



Appeal Decision

Site visit made on 28 June 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2022

Appeal Ref: APP/Z4310/W/22/3292449

3A Berkley Street, LIVERPOOL, L8 1XB

- 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 Ms Susan Reynolds against the decision of Liverpool City Council.
 - The application Ref 20F/2107, dated 19 August 2020, was refused by notice dated 18 January 2022.
 - The development proposed is a single storey extension to rear to create 1no. additional flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Liverpool Local Plan was adopted by the Council on 26 January 2022, shortly after the decision on the appeal proposal was issued. The new Local Plan now forms the statutory development plan for the area.
3. The Council's decision notice and the planning officer's report both refer to a number of saved policies from the Unitary Development Plan, but these have now been replaced by policies in the new Local Plan and no longer have any weight in the decision making process. For this reason, I have not referred to the Unitary Development Plan policies in this decision.
4. As the Council assessed the scheme in light of the new Local Plan policies, the appellant's case is not disadvantaged by the change in policy context.

Main Issue

5. The main issue is whether the proposal would provide satisfactory living conditions for future occupiers of flat 5, having particular regard to internal living space, outlook, noise and disturbance.

Reasons

6. The appeal property is a traditional mid-terraced property in a primarily residential area, close to the city centre. The former shop unit has previously been subdivided into four units of accommodation, with 3 bedsits and a 1-bed flat.
7. The appeal proposal seeks to add a further 1-bed unit on the ground floor (hereafter referred to as flat 5). This would be achieved by converting space currently used as a communal drying room and utility to form a kitchen and lounge. A single storey rear extension would provide a new bedroom for the

flat, and the existing basement, currently used for storage, would be used as a shared utility/drying area.

8. Local Plan Policy H10 is concerned with conversion of dwellings to flats, and requires that the configuration of internal spaces takes into account minimum room sizes. Policy H10 does not specifically refer to the Nationally Described Space Standards (NDSS), but the standards nonetheless provide a useful benchmark for considering the quality of accommodation in terms of floorspace.
9. The Council has calculated that proposed flat 5 would have a gross internal area (GIA) of 24.5m². The appellant says that the floorspace would be slightly larger, at 26.5m². Either way, it would be well below the minimum standard of 37m² for a one bedroom, one person flat with a shower room, contained in the NDSS.
10. The proposal would be deficient in terms of its floorspace, but size alone is not the only measure of the quality of accommodation, and a small space may be acceptable if the accommodation is of a high standard overall. The proposed flat would be larger than the unit above, but the kitchen/dining area would have no windows or external doors, so would rely entirely on artificial light and mechanical ventilation. This would fail to comply with advice contained in Supplementary Planning Guidance note 7 (SPG), which aims to ensure that buildings converted to flats and bedsits provide a satisfactory standard of accommodation. Paragraph 9 of the SPG states that internal kitchens will be unacceptable.
11. The proposed lounge area would have two fairly large windows, but would look out into the small and narrow rear yard area, which is enclosed to a significant degree by surrounding buildings. The lounge windows would look out towards a high brick wall with barbed wire above in close proximity, which would make the internal space feel dark and oppressive. The two storey out-rigger attached to the adjoining property would add to the sense of enclosure and further restrict natural light. The lounge would have a poor outlook, with limited view of the sky.
12. For privacy reasons the lower panes of the lounge windows would incorporate obscured glazing, which would further restrict natural light into the living space. The upper panes would be of clear glazing, but the windows would not provide the light and airy space which has been suggested, and would not compensate for the lack of floorspace.
13. The bedroom would also look out onto a narrow yard and brick wall. This part of the yard is less enclosed by surrounding buildings and feels brighter, but nonetheless the proposal would fail to reflect guidance in paragraph 10 of the SPG, which says that living rooms and bedroom should avoid facing towards nearby high boundary walls, particularly where they are located to the rear of properties.
14. The lounge and bedroom of the proposed flat would be immediately adjacent to the shared rear amenity space, which has space for bin and cycle storage. There would be a degree of activity in the yard, as other residents put out bins for storage and collection, but such tasks do not take long to undertake and may only need to be done once a week or fortnight. Therefore, whilst there

would be the potential for some noise and disturbance, it would be likely to be short in duration and not unduly harmful.

15. The presence of washing lines suggests that the small rear yard may well be used for drying clothes, but the proposed extension would significantly reduce the available outdoor space. Whilst a smaller space may have less potential for noise and disturbance to future residents of the proposed flat, the loss of outdoor amenity space would be a disbenefit for existing residents. This weighs against the scheme.
16. The scheme would make efficient use of land, which is an objective of the National Planning Policy Framework (the Framework). However, Framework paragraph 124e) also highlights the importance of securing well-designed, attractive and healthy places. The scheme would provide a poor standard of accommodation so would not comply with this guidance. Furthermore, it would not provide a high standard of amenity for future users, so would not comply with Framework paragraph 130 either.
17. The proposal would provide an additional unit of accommodation at an affordable cost, in a location which is close to the city centre, with all the services and facilities it has to offer. However, these factors, even with the lack of harm as a result of noise and disturbance, are not sufficient to overcome the deficiencies of the scheme.
18. Overall, I conclude that the proposed development would fail to provide a satisfactory standard of living conditions for future occupiers of flat 5, with particular regard to internal living space and outlook. It would conflict with Local Plan Policy H10, which requires that the configuration of internal space satisfactorily takes into account minimum room size, light and ventilation.
19. The proposal would conflict with the development plan and also with the Framework. No other considerations outweigh this finding. The appeal is therefore dismissed.

R Morgan

INSPECTOR