



Appeal Decision

Site Visit made on 20 July 2021

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/Z4310/W/21/3273628

39 Romer Road, Liverpool L6 6DH

- 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 BGH Properties Ltd against the decision of Liverpool City Council.
 - The application Ref 20F/2387, dated 24 September 2020, was refused by notice dated 22 February 2021.
 - The development proposed is the conversion and change of use to form a seven bed HMO.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and change of use to form a seven bed house in multiple occupation at 39 Romer Road, Liverpool L6 6DH in accordance with the terms of the application, Ref 20F/2387, dated 24 September 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 plan 'proposed change of use to form a seven HMO at 39 Romer Rd'.
 - 3) The property shall be limited to a maximum of seven residents at all times.

Preliminary Matters

2. The description in the banner heading above is taken from the planning application form. The Council's Decision Notice uses an alternative description, however, I have retained the original description as applied for, save for providing the full meaning of the acronym HMO. It does not change the development for which planning permission is sought.
3. The Council's reason for refusal includes reference to emerging Policy H10 of the Liverpool Local Plan 2013-2033 Pre-submission Draft (Jan 2018) (ELLP), which remains to be adopted. The plan was submitted for independent examination following a period of public consultation. According to the Council, there are further modifications to be made to the policy which will be subject to further consultation. It states that as no objections to proposed modifications have been received to date it is considered unlikely that this policy as modified will attract objections.
4. However, the public availability of the proposed changes is disputed by the appellant. Nevertheless, having regard to the stage of preparation of the plan

and identified requirement for modification and re-consultation of the policy, I find that the policy attracts moderate weight in the context of this appeal.

5. Since the time of the Council's decision a revised version of the Framework has been issued by the Government. In the circumstances of the case, I find it does not alter the primacy of the adopted development plan or materially alter the national approach to housing delivery including that in relation to HMOs.

Main Issues

6. The main issues are the effects of the development on the character of the locality with particular regard to the local housing mix and the living conditions of nearby residents.

Reasons

7. The site consists of a two storey mid-terrace dwelling set behind a short front garden with a walled rear yard backing on to an alleyway. Accommodation is provided over three levels including the roof space which has a rear dormer extension. The unit lies within a primarily residential area consisting of long 2-storey terraces.
8. The terraces have traditionally provided family housing. Some properties have been converted to HMOs and, according to the Council's data, 14 of the 90 houses in the street are currently in HMO use. There is no dispute that the existing property is currently used as an HMO for up to 6 individuals and is accounted in the above figures.
9. The proposal includes the subdivision of the first-floor front bedroom to provide an additional bedroom. The Council indicates that the resultant rooms would exceed the minimum space standards set out in its Supplementary Planning Guidance Note 7: Conversion of Buildings into Flats and Bedsits (SPG). This would provide sufficient bedroom and shared space to deliver reasonable living standards for prospective occupiers.
10. The Council recognises that HMOs can assist in providing an affordable type of housing to meet a housing need in the city. It has also identified that high concentrations of HMOs in family housing areas may have adverse effects on housing mix and community sustainability. Emerging Policy H11, identifies the area as one with a high proportion of HMOs.
11. As a proposal to retain a house in HMO use, albeit with a small increase in occupation, it would not increase the proportion of properties within that use in the locality. However, the building would likely accommodate more individuals in comparison to the majority of the terraced units used as single-family dwellings.
12. As individuals occupying on a more independent basis compared to family occupation, there would be a propensity for greater levels of comings and goings as occupiers go about their own daily business, shopping trips and recreational activities. Additional activity may also arise from potentially greater cumulative numbers of visitors attending to meet individual occupiers.
13. However, any effects arising from the increase in occupancy must be considered against the baseline of the existing HMO use. Although the use of the premises would intensify, particularly at times when visitors might stay

over, the effect of one or two additional individuals would be negligible in the context of both the existing housing mix and the effects arising from the use of the site. With a fallback position of 6 occupiers, the likely difference would be small.

14. I recognise that the use of HMOs can lead to increased incidents of anti-social behaviour due, in part, to the potentially more transient nature of their occupancy. However, there is little substantive evidence before me to indicate that this particular property has been the cause of the anti-social behaviours as referred to by the Ward Members or the MP, or that it has been poorly managed by the appellant.
15. In the absence of any demonstrated concerns relating to the occupation of the property in question, there are few grounds to suggest that the majority of residents would not contribute positively to the local community. Although adverse effects can arise from incremental intensification of occupancy in HMOs across an area, there is little to indicate that the additional effects of the minor increase in occupancy would give rise to significant adverse effects through increased noise or disturbance. In this regard I note that the Council's Environmental Health advisors raised no objections.
16. I acknowledge that whilst the property currently falls within Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended) it could be reverted back to a family dwelling (Class C3) under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) without a need to submit a planning application. However, there is little to suggest that that would occur. Moreover, the use of the building as a large HMO would not necessarily prevent the alternative use as a C3 dwellinghouse in the future.
17. I note that the Council is considering an Article (4) Direction preventing a change of use between family dwellinghouses and their use as small HMOs under the terms of the GDPO. However, as a use that is currently taking place, there would be no further loss of family housing (or increase of HMOs) and the Article (4) Direction would have little effect on the status of the site. It is therefore a matter of neutral weight in the circumstances of the case.
18. For the reasons above, I find the effects of a minor increase in the intensity of the use of the site would be negligible in relation to the residential character of the locality, the local environment and the living conditions of neighbouring residents. It would not result in the loss of an existing property used as family housing. It would comply with saved Policy H7 of the Liverpool City Council Unitary Development Plan [2002], emerging Policy H10 of the ELLP and the SPG as they seek to control the impacts of properties occupied as houses in multiple occupation in respect of the amenity of neighbouring properties and the character of the surrounding area.

Other Matters

19. I acknowledge the additional concerns of the Ward Councillors and MP in relation to potential adverse effects arising from parking competition in the area. The site does not contain any provision for parking such that occupiers with vehicles would be reliant on on-street parking. There is little before me to indicate that on-street parking is currently at saturation levels such that it leads to amenity or highway safety concerns in the locality. At the time of my

site inspection, albeit only a snapshot in time, opportunities for on-street parking along the road and side streets were available.

20. Furthermore, the locality is one where accessibility to a wide range of local services and facilities, including access to public transport, is good such that reliance on private motorised vehicles would be limited. This is a view shared by the Council's highway advisor.
21. The concern relating to the behaviour of builders carrying out works at the site is not a of matter significant weight in the planning consideration of the appeal.

Conditions

22. I have had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
23. In the interests of retaining high standards of accommodation and preventing over-intensive use of the site, a restriction on the maximum occupancy of the building to that applied for is reasonable and necessary.

Conclusion

24. For the reasons above, the appeal should be allowed.

R Hitchcock

INSPECTOR