



Appeal Decision

Site visit made on 31 March 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2022

Appeal Ref: APP/Z4310/W/21/3280026

25 Fairfield Street, Liverpool, L7 0JZ

- 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 Tautvydas Butkus against the decision of Liverpool City Council.
 - The application Ref 21F/0809, dated 22 March 2021, was refused by notice dated 28 June 2021.
 - The development proposed is conversion of house into 3 apartments.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council made its decision on the proposed conversion of 25 Fairfield Street, the Liverpool Local Plan 2013-2033 (Local Plan) has been adopted. The Local Plan now forms the basis for decision making on planning applications in the area.
3. The Council's decision notice refers to Policy H10 of the draft Local Plan, which has now been superseded, but the reason for refusal relates to a matter which has been incorporated into the final version of Policy H10. The change in policy context does not prejudice the case of either party, and I have determined this appeal on the basis of the newly adopted Local Plan.

Main Issue

4. The main issue is whether the loss of a family sized dwelling is justified.

Reasons

5. Local Plan Policy H10 is concerned with the conversion of dwellings and sets out a number of criteria which development should comply with. Of particular relevance to the appeal is criterion 2n), which resists the conversion of properties that are suitable in size, design, layout and location for continued use as a family dwelling. This reflects the findings of the Strategic Housing Market Assessment (SHMA), which identified a need for family sized dwellings in Liverpool. Many of the developments coming forward in the city are for smaller studio and one bed apartments, and the aim of Policy H10 is to prevent the loss of family sized homes by protecting them from conversion to smaller units.

6. Fairfield Street is located within a residential area characterised by dwellings which vary significantly in age, size and appearance. At either end of the street are modern detached and semi-detached houses of modest size, whilst the properties between are older and generally larger. The majority of houses along the street appear to be family homes, particularly the newer properties, but some of the older dwellings have been converted into flats, with some houses being in multiple occupation (HMOs).
7. The appeal property is a semi-detached house and is one of the older properties in the street, probably dating from the late nineteenth century. The house differs in appearance from the surrounding dwellings, including the adjoining house. However, there is no conclusive evidence to support the appellant's suggestion that it may have once been a school, and the internal layout is that of a typical dwelling.
8. The proposed conversion of the appeal property to three self-contained flats would lead to the loss of a dwelling which is of a suitable layout and size to be used as a family home, and is in a location where the retention of family housing is seen as being important to safeguard the character of the area. As such, the proposal would conflict with criterion 2n) of Policy H10.
9. According to the appellant, the house was used as an HMO for around 10 years but has been vacant for several years. The site now has a somewhat neglected and overgrown appearance, and the property is in need of investment and repair to prevent further decline. The proposed conversion would bring the building back into use, which is a benefit of the scheme, and I note the comments from local residents that flats would be preferable to a HMO. The proposed extension and alterations would be acceptable, and the flats would provide an adequate standard of accommodation. However, no marketing or other information has been provided to explain why the dwelling could not be refurbished and either sold or rented as a single family home.
10. The appeal site is close to the universities and hospitals, and I note the appellant's comment that the proposed flats would be suitable for students and young professionals. However, the evidence from the SHMA which underpins Policy H10 is that there is currently a need for family homes rather than flats, in part to meet the needs of the 20-34 age group as they have their own families.
11. The appellant has highlighted other properties which have previously been converted in the street, but previous planning decisions will have been made in light of different policies. The new Local Plan has only recently been adopted, and Policy H10 is based on up-to-date evidence which identifies a need for family housing within the city.
12. In this case, no evidence has been provided to explain why the property is no longer suitable for use by a single household. I am therefore unable to conclude that the proposed loss of a family sized home, and the associated conflict with Policy H10, is justified.

Conclusion

13. The proposed conversion to three flats would conflict with the development plan and there are no other considerations which outweigh this finding. The appeal is therefore dismissed.

R. Morgan

INSPECTOR