



Appeal Decision

Site visit made on 23 June 2020

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 28th July 2020

Appeal Ref: APP/W4325/W/20/3250657

83 Trafalgar Road, Egremont, Wallasey CH44 0ED

- 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 Happy Property against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/19/01552, dated 14 October 2019, was refused by notice dated 5 March 2020.
 - The development proposed is change of use from C4 (house in multiple occupation) to sui generis 7 bedroomed HMO.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from C4 (house in multiple occupation) to sui generis 7 bedroomed HMO at 83 Trafalgar Road, Egremont, Wallasey CH44 0ED in accordance with the terms of the application, Ref APP/19/01552, dated 14 October 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 the following approved plans: Existing and Proposed Site Plan Drawing No 2019/1004/005; Proposed Elevations Drawing No 2019/1004/004; Proposed Plans Drawing No 2019/1004/002.
 - 3) Prior to the occupation of the use hereby permitted, details of the refuse and recycling and cycle storage, as shown on the Proposed Site Plan Drawing No 2019/1004/005, shall be submitted to, and approved in writing by, the local planning authority and provided in accordance with the approved details. The refuse and recycling and cycle storage shall thereafter be retained.

Main Issues

2. The main issues are the effects on (1) the character of the area and (2) the living conditions of nearby residents.

Reasons

3. The property has been licensed as a 6-person house in multiple occupation (HMO) under the Housing Act 2004 and, according to the appellant, was in such use for a number of years, before becoming vacant in September 2019. A single dwelling can be used as an HMO for up to 6 people without the need

for planning permission. Therefore, the realistic fallback position is use as a 6-person HMO. I have taken this into account in my reasoning on the main issues.

Character

4. The street contains predominantly Victorian and early 20th century terraced and semi-detached houses. The majority of the two and three-storey properties appear to be in use as family dwellings, although it seemed to me that some of the houses were in use as HMOs.
5. Given that the appeal property is already in use as an HMO, the increase in occupancy from 6 to 7 people would not lead to a material change in the character of the property or the street. Moreover, because of its existing use, there would be no alteration to the balance of family dwellings and other residential uses.
6. HMOs can affect the character and appearance of the area, particularly if they are not properly managed and maintained. Issues such as the accumulation of refuse, a poorly maintained external fabric and unkempt outdoor areas can occur. Indeed, I saw refuse in the front garden and an overgrown rear yard at No 83 Trafalgar Road on the day of my site visit, although this is likely to be as a result of the property being unoccupied. However, such issues could occur whether the HMO is for 6 or 7 persons. Moreover, in granting planning permission and enabling a refurbishment of the property as shown on the submitted plans, there is a likelihood that any existing issues would be tackled.
7. Therefore, I conclude that the proposal would be acceptable in relation to the character of the area.

Living conditions

8. Similar to the first issue, the increase in occupancy from 6 to 7 people would not lead to a material change in the comings and goings and activity associated with the property. Therefore, there would be no material increase in noise and disturbance from the change of use.
9. The improvements to the accommodation, including the provision of rooms to meet HMO standards, en-suite facilities to each bedroom and a larger communal area, would be likely to encourage less transitory tenants. As such, anti-social behaviour sometimes associated with HMOs, would be less likely.
10. Accordingly, the proposal would have an acceptable impact on the living conditions of nearby residents.

Other matters

11. The appeal decision referred to by the Council¹ is not directly comparable as the Inspector considered it on the basis that the proposal involved a change from a single dwelling to a 7 bed HMO.
12. No off-street parking would be provided, but I noted the availability of on-street parking on Trafalgar Road and in side streets. There is no evidence that the area suffers from parking stress. There are bus routes in the area and the proposal indicates that secure cycle storage would be provided. The town

¹ Appeal decision ref: APP/W4325/W/16/3153464 dated 22 December 2016

centre of Liscard and other services and facilities are within walking and cycling distance. Alternatives to the use of private vehicles would be available.

13. There are obligations in relation to maintaining drainage connections to the mains sewer, but these are outside the scope of this appeal decision.

Conclusions

14. I have not found any material harm in relation to the main issues. Insofar as Policy HS14 of the Unitary Development Plan² is concerned, because the building already comprises an HMO, the policy is not directly applicable.
15. In granting planning permission, I will impose a condition requiring compliance with the approved plans for certainty. A condition is also needed to ensure the provision of suitable refuse and recycling storage and cycle parking in the interests of the character of the area, the living conditions of residents and to promote sustainable modes of travel.
16. For the reasons given above, the appeal should be allowed subject to conditions.

Mark Dakeyne

INSPECTOR

² Wirral Unitary Development Plan adopted February 2000