



Appeal Decision

Site visit made on 8 June 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2022

Appeal Ref: APP/Z4310/W/21/3289739

74 Ashfield, Liverpool

- 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 M Tinwell against the decision of Liverpool City Council.
 - The application Ref 21F/0388, dated 7 September 2020, was refused by notice dated 1 July 2021.
 - The development proposed is described as a 'change of use to form an eight bed HMO'.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use to form an eight bed HMO at 74 Ashfield, Liverpool in accordance with the terms of the application, Ref 21F/0388, dated 7 September 2020 subject to the following conditions:
 1. The development hereby permitted shall be carried out in accordance with the following approved plan: Floor, Cross-Section, Site and Location Plan (dated March 20).
 2. Within three months of the date of this decision, details of a cycle store shall be submitted to and approved in writing by the Council. The approved scheme shall then be carried out within 3 months after the written approval and the cycle store shall thereafter be kept available for the parking of bicycles only.

Preliminary Matters

2. The building, at the time of my site visit, had eight bedrooms which appeared to be occupied. I could not be certain however, based on what I saw, that the development subject of the appeal has been completed. I have considered it accordingly.
3. Since the Council issued their decision, the City of Liverpool Unitary Development Plan was superseded by the Liverpool Local Plan 2013-2033 (Local Plan). The appellant has referenced the Local Plan and I have determined the appeal based on the adopted development plan at the time of this decision.

Main Issues

4. The main issues are the effect of the development on (i) the living conditions of the occupiers of nearby properties, (ii) the character of the area with particular regard to the mix and balance of housing, (iii) the living conditions of the appeal property's occupants with particular regard to outlook, and (iv) whether the development has resulted in the unacceptable loss of a family dwelling.

Reasons

Living Conditions of Nearby Residential Occupiers

5. The evidence before me demonstrates that the appeal site changed from a dwellinghouse to a Use Class C4 House in Multiple Occupation (HMO) prior to an Article 4 direction¹ taking effect. The appeal development comprises of 8 bedrooms and at the time of my visit, was being used as a Use Class Sui Generis HMO.
6. The appeal development has resulted in a more intensive use of the property with an increase from 6 to 8 occupants. This will have resulted in more comings and goings from the property as well as increased activity and thus noise from eight unrelated persons living in this building. Although a comparison of the proposal has been made with a family dwelling, the uplift in occupancy arising from this appeal development has been for two additional persons. I do not consider that this level of increase in activity within the property, or movements to and from it, has resulted in harmful noise arising. I note the objection comments that have been raised, but there is nothing before me that relates specifically to noise disturbance.
7. I therefore conclude that the appeal development has not resulted in unacceptable harm to the living conditions of the occupiers of nearby properties. As such, it does not conflict with Local Plan Policy H10, which seeks, amongst other matters, for there to be no adverse impact on the amenity of neighbouring properties. It would also not conflict with the Supplementary Planning Guidance Note 7 – Conversion of Buildings into Flats and Bedsits (SPG), which sets out recommended standards for such conversions.

Character, Mix and Balance

8. The appeal building is a two storey property with further accommodation in the roofspace. It has the appearance of a typical dwelling and is situated in an area formed largely of similar terraced streets in a grid pattern layout. The surrounding area is a predominantly residential area and formed of dwellings, flats and HMO's.
9. The Council has set out that an increase in the number of HMOs on this street could harm the character and representations have been made on the changes to the area arising from the occupation of HMO's by students. Reference has been made to Local Plan Policy H11, which states that in designated neighbourhoods with an HMO concentration equal or exceeding a 10% threshold of all dwellings, a change of use from a C3 to a small (use Class C4) or large HMO will not be supported. This part of the policy however relates specifically to a change of use from a C3 dwelling. As the appeal property was used as a small HMO, the development has not altered the balance or mix of housing in the area, despite the appeal proposal having resulted in an increase in occupancy from 6 to 8 people.
10. The development does not therefore have a harmful effect on the character of the area with specific regard to the mix and balance of housing and as such, does not conflict with Local Plan Policy H10 or the SPG, which seek, amongst other matters, for there not to be an adverse impact on the character of the surrounding area.

¹ July 2021

Living Conditions of Appeal Property's Occupiers

11. One of the bedrooms within the roofspace to the front of the property is only served by a pair of rooflights. Having been to the site, they are mounted low on the roof plane which in addition to their size, affords views out as well as providing good levels of natural light within the property. As the Council has set out, this bedroom, a habitable space being only served by rooflights would be contrary to the requirements of 2 i) of Local Plan Policy H10. However, the size and positioning of the rooflights in this instance ensures a satisfactory outlook from and light levels into this front bedroom within the roofspace. As such, despite some conflict, I do not consider the appeal proposal conflicts with the aims of this policy, the SPG or the National Planning Policy Framework (the Framework), which include seeking a high standard of amenity for existing and future users.

Family Dwelling

12. Although there is a reference to the appeal site being used as a single family home, I am satisfied by the evidence presented that the property, prior to the appeal use sought, was operating as a Use Class C4 Housing in Multiple Occupation which was established with the benefit of permitted development prior to the introduction of an Article 4 Direction restricting such.
13. This appeal use has therefore resulted in the loss of a Use Class C3 Dwelling. Reference has been made to Local Plan Policy H10, and I appreciate that due to the size, form and other factors, that the appeal property is considered suitable for continued use as a family dwelling. However, the appellant has stated that the property would continue to be used as a Use Class C4 HMO in the event the appeal were not to succeed and there is nothing compelling before me to the contrary.
14. As such, the development has not resulted in the unacceptable loss of a family dwelling and consequently, does not conflict with Local Plan Policy H10, which seeks, in regard to this main issue and amongst other matters, to grant permission for buildings into houses-in-multiple occupation provided the development would not cause the loss of a dwelling that is suitable in size, design, layout and location for continued use as a family dwelling.

Other Matters

15. I note the references to HMO licence guidance and that the appeal property has been operating without an HMO licence. The appellant has however referenced the granting of such a licence on 13 January 2021. There is in any event, a difference in licensing considerations and those of planning and I have considered this appeal on its planning merits.
16. Reference has been made to misleading or incorrect information on the appeal application submission, including on vehicle parking and materials. The application form however accurately records the number of existing and proposed on-site parking spaces and in relation to materials, whilst the appeal property may previously have been extended, this appeal proposal does not seek any external physical alterations.
17. Parking issues do not form part of Council's refusal. It is set out that the site is in an area that benefits from amenities and bus connections within easy

walking distance and local cycling connections. I do not therefore consider the proposal would lead to a significant adverse effect in this regard.

18. Other concerns have been raised relating to the Council not being helpful and not taking action on construction waste in the alleyway, but these are matters beyond the remit of this appeal.

Conditions

19. The development has commenced, as a result, a condition requiring such is not necessary. Reference has been made to conditioning a waste management strategy, but I was able to see the waste storage arrangements at the time of my visit and do not consider that further details are required. A condition is necessary in relation to cycle parking to ensure the development can be accessed by a variety of sustainable transport modes.

Conclusion

20. I have found that the development does not conflict with the development plan when read as a whole. The appeal should therefore be allowed.

F Rafiq

INSPECTOR