



Appeal Decision

Site visit made on 5 July 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2022

Appeal Ref: APP/W4325/W/21/3288925

231 Bedford Road, BIRKENHEAD, CH42 2AW

- 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 MASST Property Group Ltd against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/21/00395, dated 1 March 2021, was refused by notice dated 7 October 2021.
 - The development proposed is change of use to 7-bed House in Multiple Occupation (HMO).
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Decision

1. The appeal is allowed and planning permission is granted for change of use to 7-bed House in Multiple Occupation (HMO) at 231 Bedford Road, BIRKENHEAD, CH42 2AW in accordance with the terms of the application, Ref APP/21/00395, dated 2 March 2021, subject to the attached schedule of conditions.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - whether the proposal would provide satisfactory living conditions for future occupiers of bedroom 7, with particular regard to outlook.

Reasons

Character and appearance

3. The appeal concerns a traditional end-of-terrace property, which has recently been converted to a 6-bed HMO under permitted development rights. The proposed occupation of a seventh room would change the use from a small to large HMO, and so requires planning permission.
4. Policy HS14 of the Wirral Unitary Development Plan 2000 (UDP) recognises the potential benefits of HMOs as a relatively low cost and flexible form of accommodation, but also acknowledges that HMOs can cause problems in some areas. Poor standards of accommodation and increased comings and goings can have a detrimental impact on the character of existing residential areas, so Policy HS14 sets out criteria to manage this form of development. To avoid an over concentration of HMOs in any one area, the Policy requires that existing HMOs and valid planning permissions must not comprise more than 20% of the properties within a street block.

5. The appeal property forms part of a long terrace fronting onto this side of Bedford Road, and for the block as a whole, the 20% figure contained in Policy HS14 is some way off being reached. However, a number of properties in the vicinity of the appeal site, including the adjoining house at 229 Bedford Road, have now been converted into HMOs, both small and large. This has prompted concerns about an over-concentration of this form of accommodation in this part of the street, but the appeal property is already in multiple occupation, and Policy HS14 does not differentiate between small and large HMOs. The proposed change of use would not add to the overall number of HMOs in the block, nor would it increase the concentration of HMOs in this part of the street.
6. The appeal property has already been converted to a small HMO following a programme of refurbishment. When viewed from the street, 231 Bedford Road appears to be well maintained, and preserves the traditional appearance of the buildings along the row. There is no reason to suppose that the change from a 6 to 7 bed HMO would alter this.
7. HMOs can affect the character of the area through increased activity levels, and the proposed intensification would result in some extra comings and goings, which may include vehicular movements. However, seven residents is not excessive in a property of this size. The effect of one additional occupant would be small, and would be unlikely to result in any discernible change to the character of the area.
8. I conclude that the proposed change from a 6 to 7 bed HMO would not cause undue harm to the character and appearance of the area. As it would not result in an unacceptable concentration of HMOs along the block, or a detrimental change to the character of the area, the proposal would be consistent with Policy HS14, and with Part ii) of Policy HS4.

Living conditions

9. I saw at my site visit that the appeal property has been refurbished to a good standard and provides a decent quality of accommodation. The shared kitchen, which is large enough for 7 people, provides access to the rear garden area, which is also of a good size.
10. The shared kitchen is the main communal area within the house, but does not have a dedicated area for sitting or dining. Stools by the worktop have been provided, giving the option to eat in the kitchen, but it seems likely that the bedrooms will form the main living space for occupiers of No. 231 Bedford Road.
11. Part xiii) of Policy HS14 says that main living rooms should not be served by a single roof light. As bedroom 7 forms a main living room and is only served by a rooflight, the proposal does not fully comply with this part of the Policy.
12. At my site visit I was able to go into bedroom 7, which was refurbished along with the rest of the house. I saw that the rooflight is of a good size, and provides ample natural light. The outlook is not interrupted by any built form and so is predominately of the sky, but that is not necessarily a negative feature. The rooflight can be opened using a bar, and the submitted plans show that its lowest part is 1.43m above floor level. For most people, it would therefore be possible to look directly out of the open window when standing, and see surrounding buildings and rear gardens.

13. Bedroom 7 provides a decent standard of accommodation. It is a bright room with a reasonable outlook and, although the smallest bedroom in the house, is of an adequate size, and includes an en-suite bathroom. These findings are reinforced by the fact that bedroom 7 was occupied at the time of my visit, having been chosen by a tenant in preference to bedroom 2 on the ground floor, which was not being used.
14. I conclude that, despite the minor conflict with part xiii) of Policy HS14, the proposal would provide satisfactory living conditions for occupiers of bedroom 7, with regard to outlook. It would satisfy the other relevant elements of the Policy and would be consistent with paragraph 130 of the National Planning Policy Framework (the Framework), which requires a high standard of amenity.

Other Matters

15. The submitted plans show a cycle store and also an area for bin storage in the rear yard. The proposed location of the bin store, close to the window of bedroom 2, could create a poor outlook for occupiers of that room, with associated harm to living conditions. However, this matter could be overcome by finding an alternative location within the site curtilage for the bins to be stored. A condition requiring details of arrangements for the storage of refuse would provide a suitable mechanism to resolve this issue.

Conditions

16. The Council has suggested a number of conditions which I have reviewed in light of the tests set out in Framework paragraph 57, and relevant advice in the Planning Practice Guidance.
17. The change of use to a 7 bed HMO has not yet commenced, so I have imposed the standard implementation condition, as required by Section 91(1) of the Town and Country Planning Act 1990. A plans condition is also necessary in the interests of certainty.
18. The Council has suggested a condition restricting the number of residents to 7 at any one time. The proposal has been assessed on the basis of occupancy by 7 people, and I agree that the proposed condition is reasonable to ensure that a satisfactory standard of accommodation is maintained for all residents.
19. To meet the requirements of UDP Policy TR12, the proposal includes provision of a cycle storage facility. In the interests of sustainable transport, a condition requiring the implementation of this element of the scheme prior to the approved use commencing is necessary. I have altered the Council's suggested wording slightly to reflect the fact that bedroom 7, as identified on the submitted plans, is already being used.
20. As identified above, a condition requiring details of refuse storage and collection is also necessary to safeguard living conditions and to provide a satisfactory appearance to the scheme.

Conclusion

21. For the reasons set out above, the appeal is allowed.

R Morgan

INSPECTOR

Schedule of 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 plans:
 - 5484-1 As existing
 - 5484-2 As proposed
 - 5484-3 Cycle store
- 3) No more than seven residents shall reside at No. 231 Bedford Road at any one time.
- 4) The seventh bedroom shall not be brought into use until the approved cycle store has been installed in accordance with the details provided in drawing nos. 5484-2 and 5484-3. The facility shall be permanently retained thereafter.
- 5) Notwithstanding condition 2, the seventh bedroom shall not be brought into use until arrangements for the storage and disposal of refuse and recycling is made within the curtilage of the site, in accordance with details which have previously been submitted to and agreed in writing by the local planning authority.