
Appeal Decision

Site visit made on 19 August 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: 11 October 2019

Appeal Ref: APP/Z4310/W/19/3231011

26 Langdale Road, Liverpool, L15 3LB

- 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 H Galip against the decision of Liverpool City Council.
 - The application Ref 18F/3174, dated 20 September 2018, was refused by notice dated 8 March 2019.
 - The development proposed is described as "two storey house 7 occupants".
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Decision

1. The appeal is allowed and planning permission is granted for the use of the premises as a house in multiple occupation for 7 occupants at 26 Langdale Road, Liverpool, L15 3LB in accordance with the terms and particulars of the application ref: 18F/3174, dated 20 September 2018.

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.

Application for costs

3. An application for costs was made by Mr H Galip against Liverpool City Council. This application is the subject of a separate Decision.

Procedural Matters

4. The description of development in the banner heading is taken from the planning application form. However, in the formal decision above, I have adapted the description of development to more accurately describe the proposal.
5. From the site visit it was evident that the property is already in use as a 7 bed House in Multiple Occupation (HMO). I have determined the appeal on this basis.
6. The Council refers in its reason for refusal only to Policy H11 of the emerging Liverpool Local Plan 2013-2033 which was evidently drafted in response to the concern of a high concentration of HMO's in parts of the city. The Council has submitted evidence to the appeal outlining the changes proposed to the policy following the Local Plan Inspector's questions. However, this policy is still subject of the Local Plan Examination and is likely to be changed. It can therefore be afforded limited weight at this stage.

7. The appellant has drawn my attention to the Liverpool Unitary Development Plan 2002 and specifically to Policy H7 relating to the conversion of buildings for multiple occupation. As the UDP is the adopted development plan for the area I have determined the appeal in accordance with relevant policies contained therein.

Main Issues

8. The main issues are the effect of the proposal on the character of the area with particular regard to the mix of housing and the living conditions of local residents.

Reasons

9. Langdale Road is characterised by terraced two-storey houses with small garden areas to the front, bounded by low walls and railings. It is typical of the surrounding area and has an urban grid pattern grain. 26 Langdale Road is an end terrace and has an amenity area to the rear, bounded by a higher brick wall.
10. From the site visit it was clear that the property is already in use as a 7 bedroomed HMO, although it is not clear how long it has been in operation as such. I note the Council's contention that it is not licenced as an HMO. Nevertheless, according to both parties the proposal meets the minimum size requirements for bedrooms, kitchen and living space. There is separate access to a rear yard for bin, recycling and bicycle storage. The Council does not have concerns relating to the living conditions of the occupiers of the HMO and from all I have seen and read I have no reason to disagree.
11. The Council is concerned, however, about the proliferation of HMO's in this area and indicates that the site is within an area where more than 10% of properties are in HMO use. However, the appellant's evidence indicates that out of 119 addresses in Langdale Road, only 5 are registered as HMO's on the Council's register of licensed properties, equating to a total of 3% of properties on the road. This is not disputed by the Council.
12. In any event, it is not in dispute by the main parties that the property can be used as a small HMO accommodating up to six occupiers without the need for planning permission. Accordingly, should this appeal fail, it seems to me likely that the property would continue to be used as a 6-bedroomed HMO. As such, the addition of one additional occupant would not result in a significant change to the use of the building and moreover, would not unduly unbalance the social mix of housing in the area.
13. It seems to me to be possible that there could be increase in activity generated by a group of unrelated people living as a single unit over that generated by a family household, although there is limited evidence before me to that effect. However, the addition of one more person in the property would represent a modest intensification of use, which would be unlikely to have a significant impact on activity in the street or have a harmful effect on the living conditions of neighbouring residents. Moreover, whilst I have taken into consideration the concerns of local residents, I have not been made aware that the Council has received any formal complaints regarding noise or anti-social behaviour during the time the property has been in use as an HMO, although I acknowledge that this time may be limited.

14. For the reasons above I conclude that the continued use of the property as a 7-bedroomed HMO would not harm the character of the area with regard to the mix of housing or the living conditions of local residents. As such the proposal would be in accordance with Policy H7 of the adopted Liverpool Unitary Development Plan 2002 which states that planning permission will be granted for such conversions taking into account, amongst other things, the impact on the amenity of neighbouring properties and the character of the surrounding area.

Conditions

15. No conditions have been suggested by the Council in the event that the appeal is allowed. The appeal is retrospective and does not involve operational development. It is clear from the appeal documents that the use would be limited to 7 occupants. Accordingly, I am satisfied that no conditions are necessary.

Conclusion and Recommendation

16. 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

17. 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