



Appeal Decision

Site visit made on 10 December 2019

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th January 2020

Appeal Ref: APP/Z4310/W/19/3236233
552-556 Prescott Road, Liverpool, L13 3DE

- 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 Zakir Hussain against the decision of Liverpool City Council.
 - The application Ref 19F/1483, dated 20 May 2019, was refused by notice dated 24 July 2019.
 - The development proposed is to use part of ground floor and upper floor of premises as 11 bedroom (18 person) House in Multiple Occupation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development given above is taken from the Decision Notice rather than the planning application form, as this provides a more precise description of the proposal.

Main Issue

3. The main issue is whether the development would provide adequate living conditions for future occupiers with regard to outlook, internal living space, and outdoor amenity space.

Reasons

4. The appeal site comprises a 3 storey building on the south western side of Prescott Road with a retail unit at ground floor level. The rear of the building is in close proximity to the flank walls of terraced properties fronting Booth Street and Batley Street.
5. The development would introduce 8 rear facing bedroom windows, which would provide the sole source of outlook to those rooms. The windows to bedrooms Nos 2 and 7 would face directly on to the side gable wall of the terrace fronting Booth Street at a distance of 9 metres (according to the appellant) or 7 metres (according to the Council). In either case, this would be well below the minimum separation distance required by the Council's Supplementary Planning Guidance Note 10. This would result in unacceptably poor levels of outlook from those rooms, which would directly face onto a brick wall at close quarters. This would create a harmful sense of enclosure to future occupiers.

6. It is asserted that other HMO conversions in Liverpool have similar levels of outlook. However, no specific examples have been drawn to my attention and I am therefore unable to assess any direct comparability to the current appeal proposal. The appellant also refers to separation distances set out in the Building Regulations. However, the Building Regulations relate to other legislation outside of the planning regime and are not intended to guide planning decisions.
7. The development would not be served by any communal lounge areas. However, there is not currently any adopted policy or guidance that requires a communal lounge area to be provided. Whilst I note the requirements of draft Policy H10 of the emerging Liverpool Local Plan, the Council's Delegated Report acknowledges that this policy attracts only limited weight at this stage. Moreover, the proposed rooms would be relatively large in size and would accord with the Council's 'Guidance on Standards and Management of Houses in Multiple Occupation' in this regard. This would provide an appropriate amount of internal living space in my view and this matter would not justify withholding permission in this case.
8. The development also proposes limited outdoor amenity space. However, given the size of the proposed accommodation it is highly unlikely to appeal to families with children. Moreover, the appeal site is only a short walk from a local park that would provide access to outdoor recreation for future occupiers. Accordingly, I do not consider that this matter alone would justify withholding permission. However, that does not alter my other concerns relating to outlook, as set out above.
9. For the above reasons, I conclude that the development would provide inadequate living conditions for future occupiers with regard to outlook. It would therefore be contrary to Policy H7 of the Liverpool Unitary Development Plan (2002) and guidance contained in the Council's Supplementary Planning Guidance Note 10. This policy and guidance seek to ensure, amongst other things, that new development provides appropriate living conditions. It would also be at odds with the National Planning Policy Framework which requires new development to provide a high standard of amenity for both existing and future users.

Other Matters

10. Any concerns regarding the Council's conduct during the processing of the planning application fall outside of the remit of this Decision.

Conclusion

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

Thomas Hatfield

INSPECTOR