



Appeal Decision

Site visit made on 30 November 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/Z4310/W/20/3258390

28 Granville Road, Picton, Liverpool L15 2HR

- 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 Silverstone against the decision of Liverpool City Council.
 - The application Ref 20F/0296, dated 9 January 2020, was refused by notice dated 18 August 2020.
 - The development proposed is change of use to a house in multiple occupation for seven persons and the retention of a single storey rear extension, rear dormer and two rooflights on the front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use to a house in multiple occupation for seven persons and the retention of a single storey rear extension, rear dormer and two rooflights on the front elevation at 28 Granville Road, Picton, Liverpool L15 2HR in accordance with the terms of the application Ref 20F/0296, dated 9 January 2020, and the plans submitted with it, 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: Location Plan, 0005 and 0006.
 - 3) The number of residents to be accommodated on the premises shall not exceed 7 persons.

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 Matters

3. A similar appeal has also been submitted in relation to the property at No. 32 Granville Road¹. I have determined both appeals. There is one property in between the appeal sites and the nature of the appeals overlap. For clarity, I have issued a separate decision in relation to each appeal.

¹ Planning Inspectorate ref: APP/Z4310/W/20/3258393

4. The reason for refusal relates to Policy H10 of the emerging Liverpool Local Plan 2013-2033 which has not been formally adopted. The Council maintain that the Policy should be given limited weight. It appears that there are outstanding general objections relating to the soundness and procedural aspects of the plan and there are also specific objections to Policy H10. Thus, having regard to Paragraph 48 of the National Planning Policy Framework (the 'Framework') I agree that limited weight should be given to Policy H10.
5. I noted on my site visit that the single storey rear extension, rear dormer and rooflights had been erected. From the evidence before me, it is clear that the proposal is to retain the development that has already occurred, and I have dealt with it on that basis.

Main Issue

6. The Council does not object to the single storey rear extension, rear dormer and rooflights and I see no reason to disagree, given their scale and appearance. Therefore, the main issue is:
 - i. The effect of the proposed increase in occupiers on the living conditions of the occupiers of neighbouring residential properties, having regard to noise and disturbance.

Reasons for the Recommendation

7. No. 28 relates to a two-storey mid-terrace property. It is located within primarily a residential area characterised by similar terrace properties.
8. A local Councillor and residents consider that the area has a high concentration of houses in multiple occupation (HMO). However, the appeal site is not located in an area subject to an Article 4 direction which restricts the number of HMOs. The Council acknowledge that the property could legally be used as a six person HMO. From the information before me, it appears that the property has already been used on that basis and, taking account of the way the dwelling has been refurbished, it is likely that use as a HMO for up to six people would continue, irrespective of the outcome of the current appeal. As such, the key issue for consideration is the likely effects of an increase in the number of occupiers from six to seven.
9. Policy H7 of The City of Liverpool Unitary Development Plan (2002) (UDP) sets out criteria for the consideration of applications relating to HMO. It states that the impact on the amenity of neighbouring properties will be taken into account. Supplementary Planning Guidance Note 7 (SPG7) provides further guidance for the conversion of buildings into HMO. It states, amongst other matters, houses in an area of predominantly single family dwellings where there would be an adverse impact on the character, environment and amenity of neighbouring occupiers would not be appropriate for conversion.
10. I understand that Environmental Health were consulted and raised no objections to the development. The scheme would not result in a significant change from the existing HMO use as the increase in comings and goings by one additional occupier would not be considerable. There is no substantive evidence presented which demonstrates that the modest increase in the number of people living at the property and the more intensive use as a large HMO would have an unacceptable effect upon the amenity of local residents over and above the established use.

11. I acknowledge that if both this appeal and the appeal at No. 32 were granted permission then No. 30 would have two seven bedroomed HMOs to either side. Nevertheless, I note that, both Nos. 28 and 32 currently operate as HMO for up to six occupiers. Furthermore, the appeal site is located within an area where there are a mix of tenures including single-family dwellings and HMOs.
12. Consequently, based on the evidence submitted, I do not consider that the small increase in the number of occupants would significantly increase the level of activity and associated noise and disturbance in the context of the existing scale of the house and pattern of development in the local area. I note that the occupier of No. 30 has highlighted that there have been noise and disturbance issues since the students moved in. The appellant maintains that many of the matters referred to, such as noise from people climbing the stairs or conversations in the garden, would occur if the property was occupied by a single family. He also contends that all doors are fitted with overhead closers for fire safety which prevents them being slammed shut.
13. From the information presented it is difficult to ascertain whether any noise disturbance related to isolated incidents or specific tenants. I do recognise that some students, or groups of students, may generate more noise and disturbance when compared to a normal family home, although that will not necessarily be the case for all. I cannot assume that all potential occupants would behave in an anti-social manner. In planning terms, the use of the property for up to seven residents would not inherently cause undue noise and disturbance.
14. Even though I do not consider that the scheme would result in a significant increase in noise and disturbance to neighbouring occupiers, there are mechanisms outside the planning system which can address these matters should they arise. The appellant has a management plan in place, for dealing with such issues, which forms part of their tenancy agreements. Their letting office is also located a short distance from the appeal site so residents could raise any concerns in person. Similarly, I understand that the Council's landlord licensing team have powers to act in the case of poor management of HMO and have a system for receiving and dealing with complaints. There is no evidence to suggest that local residents have reported the property to the licensing team.
15. Both main parties have referred to appeal decisions which I have had regard to. The appellant has also referred to applications approved by the Council in the local area. These include circumstances where the Council has approved applications for seven bedroom HMO with an intervening property which is a single-family dwelling. Thus, the relationship with Nos. 28, 30 and 32 is not unique. In addition, there is no evidence before me which demonstrates that issues have been reported where there are two HMO properties and an intervening single-family dwelling.
16. Whilst there are similarities between these applications and the scheme before me each application and appeal must be determined on its individual planning merits. The appeal decision highlighted by the Council² cannot be directly compared to the scheme before me. This decision is associated with a scheme which sought permission from a six to eight bedroom HMO, compared to a six to seven bedroom HMO in this case.

² APP/Z4310/W/17/3183336

17. For these reasons, and based on the evidence presented, the proposed development would not have an unacceptable effect on the living conditions of the occupiers of neighbouring residential properties, having regard to noise and disturbance. Accordingly, it would not conflict with Policy H7 of the UDP or SPG7 which seek, amongst other matters, to ensure a high standard of amenity is maintained for existing and future occupiers.

Other Considerations

18. Residents and a local Councillor have raised a range of concerns which relate to: impact on character of the neighbourhood, increased traffic and parking demand, loss of privacy, loss of light, highway safety, residents feeling intimidated, landlords asking if residents would like to sell their homes, impact on property values, purpose built student accommodation being built, Council ignoring its duty of care and building work disruption. I note that the Council did not refuse the planning application on these matters and I see no reason to disagree with its assessment.
19. I agree with the Council that the scheme would not have a detrimental impact on the character of the neighbourhood. I observed on my site visit that the appeal site appeared particularly well maintained in the context of the surrounding properties.
20. The Council's highways department were consulted and did not object to the proposal. They considered that the development would be in keeping with the neighbouring properties which do not benefit from off-street parking facilities and HMO tend to attract residents with low rates of car ownership. Thus, I consider that the scheme would not have an unacceptable impact on highway safety.
21. The development would also not result in an unacceptable loss of privacy or significantly reduce the amount of light reaching neighbouring properties. In addition, as the physical alterations have been carried out, the scheme would not result in building work disruption. Likewise, the presence of purpose built student accommodation would not, in itself, represent a reason to withhold permission.
22. The matters raised relating to feeling intimidated, landlords asking residents if they would like to sell their homes and property values do not affect the planning merits of the case. Similarly, the concern regarding the Council ignoring its duty of care is a matter that would need to be taken up with the Council and in determining the appeal I have only had regard to the planning merits of the case.

Conditions

23. In addition to the statutory commencement condition a condition is necessary in the interests of certainty to ensure that the development is carried out in accordance with the approved plans. The Council has suggested two conditions relating to restricting the number of occupiers and refuse and recycling storage. I note that the appellant has not objected to these conditions.
24. To ensure that the scheme would not have an unacceptable effect upon the living conditions of occupiers of neighbouring properties, I consider that a condition is necessary to restrict the occupancy level. In the interest of precision, I have varied the suggested wording to avoid the phrase 'unless

otherwise agreed in writing by the Local Planning Authority'. Should the appellant, or any future owner, seek to increase the permitted number of occupants a formal application to vary the condition would be required, whereby neighbouring residents would need to be consulted, and it is not a minor matter that could simply be agreed in writing.

25. Based on the evidence presented, I do not consider that the condition relating to refuse and recycling storage is necessary to make the development acceptable and it would be difficult to enforce.

Conclusion and Recommendation

26. For the reasons given above I recommend that the appeal should be allowed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be allowed subject to the conditions attached.

Chris Preston

INSPECTOR