Ref: APP/Z4310/W/17/3181304

25 Newsham Drive, Liverpool L6 7UG

- 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 Anthony Carroll of TLM Estates Ltd against the decision of Liverpool City Council.
 - The application Ref 17F/1135, dated 19 April 2017, was refused by notice dated 10 July 2017.
 - The development proposed is described as "change of use from dwelling to 11 bed HMO".
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Decision

1. The appeal is allowed and planning permission is granted for "change of use from dwelling to 11 bed HMO" at 25 Newsham Drive, Liverpool L6 7UG in accordance with the terms of the application, Ref 17F/1135, dated 19 April 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Proposed Basement and Ground Floor Plans and Block Plan (03); Proposed First and Second Floor Plans (04).
 - 3) The maximum number of people living in the development hereby approved shall not exceed 11 at any one time.
 - 4) No development shall take place until a scheme for the provision of cycle parking and bin storage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented before the development hereby permitted is occupied and retained as such thereafter.

Main Issues

2. The main issues are: (i) the effect of the development on the character and appearance of the area, in particular, whether the development would affect the balance of accommodation in the local area and; (ii) the effect of the development on the living conditions of neighbouring residents .

Reasons

Character and Appearance

3. The appeal property is a large, semi-detached house with accommodation over four floors. It is situated within a residential area on the northern edge of the Newsham Park Conservation Area. I saw from my site visit that other large properties in the vicinity have been converted into houses in multiple occupancy (HMOs).
4. The development proposed is the conversion of the dwelling into 11 separate units of living accommodation. There are no proposed changes to the external appearance of the building. The basement would contain a shared kitchen and communal lounge. The bedrooms would occupy the ground, first and second floors, several of which would have ensuite facilities. There would be shared bathroom facilities in the basement and on the first and second floors, and a further kitchen area on the second floor. There would be access to the garden via the basement.
5. Policy H7 Liverpool Unitary Development Plan (adopted 2002) (UDP) supports the conversion of buildings for multiple occupation subject to several criteria, the most relevant in this case being (ii) the impact on the amenity of neighbouring properties and the character of the surrounding area. I have also been provided with the Council's "Supplementary Planning Guidance Note 7: Conversion of Buildings into Flats and Bedsits" (SPG). The guidance states that houses in an area of predominantly single family dwellings where there would be an adverse impact on the character, environment and amenity of neighbouring properties would not be appropriate for conversion. The guidance also includes internal space requirements and other similar criteria. The Council has not raised any concerns in respect of these standards and acknowledges that the building is suitable for the conversion in terms of its size and layout, and the quality of the accommodation proposed.
6. The Council and several local residents are concerned that the proposal would set a precedent for further conversions of this type which would, over time, erode the character of the area. However, the Council recognises that Nos 19, 21, 23, 27, 29 and 31, in the immediate vicinity of the appeal property, have permission or are in use as self-contained flats or HMOs. Therefore, the proposed development would not be within an area of predominantly single family dwellings and it would not be uncharacteristic of the local area.
7. I appreciate that the nature of this intensified use often leads to more associated domestic paraphernalia, such as bins, and some of this in relation to other nearby properties was not well-managed at the time of my site visit. However, there is no provision in the development plan or local guidance to address the issue of an over-concentration of HMOs. The converted properties have now become part of the area's character and make a contribution to the local housing provision.
8. I have considered the concerns about precedent, but every case is determined on the basis of its site-specific circumstances. In this case, I find that the development would not have an adverse effect on the character and balance of accommodation in the area. There are a number of single family dwellings nearby, especially the smaller properties, and there is no evidence that these are likely to be given up for conversion. I note the other appeal referred to by

the Council, but the full balance of considerations that informed that decision is not before me and I am unable to judge whether the issues were similar to the current appeal.

9. To conclude on this matter I find that the development would accord with Policies H4 and H7 of the UDP, which seek to protect residential amenity and the character and appearance of the area. There would be no changes to the external appearance of the building and appropriate facilities for the storage of cycles and bins could be secured through a planning condition. Consequently, the development would preserve the character and appearance of the Conservation Area.

Living Conditions

10. I accept that the activity associated with 11 or more unrelated adults occupying the property would be greater than a single/extended family. There is likely to be a higher level of noise and disturbance from increased comings and goings, and general domestic activity. However, as set out above, the properties in the immediate vicinity are in use as flats or bedsits. The increase in activity as a result of the development is unlikely to be material. Consequently, I find that the development would be appropriate in this context and the living conditions of neighbouring residents would not be adversely affected, in accordance with Policies H4 and H7 of the UDP.
11. The levels of accommodation proposed are such that occupancy could extend beyond 11 people, which may be more problematic. Consequently, I agree with the Council that it would be appropriate to restrict the number of occupants, but this could be secured by a condition.

Other Matters

12. I note the concerns in respect of poor quality accommodation in the area and the effect of this on existing residents. However, there is very limited evidence that the development before me would result in poor quality accommodation. The Council has not argued that the accommodation would be substandard and the development would not appear to be in conflict with the local guidance on this matter, which is set out in the SPG.

Conditions

13. In addition to the standard time limit condition, I have imposed a condition to specify the approved plans as this provides certainty. I have imposed a condition to restrict the number of people occupying the building, to protect the living conditions of neighbouring residents and future occupants of the building. I have imposed a condition to require suitable storage facilities for cycles and bins, to protect the character of the area.

Conclusion

14. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector