
Appeal Decision

Site visit made on 16 September 2019 by Hilary Senior BA(Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 23 September 2019

Appeal Ref: APP/Z4310/W/19/3230800

9 Maxton Road, Liverpool L6 6BJ

- 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 BGH properties against the decision of Liverpool City Council.
 - The application Ref 18F/1582, dated 31 May 2018, was refused by notice dated 3 May 2019.
 - The development proposed is conversion of property from 6 bed house into a seven bed HMO, incorporating internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the property from a 6 bed house into a seven bed HMO, incorporating internal alterations at 9 Maxton Road, Liverpool, L6 6BJ in accordance with the terms of the application, 18/1582, dated 31 May 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of 3 years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the submitted site location plan and the unnumbered document titled 'conversion to form 7 bed HMO at 9 Maxton Rd'.
 - 3) The maximum number of residents occupying the premises shall not exceed seven persons.
 - 4) A scheme for the provision of cycle parking in accordance with the Council's current standards shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved before any part of the development is occupied or brought into use and shall be retained as such thereafter.
 - 5) Any waste generated to be discarded as refuse or recycled shall be kept within the curtilage of the premises and shall only be placed outside the premises on the appropriate refuse collection day.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The Council's reason for refusal cites Policy H10 of the emerging Liverpool Local Plan (LLP) which I understand has been submitted for examination. However, the appellant advises that there is an outstanding objection to Policy H10. It seems to me that there is a reasonable likelihood that it would be subject to change and therefore at this stage it can carry only limited weight. In any event, I have not been provided with a copy of this policy. Accordingly, I have determined the appeal against the adopted policies of the Liverpool Unitary Development Plan.

Main Issues

4. The main issues in this case are:
 - Whether the proposal would provide a suitable living environment for all future occupiers of 9 Maxton Road with particular regard to bedroom size, and
 - the effect of the proposal on the living conditions of residents of neighbouring properties with regard to noise, disturbance and parking.

Reasons

Living conditions of future occupiers

5. Maxton Road is within a residential area of Liverpool characterised by an urban grid pattern of terraced housing. The property is an extended two-storey mid-terrace house with rooms in the roof space. The bedrooms are arranged over all three floors and there is a rear yard which can accommodate a cycle storage area and refuse bins.
6. The proposal is to convert the house from an existing six-bedroom house in multiple occupation (HMO) to a seven-bedroom HMO. One large front bedroom would be converted into two, with the addition of a partition wall and a new doorway on the landing. On the ground floor would be a large communal space and kitchen.
7. The Council is concerned about the size and shape of the bedrooms, particularly the room on the upper floor which has a low ceiling and is lit by rooflights. There is no dispute between the parties that in terms of its floor area the room meets the standard set out in the Supplementary Planning Guidance Note 7- Conversion of Buildings into Flats and Bedsits which states that bedrooms should measure at least 6.5m². I acknowledge that the room is of an irregular shape and that some of the floorspace has limited practical value. Nevertheless, that room is already used as a bedroom and even if this appeal is dismissed, it is likely to continue to be used as such. Moreover, whilst I acknowledge the Council's concern, there is alternative communal space within the house for the use by the occupant of that room.
8. For these reasons, the development would provide a suitable living environment for future occupiers. Consequently, it would not conflict with Policy H7 of the Liverpool Unitary Development Plan which states that permission will be granted for the conversion of buildings to flats and bedsits taking account of, amongst other things, the suitability of the premises in terms of size and the design of internal spaces. It would also accord with the

National Planning Policy Framework, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Living Conditions of residents of neighbouring properties

9. The Council, and local residents, are concerned about the proliferation of HMO's in the local area having an adverse impact on the living conditions of neighbouring occupiers with particular regard to parking, rubbish accumulation and anti-social behaviour. Evidence before me indicates that this is the only HMO on Maxton Road. I have no information about the number of HMO's in the wider area or whether they have adversely altered the character or social mix of the area.
10. I understand that this HMO is to be occupied by students. Whilst I acknowledge that the lifestyle of the people occupying the property may be different to that of people occupying a family house, there is no evidence that HMO uses in the area are making a significant contribution to anti-social behaviour.
11. I acknowledge concerns that bedrooms could each accommodate 2 people. However, the maximum number of occupants at any one time could be controlled by planning condition. The proposal, to change the use of the premises from a smaller HMO to a larger one, would only modestly increase the number of people occupying the property. The increase in activity and associated noise over and above that generated by a 6-bedroom HMO would not be significant and as such would not be harmful to the living conditions of occupiers of neighbouring properties.
12. There are no parking restrictions on Maxton Street. At the time of the site visit, which was late morning, there was no evidence of a lack of parking spaces. However, I acknowledge that at peak times including weekends and evenings, demand is likely to be much higher. Nevertheless, there is no evidence before me of specific parking problems in the area and there are no highway objections to the proposal. The area is well served by public transport and the application indicates that cycle stands would be provided which would reduce the need for a private car. Moreover, there is no substantive evidence before me that the modest increase in car parking demand arising from the development could not be adequately accommodated on-street.
13. For the above reasons, I conclude that the development would not significantly harm the living conditions of neighbouring occupiers with regard to noise, disturbance and parking. It would therefore accord with saved Policy H7 of the Liverpool Unitary Development Plan (2002) and Supplementary Planning Guidance Note 7 which together seek to ensure, amongst other things, that the conversion of buildings into flats and bedsits does not have an unacceptable effect on amenity. It would also accord with the National Planning Policy Framework, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Conditions

14. I have had regard to the planning conditions suggested by the Council. I have imposed conditions relating to the plans and number of occupiers in the interests of certainty and to protect the living conditions of local residents. To promote the use of cycling a condition to ensure that cycle stands are provided for occupants to use is reasonable and necessary. In addition, in order to

protect the residential environment a condition requiring the storage of refuse and waste is reasonable and necessary.

Conclusion and Recommendation

15. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Hilary Senior

APPEALS PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Susan Ashworth

INSPECTOR