
Appeal Decision

Site visit made on 16 July 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/W4325/W/19/3227090

32 Euston Grove, Birkenhead CH43 4TZ

- 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 J Beck of Beck and Bowyer Estates Ltd against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/18/01334, dated 12 October 2018, was refused by notice dated 30 January 2019.
 - The development proposed is the change of use from 6 person to 7 person House in Multiple Occupation (one additional bedroom).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from 6 person to 7 person House in Multiple Occupation (one additional bedroom) at 32 Euston Grove, Birkenhead CH43 4TZ in accordance with the terms of the application, Ref APP/18/01334, dated 12 October 2018.

Procedural Matter

2. I could see from my site visit that the property was in use as a House in Multiple Occupation (HMO). I understand that this use started in 2018 with the appellant using permitted development rights to undertake the change from a dwellinghouse allowing for six individual persons to occupy the property. Since this time, a seventh bedroom has been formed within the roof space. Not every bedroom was occupied at the time of my visit, but there were seven separate en-suite bedrooms in total which are and could potentially be occupied. The bedrooms, lounge/dining room and kitchen were all laid out in accordance with the proposed floor plans. Room 7, within the roof space of the property, is served by two roof lights in the front roof plane, with a single roof light in the rear roof plane. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether occupants of the proposal would have acceptable living conditions, with regards to communal kitchen provision and outlook.

Reasons

4. The appeal property is a mid-terraced two storey building on the west side of Euston Grove, to the south of its junction with Mather Road. The appeal property is located within a Primarily Residential Area amongst sets of terraced Edwardian/Victorian dwellings on the west side of Euston Grove with small front gardens or forecourt space. The opposite side of Euston Grove consists of pairs of semi-detached dwellings.

5. Saved Policy HS14 of the Wirral Unitary Development Plan (UDP) states that proposals for the conversion of existing buildings to multi-occupancy will not be permitted unless the proposal fulfils all the criteria listed. The Council raise no concern with the size of the bedrooms. I agree. That said, there is no specific criterion in saved UDP HS14 about the standard or amount of communal kitchen, living and dining facilities HMO's need to provide. Even so, paragraph 127 f) of the National Planning Policy Framework (the Framework) seeks a high standard of amenity for existing and future users.
6. The kitchen and living/dining room is a large communal space at the rear of the ground floor. The living/dining room contains a three-seat sofa and a four-person dining table. The kitchen offers four stools at a breakfast bar, worktops and storage, a dishwasher, two ovens and electric rings, a sink and drainer and space for a microwave, toaster and kettle. A television is also mounted to the wall. A room leading off the kitchen to the rear is occupied by two standalone fridge/freezers, a washing machine and a dryer. Two large flank windows enable light in and an outlook from the communal kitchen, living/dining room. Even if there are two pinch points at either end of the kitchen, overall there is good circulation space throughout. Given the extent and range of the facilities described above, which can be easily accessed from the bedrooms, I consider that the kitchen, dining/living room facilities provide a high-standard of amenity for existing and future users. While occupants may choose to eat within their own rooms, there are facilities available for this not to happen. Moreover, each occupant has access to the external rear yard.
7. Criterion xiii of saved UDP Policy HS14 seeks to ensure that main living rooms have a reasonable outlook and are not lit solely by roof lights, nor in close proximity to high boundary or gable walls. The Council contend that the roof lights serving room 7 would contravene this criterion. However, from my ordinary reading of the policy, this criterion only applies to living rooms. As such, the roof lights serving room 7, which provide an outlook of facing roof slopes and a good standard of natural light, do not contravene this criterion.
8. I conclude that occupants of the proposal would have acceptable living conditions, with regards to communal kitchen provision and outlook. The proposal accords with saved UDP Policy HS14 and Framework paragraph 127 f); which jointly seek main living rooms to have a reasonable outlook and not lit solely by roof lights, and developments to provide a high standard of amenity for existing and future users.

Other matter

9. I note the comments of the Wirral Council Housing Renewal Team, but I have considered the appeal based on its planning merits and not in relation to the HMO licensing regime, which is separate from planning regulations.

Conclusion and conditions

10. The Council have not suggested any planning conditions. That said, as the development has already commenced, I have not imposed the standard time limit condition for commencement or the plans condition.
11. For the reasons set out above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR