
Appeal Decision

Site visit made on 26 March 2019

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2019

Appeal Ref: APP/Z4310/W/18/3219176
20 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 Jeremy Clein against the decision of Liverpool City Council.
 - The application Ref 17F/0646, dated 9 February 2017, was refused by notice dated 25 June 2018.
 - The development proposed is change of use to use dwelling as a 7 bed HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have combined the description of development from the planning application form with the description of development on the Council's decision notice, as this most accurately describes the development proposal before me.
3. The revised National Planning Policy Framework (the Framework) was issued in February 2019. I have had regard to this in reaching my decision.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of neighbouring dwellings with regard to noise and disturbance.

Reasons

5. The appeal property is a two-storey, double-fronted mid terrace dwelling with accommodation in the roof space. Borrowdale Road is predominately residential and comprises a variety of tenures, including single and multi-occupancy accommodation. From my site visit, it appeared the adjacent property at 22 Borrowdale Road is a single family dwelling, but 18 Borrowdale Road had been converted into separate units by reference to the separate door bells.
6. As a single dwelling the appeal property could accommodate a large family. I note from the appellant's evidence that the property has been rented to six or seven students since 2014, with seven bedrooms shown on the accompanying plans across three floors. However, the Case Officer Report states that there is no relevant site history so I can only assume that this use was unauthorised. The use of the property as a House in Multiple Occupation (HMO) by seven unrelated people would result in an intensification in use compared to a family

dwelling. It is likely to result in a significant increase in coming and goings, from both occupants and visitors, to that normally expected from a single family dwelling of this size. This would result in noise and disturbance, for example from the use of the shared kitchen with access to the rear yard, arrivals and departures at various times of day, doors frequently closing and sources of music, etc. Given their close proximity, this would be a significant source of disturbance to the adjoining occupiers.

7. Although I note the appellant, through tenancy agreements, tries to ensure activities do not become a nuisance to neighbours, this is not something that can be controlled through the use of planning conditions. The Council's Environmental Health section advise that complaints have been received in respect of noise from the appeal property in September 2014, 2015 and 2017, which is since it has been let to students. Noise disturbance has also been raised, amongst other things, as an issue by local residents living opposite.
8. Both the appellant and the Council have referred me to appeal decisions in support of their case. However, the full details of those cases are not before me, including the relationship between those HMOs and their neighbours. As such, I cannot be certain that there are any direct comparisons with the appeal proposal before me. I have therefore considered the proposal on its own individual merits.
9. Having regard to the above, I conclude that the appeal proposal would be detrimental to the living conditions of the occupiers of neighbouring dwellings with regard to noise and disturbance. The emerging Liverpool Local Plan (LLP) has been submitted by the Council for Examination and I am informed that there are no unresolved objections to Policy H10. Consistent with the advice at paragraph 48 of the Framework, I afford this Policy moderate weight as a material consideration. LLP Policy H10 allows the conversion of existing dwellings to HMOs subject to thirteen criteria (a-m). The appeal proposal would conflict with LLP Policy H10 because it fails to meet criterion b) which requires no adverse impact on the amenity of neighbouring properties, through increased activity, noise or disturbance. It would also be contrary to the Framework which seeks to provide a high standard of amenity for existing and future users.
10. Whilst the appellant suggests the area is popular with students and well located relative to the University Halls of Residence, I find the significant and demonstrable harm identified to living conditions outweighs any benefits associated with the appeal proposals.

Conclusion

11. For the reasons above, I conclude that the appeal should be dismissed.

R. Jones

INSPECTOR