



Appeal Decision

Site Visit made on 21 June 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2021

Appeal Ref: APP/Z4310/W/21/3270467

330-332 Scotland Road, Everton, Liverpool L5 5AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Eagle Vaults Ltd against Liverpool City Council.
- The application Ref 21F/0008, is dated 24 December 2020.
- The development proposed is described as "change of use of former pub and residential apartment to form an 8 bedroom HMO (sui generis) with associated internal communal areas, an external accessibility ramp (to facilitate wheelchair access), new front dormer windows and rooflights (to facilitate 2nd floor roofspace accommodation), with refuse store on ground floor."

Decision

1. The appeal is allowed and planning permission is granted for change of use of former pub and residential apartment to form an 8 bedroom HMO (sui generis) with associated internal communal areas, an external accessibility ramp (to facilitate wheelchair access), new front dormer windows and rooflights (to facilitate 2nd floor roofspace accommodation), with refuse store on ground floor at 330-332 Scotland Road, Everton, Liverpool L5 5AQ in accordance with the terms of the application, Ref 21F/0008, dated 24 December 2020, 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: 197_SP_001 Rev A; 197_SP_002; 197_SP_007 Rev C; 197_SP_008 Rev C; 197_SP_010 Rev C; 197_SP_020 Rev F & 197_SP_050
 - 3) Prior to the occupation of the premises, details of a package of acoustic treatment of all the windows of habitable rooms facing onto Scotland Road shall be submitted to the City Council for approval. The windows shall be fitted with secondary glazing in accordance with the specification indicated in Schedule 1 of the Noise Insulation Regulations 1975, or double glazing of an equivalent or better acoustic performance, and the package shall incorporate a suitable scheme of acoustically attenuated mechanical ventilation to remove the need to open windows.
 - 4) The external dormer cheeks of the dormer to the front roof plane hereby permitted shall be clad in materials to match the existing roof.
 - 5) The maximum number of occupants residing at the property shall not exceed eight persons at any one time.

Background and Main Issues

2. This appeal is a result of the Council failing to issue a decision within the prescribed period for the development detailed in the banner heading above. The Council have

submitted a statement of case indicating that they have no objections to the proposed scheme and would have recommended the scheme for approval.

3. Concerns have been raised by a Ward Councillor on numerous issues with comments also indicating that works have already started on the building and that local residents have requested that consent for the scheme be refused.
4. Subsequently, the main issues for this appeal are the effects of the proposal on the living conditions of existing and future occupiers of neighbouring properties with regards to overbearing effects and privacy; and the effects of the proposal on the surrounding area with particular regards to environmental and business effects, concentration of units and site constraints.

Reasons

Living conditions

5. The proposal would retain most of the original openings with some minor additions including dormer windows and rooflights. Given the location of the existing windows and proposed openings in relation to surrounding properties there would be no overlooking into adjacent properties that would adversely compromise the living conditions of neighbouring occupiers in terms of privacy.
6. I note from observations at my site visit as well as photos that have been submitted that there are residential properties in close proximity to the appeal site particularly those on Penrhyn Street and Wilbraham Street. The proposed external alterations to the building are not significant and the scale of the building would not be substantially larger. Due to the size of the proposal and orientation of the nearby buildings, there would not be any overbearing effects created that would have an adverse effect on the neighbouring occupiers.
7. The proposal would provide eight bedrooms each with en-suite facilities as well as communal lounge areas, kitchens, study areas and store rooms. The rooms would be spacious with the bedrooms each having windows that provide natural light. The proposed development would provide satisfactory residential accommodation that would not compromise the living conditions of future occupiers of the property.
8. Accordingly, the proposal would not have a harmful effect on the living conditions of existing and future occupiers of neighbouring properties and the appeal building. The proposal would be in accordance with saved Policies H4 and H7 of the City of Liverpool Unitary Development Plan 2002, Policies H7 and H10 of the emerging Liverpool Local Plan and Liverpool Unitary Development Plan Supplementary Planning Guidance Note 7 which seeks development to take account of the impact on the amenity of neighbouring properties and provide satisfactory standards of accommodation.

Surrounding area

9. The area surrounding the appeal site is characterised by a mix of residential and commercial properties. Comments describe the location of the appeal site in relation to neighbouring sites including the garage and car wash site, fast food takeaway premises, a flower shop, the Throstles Nest Hotel as well as an apartment block called The Picturehouse which is being used for short stays/weekends that have balconies. The proposed use of the property would blend in well with the existing use of properties in the locality and therefore would be in keeping with the character of the area.

10. The submitted plans indicate designated areas for refuse bins and cycle storage, as well as detailed drawings of a ramped access. The storage areas for the refuse bins and cycle storage would be located within the appeal site and would be secure and not highly visible from public view points. The ramped access would run along the side of the existing property and given the width of the footpath in this location, it would not be an obstacle within the public realm.
11. The proposal would not provide any vehicle parking on site and it is noted that there are double yellow lines on the roads immediately adjacent to the appeal property. There are areas in the immediate locality of the site where there are parking opportunities with no restrictions. I also note that no objections were received from Council Officers with regards to parking. I therefore find that the proposal would not have any adverse effects in terms of parking.
12. I have had regard to the concerns raised by the Ward Councillor and local residents which includes reference to a proposal to convert units of 340-342 Scotland Road in to an eleven bedroom house of multiple occupation. I do not have full details of this scheme at 340-342 Scotland Road and whether the scheme has been fully implemented. Nevertheless, there is no evidence before me to suggest that this other scheme and the appeal scheme cannot both be brought forward. The two schemes could provide properties of up to 19 bedrooms and this concentration of residential accommodation would not constrain the site or have a detrimental effect on surrounding businesses.
13. I therefore find that the proposed development would not have a harmful effect on the surrounding area with particular regards to environmental and business effects, concentration of units and site constraints. The proposal would be in accordance with saved Policies H4 and H7 of the City of Liverpool Unitary Development Plan 2002, Policies H7 and H10 of the emerging Liverpool Local Plan and Liverpool Unitary Development Plan Supplementary Planning Guidance Note 7 which seeks development to not have an adverse impact on the character of an area or neighbouring properties, provide safe and secure bin storage and parking.

Conditions

14. Conditions relating to timeliness and the identification of plans are necessary in the interests of proper planning and to provide certainty. In the interests of character and appearance a condition is necessary in relation to materials. A condition is imposed relating to acoustic details in the interests of living conditions. I have amended the wording of the acoustic condition from that suggested by the Council in the interests of reasonability. Also in the interests of living conditions, it is necessary to restrict the number of occupants residing at the premises. The Council had requested a condition in relation to refuse storage. This condition is not reasonable as there is an area within the site allocated for refuse storage.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Chris Baxter

INSPECTOR