



Appeal Decision

Site visit made on 15 November 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17th December 2021

Appeal Ref: APP/W4325/W/21/3279643

83 Martins Lane, Liscard CH44 1BQ

- 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 Stuart Bell against the decision of Wirral Council.
 - The application Ref APP/20/00519 dated 6 April 2020 was refused by notice dated 7 June 2021.
 - The development proposed is the change of use from purposes within a C4 (house in multiple occupation) to a seven bedroom Sui Generis house in multiple occupation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from purposes within a C4 (house in multiple occupation) to a seven bedroom Sui Generis house in multiple occupation at 83 Martins Lane, Liscard CH44 1BQ in accordance with the terms of the application, Ref APP/20/00519, dated 6 April 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 Plans and Elevations 7th bedroom no en suite Drawing No. 2019 098 003 Revision 01 September 2020.

Procedural Matters

2. I have amended the description of development from that appearing on the application form, appeal form and decision notice in the interests of clarity and to remove superfluous wording.
3. The Council has referred to Policy HS14 of the Wirral Unitary Development Plan, February 2007 (the UDP). This relates specifically to the conversion of buildings to multi-occupancy, which will not be permitted unless certain criteria are met. In this case the appeal property is already in use as a HMO. Nevertheless, the criteria listed deal with general issues of character and appearance and living conditions, as applicable to multi-occupancy dwellings. This is relevant to the issues in this appeal, notwithstanding that the property is already in use as a HMO.

Main Issues

4. The main issues are the effect of the proposed development on: the character and appearance of the surrounding area; the living conditions of neighbouring occupiers; and whether the development would provide for a satisfactory

standard of living accommodation for future occupiers, with particular regard to the provision of internal floorspace.

Reasons

Character and Appearance

5. The site comprises a three storey end of terrace dwelling in a row of four buildings of consistent design and appearance. While commercial units are opposite, the area is primarily residential with a range of property types.
6. The appeal property, while licensed for use as a seven bedroom HMO, is currently in use as a six bedroom HMO. The proposal seeks to increase the number of bedrooms to seven. It does not involve any external modifications to the building, such that from the public realm the appearance of the property would be unaltered. The consistency of the immediate terrace row would remain and there would be no visual impact on the wider streetscene.
7. The proposal would potentially increase the occupancy of the property. However, given that only one further bedroom would be introduced, this increase would be minimal. Coupled with the density of housing nearby, this would have a limited impact on the surrounding character. The range of housing types would remain unchanged, and the modest increase of occupants would not materially alter the existing activity or nature of the area.
8. For the reasons given I find that the development would not have a significant adverse effect on the character and appearance of the area. In this regard it would accord with Policy HS4 and HS14 of the UDP and the NPPF, which seek to ensure development proposals are not detrimental to the character of surrounding areas.

Neighbouring Occupiers

9. Policy HS14 states that proposals for the conversion of existing buildings to multi-occupancy will not be permitted if the adjoining property is in single family occupation. While the appeal property adjoins a single family unit, the appeal property is currently in use as a six bedroom HMO, such that the neighbouring single family dwelling already adjoins a multi-occupancy unit.
10. While the proposal would increase the activity related to the property including comings and goings and associated noise, this increase would be modest. The introduction of an additional bedroom would not result in an overall level of activity materially different to that generated by the current occupancy. As such, it would not significantly alter the living conditions experienced by the neighbouring residents.
11. My attention has been drawn to an appeal decision by the Council¹. However, this is distinguishable from this case in that it involves the conversion of a domestic dwelling house to a HMO and as such carried limited weight.
12. For the reasons given I find that the development would not have a significant adverse effect on the living conditions of neighbouring occupiers. In this regard it would accord with Policy HS4 and HS14 of the UDP and the NPPF, which seek to ensure adequate living conditions.

¹ APP/W4325/W/16/3153464

Future Occupiers

13. The Council has raised concerns regarding the space provided by the bedrooms and communal areas of the proposal. However, limited information is provided in this regard, and no minimum floorspace standards have been quoted.
14. The six bedrooms currently in use would remain unchanged, while one area of communal space would be converted to the additional bedroom. From the plans provided the new bedroom would be comparable in size to the others at the property. It would have adequate room for necessary furniture and circulation to ensure it would not be a cramped space.
15. In addition, while one area of communal space would be removed, the remaining shared living, kitchen, breakfast and laundry rooms would still provide a sizeable area of combined living space. These areas would comfortably accommodate the modern living requirements of the residents with ample useable space to meet their needs. As such, the proposal would not significantly reduce the quality of space available.
16. For the reasons given I find that the development would not have a significant adverse effect on the living conditions of future occupiers. In this regard it would accord with Policy HS4 and HS14 of the UDP and the NPPF, which seek to ensure adequate living conditions.

Conditions

17. I have had regard to the conditions suggested by the Council. The standard time limit condition as well as a condition that the development is carried out in accordance with the approved plan are necessary for the avoidance of doubt and in the interests of proper planning. Given that the property is currently in use as a HMO and the limited increase in occupation resulting from the proposal, I consider that conditions relating to waste and cycle facilities are not necessary.

Conclusion

18. For the reasons given, the proposal would accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be allowed subject to the conditions at paragraph 1 of this decision.

C Rafferty

INSPECTOR