



Appeal Decision

Site Visit made on 23 November 2020 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2021

Appeal Ref: APP/M4320/W/20/3258298
235 Worcester Road, Liverpool L20 9AE

- 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 Star Property & Lettings Ltd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/00083, dated 16 January 2020, was refused by notice dated 13 August 2020.
 - The development proposed is change of use from a residential dwelling to 8 unit HMO.
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Decision

1. The appeal is allowed and planning permission granted for the change of use from a garage/dwelling to a house in multiple occupation (7 units) at 235 Worcester Road, Liverpool L20 9AE in accordance with the terms of the application, DC/2020/00083, dated 16 January 2020, subject to the conditions in the attached schedule.

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. I have before me, from the appellant, two versions of drawing number 003. For the avoidance of doubt the Council has confirmed that amended Drwg No 003 Rev D was submitted during the course of the application, to reduce the number of units from 8 to 7, to include en-suite bathrooms in several of the rooms and to amend the landscaping scheme and the application the subject of this appeal was determined on that basis. I have therefore had regard to the revised plan in considering this appeal.
4. The description of development in the banner heading is taken from the application form. However, in the formal decision I have used the description from the Decision Notice, which reflects the amendments discussed in the preceding paragraph.

Background and Main Issue

5. The planning application the subject of this appeal was refused for three reasons relating to overconcentration of HMOs and the quality of internal and external space for future residents. I note from the Council's statement of case that a

subsequent application for the same site has been received and determined, with a single reason for refusal relating to the quality of internal space¹. As the Council now considers that there would not be an overconcentration of HMOs in the area and the quality of the external space would be appropriate it is not defending reasons for refusal 1 and 3 in these respects. Having viewed the evidence before me, and from my observations on site, I see no reason to disagree with this approach.

6. In that context, the main issue is whether the proposal would provide satisfactory living conditions for all future occupiers of 235 Worcester Road with particular regard to internal space.

Reasons

7. The host property is a disused detached building located at the junction of Worcester Road and Aintree Road. It was previously in mixed use as a garage and residential. The proposal is to change the use of the building to a seven unit HMO.
8. The character of the area is one of mixed use, including residential, commercial and retail uses.
9. My attention has been drawn to the Flats and Houses in Multiple Occupation Supplementary Planning Guidance (2018) (SPD) which includes, amongst other things, guidance on room sizes, outlook and prospect and access to indoor and outdoor communal areas.
10. From the plans before me, the proposed room sizes and facilities, including shared spaces, appear to be in line with the SPD and would therefore provide a satisfactory standard of accommodation. It is not unusual for ground floor rooms to be used as bedrooms in HMO's but with the provision of a shared kitchen and lounge area of a suitable size, excessive disruption and noise in the hall areas would be unusual, particularly given that most rooms would have en-suite facilities.
11. There is a garage adjacent to the site on Worcester Road. Whilst there is a boundary wall joining the properties, the garage itself is not attached to the appeal property and is separated from it by an open area intended for bin and cycle storage. I do not consider that the garage would cause disruption and noise for the ground floor rooms, particularly as they would be separated from the garage by the communal areas.
12. For the reasons above I conclude that the proposal would provide satisfactory living conditions for all future occupiers of 235 Worcester Road with particular regard to internal space. It would not therefore be contrary to policy HD4 of A Local Plan for Sefton (2017), the guidance in the SPD or the National Planning Policy Framework (the Framework) which together, amongst other things, seek to ensure that developments do not cause significant harm to living conditions of occupiers or neighbours.

Other Matters

13. I acknowledge the neighbours' concerns regarding parking and traffic generation. Whilst there are parking restrictions outside the property on both Aintree Road and Worcester Road there is on street parking available elsewhere on Worcester

¹ DC/2020/01613

Road and surrounding streets. The evidence in the traffic survey, submitted as an appeal document, indicates that there are no specific parking problems in the area. This was my experience at the time of my site visit, which was late morning, when there was no evidence of a lack of parking spaces. Furthermore, the area is well served by public transport and the application indicates that cycle stands would be provided which would reduce the need for a private car. Therefore, there is no substantive evidence before me that the modest increase in car parking demand arising from the development could not be adequately accommodated on-street.

14. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance. In determining this appeal, I am only able to have regard to the planning merits of the case.

Conditions

15. I have had regard to the planning conditions suggested by the Council. I have imposed conditions relating to the plans, landscaping and number of occupiers in the interests of certainty and to protect the living conditions of local residents. I note that the Council has suggested the extension of the standard time for the commencement of the development to five years in response to the current pandemic. However, there is no substantive evidence that three years is not long enough for the change of use to be implemented even under current restricted conditions. To promote the use of cycling a condition to ensure that cycle stands are provided for occupants to use is reasonable and necessary.
16. A condition requiring the removal of the existing roller shutters is necessary to safeguard the character and appearance of the area and the living conditions of the occupiers.
17. Environmental Health require that acoustic ventilators are installed to the Windows facing Worcester Road and Aintree Road to reduce noise within the HMO. This is necessary to protect the living conditions of future occupiers.
18. As there would be no off road parking, the existing vehicular access to the property from Aintree Road would no longer be required and the condition to close this is necessary for highway safety.

Conclusion and Recommendation

19. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Zoe Raygen

INSPECTOR

Schedule

Conditions

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Outlined in red as shown on the amended location plan received by the Local Planning Authority on 3rd February 2020 and Drwg No`s 003 Rev D and 004 Rev A.
- 3) Prior to the first occupation of the building acoustic ventilators (typically in - frame) shall be installed to all windows facing Worcester and Aintree Road and retained thereafter.
- 4) Prior to the first occupation of the building, a scheme of works for the closure and reinstatement of the existing vehicular and/or pedestrian access on to Aintree Road shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the existing vehicular and/or pedestrian access on to Aintree Road has been permanently closed off and the footway reinstated. These works shall be in accordance with the approved scheme.
- 5) Prior to the first occupation of the building, the space and facilities for cycle parking must be provided in accordance with the approved plan 003 Rev D and these facilities shall be retained thereafter for that specific use.
- 6) No part of the development shall be occupied until the approved landscaping scheme shown on plan ref 003 Rev D has been implemented. The approved scheme shall be maintained as such thereafter.
- 7) Prior to first occupation of the building, the roller shutters on all the doors and windows and any signage on the building shall be removed permanently.
- 8) The maximum number of residents occupying the premises shall not exceed 10 (ten) persons.