



Appeal Decision

Site visit made on 30 May 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2022

Appeal Ref: APP/Z4310/W/22/3290988

13 Priory Road, Liverpool, L4 2RT

- 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 Simon Wilcox of Mastermind SPV7 against the decision of Liverpool City Council.
 - The application Ref 21F/0758, dated 9 March 2021, was refused by notice dated 20 July 2021.
 - The development proposed is to use property as house in multiple occupation (HMO) with 13 bedrooms, construction works to restore the property, including minor elevation changes to include the addition of rear facing dormer.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the refusal of the planning application, the Council adopted the Liverpool Local Plan 2013-2033 (Local Plan) in January 2022. The policies of the Local Plan now carry full weight. Policy H7 of the Liverpool Unitary Development Plan is no longer part of the development plan. Accordingly, I have determined the appeal against the relevant policies of the new Local Plan. Both parties have had the opportunity to comment on the relevant policies through the appeal process.

Main Issue

3. The main issue is the effect of the development proposed on the character of the area and the living conditions of the neighbouring occupiers, with particular regard to noise and disturbance.

Reasons

4. The appeal property is a large semi-detached property with a basement and three storeys above. It is set back from the road with gardens to the front and rear. The property has previously been in residential use but is currently vacant and in a state of significant disrepair. It is proposed to convert the property into a 13 bedroom House in Multiple Occupation (HMO). The appeal scheme proposes refurbishment works to the property with various internal and external alterations, including a loft conversion and new rear dormer.
5. Although there are shops on the opposite side of Priory Road, this side of the road is characterised by residential properties. The neighbouring properties on either side are in use as self-contained flats. There are also residential properties at the rear.

6. The appellant states that the property previously comprised two flats which could have the potential to result in a reasonable degree of comings and goings associated with the occupiers of two flats. The Council is concerned that the proposed HMO could potentially be occupied by 26 persons based on the number and size of the bedrooms. However, I note that the appellant would be willing to accept a condition restricting the maximum number of occupiers resident at the property at any one time to 13 people.
7. Despite the lack of objection from the Environmental Health Manager, based on the evidence before me I consider that the comings and goings associated with 13 individual occupiers would result in a significant increase in the level of activity at the property. It is likely that each occupant of the HMO would have their own routine, as well as visitors and deliveries. This would lead to noise and disturbance that would be detrimental to residents within this part of Priory Road. Unacceptable levels of noise and disturbance would be particularly apparent to the neighbouring properties on either side, 11 and 15 Priory Road, which share a common boundary with the appeal site.
8. It is put to me that the neighbouring properties on either side have been converted to 4 self-contained flats and that these would be capable of accommodating 4-5 persons per flat which would be equivalent to 16-20 persons per property. It is also stated that the proposed use as a 13 person HMO rather than the fallback position of 4 self-contained flats would not result in any significant harm. However, the subdivision of the property into 4 self-contained flats does not benefit from planning permission. I therefore give little weight to the suggested fallback position. In any case, the use of the property by 13 unrelated individuals would be a far more intensive use of the building than 4 self-contained flats due to the likely difference in patterns of movement.
9. The appellant also contends that the property could be occupied as a small HMO for up to 6 people without the need for planning permission. However, that would not generate the same level of activity and increased noise and disturbance as the appeal proposal.
10. Whilst I appreciate that the appellant would have in place a strict noise and nuisance policy for tenants, such management would not be enforceable as part of any planning approval and would not overcome my concerns regarding additional noise and disturbance.
11. The appellant has referred to several decisions relating to the change of use of properties to HMOs. I do not have the planning history or precise circumstances which led to the approval of these developments. However, on the basis of the details provided the examples cited related to notably smaller HMOs than the appeal proposal. Therefore, the other cases referred to do not provide a compelling precedent for allowing the appeal.
12. For the above reasons, I conclude that the development proposed would have a harmful effect on the character of the area and the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. The proposal would fail to comply with Policies H7 and H10 of the Local Plan and Supplementary Planning Guidance Note 7 - Conversion of Buildings into Flats and Bedsits. Amongst other things, these seek to ensure that development would not have an adverse impact on the amenity of neighbouring properties and the character of the area through increased activity, noise or disturbance. It would also conflict with the Framework, where it requires development to

add to the overall quality of the area and provide a high standard of amenity for existing and future users.

Other Matters

13. The area is subject to an Article 4 Direction which seeks to prevent the high concentration of HMOs. Concerns have been raised that there is an overconcentration of HMOs in this area, although no substantive evidence has been provided in this respect. I have therefore identified no conflict with Policy H11 of the Local Plan, which seeks to ensure that there is a balanced housing provision to meet the needs of families and households of varying sizes. However, the absence of harm in relation to this matter is neutral in the planning balance rather than weighing positively in favour of the proposal.

Planning Balance and Conclusion

14. The benefits of the proposal include the provision of cheaper housing accommodation close to public transport, shops and facilities. However, given the scale of the development these benefits are limited. I also appreciate that the accommodation would be of a high standard and that the proposal would bring back into use a building which has clearly been vacant and in a poor state of repair for quite some time, in accordance with the aims of Policy H9 of the Local Plan. The external works would enhance the appearance of the building and the street scene. However, I have no details as to any alternative options having been considered which may also achieve such objectives and this limits the weight I afford these matters. The benefits of the scheme would not individually or cumulatively outweigh the harm I have identified.
15. For the above reasons, having considered the development plan as a whole, the approach in the National Planning Policy Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR