



Appeal Decision

Site visit made on 6 February 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 April 2020

Appeal Ref: APP/M4320/W/19/3241168
35 King Street, Southport PR8 1LG

- 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 Mark Whelan against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2019/00132, dated 21 January 2019, was refused by notice dated 16 October 2019.
 - The development proposed is change of use from a guest house (C1) to a multiple occupation HMO (sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a guest house (C1) to a multiple occupation HMO (sui generis) at 35 King Street, Southport PR8 1LG, in accordance with the terms of the application, Ref DC/2019/00132, dated 21 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with approved plans: location plan; drawing no MW_008_2018_PLA (showing 6 units).
 - 3) Prior to the approved HMO being occupied, the extension to the rear of the property to be demolished shall be removed and the outdoor space shown on the plans should be made available for its designated use. The space shall be then retained for such purpose throughout the lifetime of the development.
 - 4) Prior to the approved HMO being occupied, details of appropriate refuse storage and cycle parking shall be submitted to, and approved in writing by, the local planning authority. The approved details shall be implemented prior to the occupation of development and retained as such throughout the lifetime of the development.
 - 5) A scheme of sound insulation to protect the occupiers of the adjoining dwelling at 37 King Street from any additional noise shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme prior to the occupation of the HMO.

Procedural Matter

2. Amended plans were submitted during the course of the application, but there seems to have been some confusion as to which plan the Council's decision notice was based on. This has not been helped as different plans have been given the same drawing numbers.
3. The appellant's statement refers to a scheme for 7 units, as shown on drawing number MW_004_2018_PLA. However, the Council has confirmed that the decision was based on plan ref MW_008_2018_PLA, which shows the number of units as 6. Whilst this does not reflect the reference on the decision notice to the proposal being for 8 units, it is consistent with the commentary in the planning officer's report.
4. The appellant has requested that the appeal be determined either on the basis of the proposal for 7 units, or on the original scheme which proposed 8 units.
5. The scheme for 8 units, shown on drawing ref a227_PLA_01, was the subject of a previous application¹ which was refused for a number of reasons, some of which do not apply to the revised scheme for 6 units. The proposal for 8 units was therefore materially different from the scheme which the decision notice relates to, and so to determine the appeal on that basis could prejudice the Council.
6. In terms of considering whether to accept the proposal for 7 units, it is necessary to apply the 'Wheatcroft' principles. The implications of an additional unit for the Council's requirement for amenity space, which was the sole reason for refusal, are clear. However, I do not have the Council's views on other elements of the proposal for 7 units so I do not know whether they would have any other concerns about it, which might have been the subject of additional reasons for refusal. As such, to determine the appeal on the basis of the scheme for 7 units could again prejudice the Council.
7. I have therefore determined the appeal on the basis of the proposal for 6 units as shown in drawing ref MW_008_2018_PLA.

Main Issue

8. The main issue is whether the proposal would provide a satisfactory standard of living conditions for future occupants, with particular regard to private outdoor amenity space.

Reasons

9. The appeal property is a former guest house close to Southport town centre. The property is at the end of a terrace of similar, traditional style properties, and there are commercial uses at the rear and side. The property is currently vacant and in a state of some disrepair. The proposal would involve the conversion of the property into a house in multiple occupation (HMO) with 6 bedsits over three floors.
10. The Council's Flats and Houses in Multiple Occupation Supplementary Planning Document 2018 (SPD) sets out detailed requirements for HMOs. For an HMO with 6 bedsits, an area of 50m² outdoor amenity space should be provided. This space should be accessible to all residents and be of high quality, so as to

¹ Ref DC/2018/01573

ensure that occupiers have access to an area of private amenity space which can be used for purposes including informal recreation, gardening, drying clothes and socialising.

11. In this case, the only private outdoor amenity space is at the rear of the property where there is a long, thin back yard, with a wooden door leading to an alley beyond. The proposal involves the removal of the existing single storey extension which would result in an enlarged outdoor area, but this would still only provide around 38m², so would not meet the standard.
12. Paragraph 67 of the SPD explains that, in limited exceptional circumstances, the Council may accept a lower amount of amenity space if it is not possible to meet these standards. Relevant factors in assessing whether a lower standard is acceptable include the proposal being in easy walking distance of a local centre, and the re-use of an otherwise vacant building which has wider significant community or regeneration benefits.
13. In this case, the appeal property is located a short walk from Southport town centre where there are large areas of open space with public gardens, as well as the beach. Opportunities for informal and formal recreation would therefore be available close by for future occupiers.
14. The property is currently vacant and internally it is in need of significant maintenance and repair. The site is in a fairly prominent location close to the junction of King Street and Portland Street, close to the Lord Street Conservation Area. From the front, the building currently looks in reasonable condition but without investment it will fall into decline, to the detriment of the area.
15. The building was previously in use as a guest house but demand for such uses has declined and an alternative, non-residential use seems improbable. Given the size and location of the property, its re-use as a single dwelling also seems unlikely. The building has the potential to provide a good standard of internal accommodation and could comfortably accommodate 6 bedsits.
16. Although the proposal would not meet the SPD standard for outdoor amenity space in full, by removing the existing extension a reasonable area of outside space would be provided. This could be made into an attractive space which would allow occupants to dry washing outside and store bikes and other equipment. The plans also show space for outside dining to allow occupiers to socialise and relax outside.
17. The scheme would allow a vacant building to be brought back into use, providing 6 units of accommodation in a location which is close to local services, amenities and opportunities for outdoor recreation. These benefits would outweigh the modest shortfall in the standard for amenity space.
18. I conclude that the proposal would provide a satisfactory standard of living conditions for future occupants, with particular regard to private outdoor amenity space. It would comply with Policy HC4 of the Sefton Local Plan 2017 which allows the conversion of buildings to HMOs where it would not cause significant harm to the living conditions of the property or neighbouring properties.

Other Matters

19. Concerns have been raised about the proposed change of use to a HMO but the Council has confirmed that the principle of the converting the building to such a use would be acceptable in terms of its local planning policies, including an Article 4 Direction which seeks to control HMOs and prevent over-concentration of such uses in the area.
20. I note the concerns raised about the impact of the proposal on investment in the area. However, the proposal would itself allow investment in the area through bringing back into use a vacant building. Conversely, allowing it to remain vacant and in a state of disrepair could itself act as a deterrent to investment in the surrounding area.
21. Comments have been made suggesting that insufficient parking would be provided as there is only space for off-road parking of two cars at the property. However, the Council's highways officer considered that this level of provision was acceptable given the location of the site close to the town centre and public transport facilities. I have no reason to disagree with this view.

Conditions

22. In addition to the standard time limit condition, in the interests of certainty I have imposed a condition requiring that development is carried out in accordance with the approved plans. To ensure that future occupiers have satisfactory living conditions, it is also necessary to impose a condition requiring the demolition of the extension and the area made available as outdoor amenity space, prior to occupation.
23. A condition requiring details of refuse storage and cycle parking to be submitted and implemented is also required, to ensure a satisfactory standard of accommodation and in the interests of promoting sustainable transport.
24. The Council has suggested a condition requiring a scheme of sound proofing and I agree that this is necessary to protect occupiers of the neighbouring property from any noise disturbance.

Conclusion

25. For the reasons given I conclude that the appeal is allowed subject to the conditions.

R Morgan

INSPECTOR