



Appeal Decision

Site visit made on 27 April 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal Ref: APP/Z4310/W/21/3289793

49 Breck Road, Liverpool L4 2QS

- 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 Lee Johnston against the decision of Liverpool City Council.
 - The application Ref 21F/1085, dated 2 December 2020 was refused by notice dated 30 June 2021.
 - The development proposed is described as the change of use from a flat in multiple occupation to a small hotel on the upper floors only.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a flat in multiple occupation to a small hotel on the upper floors at 49 Breck Road, Liverpool, L4 2QS in accordance with the terms of the application, Ref 21F/1085, dated 2 December 2020 subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 1 Rev A and Drawing No. 3 Rev A.
 - 2) Within 3 months of the date of this permission, a scheme for the storage of refuse/waste from the use hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for its implementation. The approved scheme shall be undertaken in accordance with this timetable and remain/maintained in use thereafter.

Preliminary Matters

2. At the time the Council made its decision on the appeal application the Development Plan included the Liverpool Unitary Development Plan (UDP). The Council's decision notice also referred to the emerging Liverpool Local Plan 2013-2033 which has subsequently been adopted, superseding the policies of the UDP. The Development Plan now includes the Liverpool Local Plan 2013-2033 (Local Plan) which the main parties have had an opportunity to comment on. I have taken account of representations made in this respect.
3. At the time of my site visit the development was complete and furnished. The development appeared to reflect the submitted plans and for clarity, I have dealt with the appeal based on these plans. The appellant's name is spelled differently on the application and appeal forms. It has been confirmed that the spelling in my heading is the correct one.
4. There are some differences between the parties on the existing lawful use of the appeal site citing both a House in Multiple Occupation and two flats.

Irrespective of this, it is common ground that the proposal is for a hotel and I have considered the appeal accordingly.

Main Issues

5. The main issues are:

- the effect of the change of use upon the living conditions of neighbouring residents with regard to noise and disturbance,
- whether the development would provide satisfactory accommodation for its occupiers, and
- whether the design of the development would be accessible to a range of users.

Reasons

Living Conditions

6. The appeal site comprises of a three storey mid-terrace property that is situated within the Breck Road District Centre. There are a range of retail and other service uses along Breck Road, a busy route with both pedestrian and vehicular traffic. The surrounding area comprises mainly of terrace and semi-detached residential properties with Anfield Stadium located a short distance away along Walton Breck Road.
7. The Supplementary Planning Guidance Note 11 'Bed & Breakfast & Hostel Accommodation' (SPG), states that applications for such uses in terraced properties are unlikely to be approved. This SPG also sets out however that such uses may be acceptable on the upper floor of business premises within commercial areas. The appeal property is one such property. The hotel has 7 letting rooms which based on my site observations and the Council's evidence, could accommodate up to 21 people.
8. The Council is concerned by the activity that would be generated by this number of users. The nearest residential properties that have been referenced are to the front and rear of the appeal site which are separated by a road or alley and there is no evidence of residential uses on the upper floors of the adjoining properties. Despite the potential occupancy, the proposal only has 7 letting rooms. I accept that noise levels would be lower in the evening and night time, but the appeal proposal is nevertheless situated in a commercial area and it would not give rise to unacceptable noise given the separation to surrounding residential uses.
9. Although there is an access from within the hotel to the rear yard, this is identified on the plans as a Fire Exit. I note the concerns that unregulated access to the rear yard has the potential to cause late night disturbance but given the limited size of the rear yard and the rear alley is gated, such usage is not likely to arise and there is no substantive evidence that even if it did, it would give rise to harmful impacts. The main entrance is from the front off Breck Road, and whilst activity in the evenings and weekends will be lower, the nearest residential properties to the front are separated by Breck Road and don't directly face the appeal site, with similar separation to the rear.
10. In addition to up to 21 guests, there would be other people at the site, but cleaners would typically work once the guests have checked out and other staff

are likely to be limited given the size of the hotel. On this basis, the provision of specific management details is not necessary. I note the concerns in relation to waste storage, and that the submitted plans do not provide details of this. If not properly stored, waste can be unsightly and attract vermin. The Council's Environmental Health Officer considers that this matter can be dealt with by condition which would ensure that waste is properly stored within the site.

11. I therefore conclude that the proposal would not give rise to unacceptable harm to the living conditions of neighbouring residents with regard to noise and disturbance. As such, it would not conflict with those aims of Policies UD2 and R1 of the Local Plan, which seek, amongst other matters, that the impact of noise from development proposals will not be significant. It would also not conflict with the advice within the SPG when read as a whole. The Council also referenced other policies as part of the first reason for refusal but have confirmed that these are not relevant.

Standard of Accommodation

12. The SPG sets out the minimum room sizes for hostel and bed & breakfast uses. Although the appellant states that the SPG refers to living accommodation, this document states that bed and breakfast accommodation is classified as being within Use Class C1 (Hotel) under the Town & Country Planning (Use Classes) Order 1987'. Local Plan Policy H10 also makes specific reference to 'Bed & Breakfast' establishments and identifies its use by visitors to the City, akin to hotel accommodation.
13. The Council have referenced the shared bathrooms and no communal space. I have not been provided with the individual room sizes but from my site observations, a number of the rooms which were laid out with 4 bed spaces would appear not to meet the minimum standards set out for 4 person rooms in the SPG. Despite this shortfall, I consider it necessary to look at the nature of the accommodation and how it would be utilised. Although the SPG references both hostel and bed & breakfast accommodation, it identifies they are distinct uses. The appeal proposal is clearly providing short-term visitor accommodation, where the expectations of those staying in the hotel would be different to those who would be living in permanent residential accommodation. As occupants would only be residing here for short periods, the provision of communal lounge space or external amenity areas is not necessary.
14. One of the bedrooms would be sited above a ground floor kitchen area. Local Plan Policy H10 looks to ensure an appropriate layout and vertical arrangement of accommodation, but the hotel has been in use and there is no evidence in the submitted reviews that this arrangement of a bedroom over a kitchen has been harmful. The majority of the rooms would also be appropriately vertically arranged and the submitted plan provides details of sound insulation between the ground and first floors. I note the provision of two bathrooms on the first floor to serve the hotel, but I have not been provided with any particular requirements in this regard either in local policy or guidance.
15. My attention has been drawn to positive reviews by of the hotel. The rooms appeared to be finished to a good standard and each bedroom was served with windows or rooflights that provide adequate light and outlook. Local Plan Policy H10 requires a maximum number of residents to be specified, taking into account the floor area of rooms. Whilst this has not been explicitly stated, with the fixtures and furniture in place, I was also able to move around the

bedrooms and as a result, consider the stated occupancy of up to 21 people to be acceptable.

16. I therefore conclude that the development would provide satisfactory accommodation for its occupiers. As such, it would not be contrary to those aims of Local Plan Policies H10 or UD2, which seek to ensure that the design provides adequate amenity and there is good outlook and adequate privacy provided. Whilst the development may not meet certain guidance set out in the SPD, it would not be contrary to its aims, which seeks to ensure that satisfactory standards of accommodation are provided.

Access for a range of users

17. The Council has raised concerns on the lack of accessible shower/WC facilities with reference to the Building Regulations. However, it is not the purposes of the planning system to duplicate the requirements of other regulatory regimes. I appreciate that Local Plan Policy UD4 seeks the highest standards of accessibility and inclusion so that all potential users can use the development easily and safely. The location of the hotel on the upper floors of the appeal property, an existing building, means that it is only accessible by stairs and it does not provide a usable means of access for wheelchair users and potentially others with mobility needs. In this context, I don't find the lack of accessible shower/WC facilities to be harmful.
18. I conclude on this issue that the development is accessible to a range of users. As such it would not be contrary to Local Plan Policy UD4, which seeks, amongst other matters, the highest standards of accessibility and inclusion. It would also not be contrary to the aims of the Supplementary Planning Document 'Design for Access for All', which seeks the design of buildings for everyone to use.

Other Matters

19. Reference has been made to other similar refusals by the Council and an appeal decision on another site. I have limited details before me of these decisions, but in relation to the latter, it appears that the development related to 3 self-contained units, unlike this appeal proposal, which is for a hotel with different letting rooms. On the basis of the evidence before me, the proposal seems to be different to the referenced cases.
20. I note the concerns relating to parking and criminal/anti-social behaviour but there is no substantive evidence before me that these have been associated with the proposal. In relation to the former, the highway authority, having regard to the parking restrictions in the area, have not raised an objection and there is no particular evidence to lead me to disagree with that position. Although a general reference has been made to fire safety with the potential for smoking in the rooms, there is no substantive evidence that such activity, if it were to occur, would provide a significant safety risk.
21. I have considered all other representations made, including those relating to the planning history of the site, restrictive covenants, having appropriate insurance, ground floor uses and the use already having commenced. These have little to do with the planning merits of this particular case and so do not outweigh my conclusions on the main issues.

Conditions

22. A condition is necessary to ensure the development is carried out in accordance with details on refuse storage which are to be submitted and agreed with the local planning authority.
23. I have considered the conditions suggested by the Council and other parties, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended those suggested as appropriate.

Conclusion

24. I have found that there would be no conflict with the development plan read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is allowed.

F Rafiq

INSPECTOR