



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: 13 July 2021

Appeal Ref: APP/Z4310/W/21/3269362

55 Woodcroft Road, Liverpool L15 2HG

- 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 Sam O'Flaherty against the decision of Liverpool City Council.
 - The application Ref 20F/2518, dated 6 October 2020, was refused by notice dated 12 February 2021.
 - The development proposed is to use property as 7 bedroom house in multiple occupation, erect single storey extensions to the rear, erect dormer to the rear, rooflights to the front.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. For the sake of clarity and brevity I have used the description of development from the Council's decision notice.

Main Issues

3. The main issues are the effect of the proposal on the living conditions of occupiers of neighbouring properties with regards to noise and disturbance; and effect of the proposal on the character of the area in respect of the loss of a family sized unit.

Reasons

Living conditions

4. The proposed house in multiple occupation (HMO) would have seven bedrooms therefore accommodating up to seven persons. As observed at my site visit, construction works appeared to be underway converting the building from the previous three bedroom property. The proposed HMO would be an intensification of use of the property which would likely lead to more movements including more people coming and going, deliveries to the property and potentially an increase in paraphernalia associated with multiple persons living in one building.
5. The increase in the occupants that would reside in the appeal property would, for reasons indicated above, result in an increase in noise and disturbance that would adversely affect the living conditions of neighbouring occupiers. There have been objections from local residents to the scheme which describe existing problems in the area in relation to noise and disturbance. The proposal would intensify these issues to an extent which I consider would be detrimental to the living conditions of occupiers of nearby properties.

6. The appellant indicates that a strict Noise and Nuisance Policy, including a 'three strikes' policy and a Waste Management Plan would be in operation and that there is a physical presence in the area with a shopfront at 425 Smithdown Road, where tenants and neighbouring occupiers can speak with the management team in person to raise any concerns. Nevertheless, there is a lack of evidence of proactive engagement with local residents to resolve issues arising in relation to noise and disturbance. Issues are not always easily linked to specific properties with disturbance from residents occurring outside maybe away from the property. Disturbance can also be from third parties that visit the property.
7. Accordingly, I find that the proposal would have a harmful effect on the living conditions of the occupiers of neighbouring properties. The proposal would be contrary to saved Policy H7 of the City of Liverpool Unitary Development Plan (UDP) and Supplementary Planning Guidance Note 7 which seek proposals to take account of the impact on the amenity of neighbouring properties.

Character

8. The appeal building is a mid-terrace property set within an area of predominantly residential terraced properties. The Council delegated report describes the area as having residential character featuring mixed tenures following an increase in the number of HMO properties. It was clear from observations at my site visit that properties in the area are in HMO use but also evident from correspondence received from local residents that some properties are in C3 use also. The proposal would therefore be in keeping with the existing mix of properties in the area.
9. I note that the Council consider that the property is suitable for continued use as a family dwelling. However, there is insufficient evidence before me, in relation to concentration of HMOs, to suggest that the introduction of a HMO would unbalance the housing provision in the area to a level that would have an adverse effect on the character of the area.
10. The proposal would not have a harmful effect on the character of the area in respect of the loss of a family sized unit. The proposal would not be contrary to Policy H10 of the emerging Liverpool Local Plan (LLP) which seeks development to not have an adverse impact on the character of a surrounding area.

Other Matters

11. My attention has been drawn to permitted development rights which would usually allow the conversion of C3 use residential properties to C4 use HMOs of up to six persons and that this would be a fall back position for the appellant. Confirmation has been provided however, that the appeal site lies within an Article 4 Direction area which prohibits the conversion of C3 use to C4 use under permitted development rights. The appellant also claims that the property is currently in C4 use however, as described above, my observations at my site visit indicate that the property was not in a habitable state. I also do not have sufficient evidence before me which clarifies that the property was in C4 use prior to construction works. I therefore do not consider there is a fall back option available to the appellant in this regard.
12. The emerging LLP has not been formally adopted. The Council have included policies from the emerging LLP in their decision notice and also described how

much weight should be applied to individual emerging policies of the LLP. The appellant considers that only limited weight should be given to the emerging policies. In any event, as described in the main issues, I have still found harm against saved policies of the UDP.

13. The proposal would not compromise living conditions of future occupiers and there would be access to outdoor areas for bins, secure bicycle storage and amenity space. The site is in an accessible location close to shops, bus stops and several recreational facilities which would reduce the requirement for parking. The proposed extensions would be in keeping with other development in the locality and would not compromise the appearance of the area. There is no evidence that the proposal would increase crime or the fear of crime. The appellant also indicates that the property could be reverted back to a C3 use. Due to the scale of the proposal, these benefits would amount to minimal weight.
14. I have had regard to the appellants statement of case including examples of schemes granted permission by the Council or by planning appeal. However, insufficient information has been submitted on these schemes and I cannot be sure that they represent a direct parallel to the appeal proposal, particularly in respect of location, public representations and Article 4 Direction. In any case, I have determined this appeal on its own merits.

Conclusion

15. I have found that the proposal would not have an adverse effect on the character of the area. However, this matter and the benefits described above would not outweigh the significant harm I have identified with regards to the living conditions of neighbouring occupiers.
16. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
17. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR