
Appeal Decision

Site visit made on 17 November 2022

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/Z4310/W/22/3304402

136-138 Anfield Road, Anfield, Liverpool L4 0TF

- 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 Mrs Suzanne Hanratty against the decision of Liverpool City Council.
 - The application Ref 22F/0299, dated 22 December 2021, was refused by notice dated 27 April 2022.
 - The development proposed is to change the use of 136 Anfield Road and knock through to 138 Anfield Road, and add 4 bedrooms to existing 6 bedroom B&B and create larger lounge/dining area.
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Decision

1. The appeal is allowed, and planning permission is granted to change the use of 136 Anfield Road and knock through to 138 Anfield Road, and add 4 bedrooms to existing 6 bedroom B&B and create larger lounge/dining area, at 136/138 Anfield Road, Liverpool, L4 0TF in accordance with the terms of the application, Ref 22F/0299, dated 22 December 2021, and the plans submitted with it, subject to the following 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 plan: 'Proposed Plans and Elevations 04'.
 - 3) The premises shall only be operational on the two nights preceding and two nights after Liverpool Football Club home matches (including the date of the game) and on no other occasion throughout the year.
 - 4) All parts of the premises shall be used solely in connection with its use as a bed and breakfast facility, and all guest facilities including the dining room and lounge and yard shall be available solely to residents.
 - 5) The number of guest bedrooms shall not exceed nine and the number of guests staying overnight at any one time shall not exceed nineteen.
 - 6) The lounge/dining area and bar serverly shall not be used outside the hours of 0700 and 2300.
 - 7) The rear yard shall not be used for any purpose including smoking outside the hours of 0800 and 2200.
 - 8) There shall be no amplified music generated within the external yard area, including any music directed thereto from the premises.

- 9) Any waste generated to be discarded as refuse or recycled shall be kept within the curtilage of the premises and shall only be placed outside the premises on such days as trade refuse collection will occur.
- 10) No bottles or crates shall be stored outside of the building and no sorting of bottles shall take place outside of the building at any time.
- 11) During the site works the contractor shall pay full regard to the best practicable means available in respect of the control of noise and dust from the site. In addition, no operations which are audible at the site boundary shall be carried out:
 - (i) outside the hours of 0800 to 1800 weekdays;
 - (ii) outside the hours of 0800 to 1300 Saturdays; and
 - (iii) at any time on Sundays or Bank Holidays.

Preliminary Matters

2. The appellant's description of 136 Anfield Road included the term 'house in multiple occupation' (HMO). The Council does not agree that it has a lawful HMO use. I have therefore removed the reference from the description in the banner heading above, and discuss this below in 'Other Matters'.

Main Issues

3. The main issues are:
 - whether the proposed development is suitable for conversion to a bed and breakfast (B&B) establishment, with respect to policy H10 of the Liverpool Local Plan 2013-2033 (2022); and
 - the effect of the proposed development on the living conditions of neighbouring occupiers, with regard to noise and disturbance.

Reasons

Suitable for conversion

4. The appeal site consists of two mid-terrace 3-storey properties on Anfield Road. No. 138 is a 5 bedroom B&B, and No. 136 is vacant, with the parties disagreeing as to whether it is lawfully a dwelling or an HMO. The remainder of the terrace comprises dwellings with 2-storey rear projections, and yards accessed via a narrow alleyway. This also serves other dwellings in the similar block behind. Liverpool Football Club's Anfield Stadium is sited at the end of the terrace, and the surrounding area is predominantly residential plus a few other uses including B&B and hotel properties.
5. The B&B has 5 guest bedrooms, plus one for a night porter. Its 2014 planning permission¹ includes restrictive conditions for a maximum of 11 guests, and for only guests to use of the dining room and bar. My site visit identified that there are 13 guest beds and at least 18 bedspaces available. The dining and lounge area also had a large amount of seating. The rear yard for both properties is conjoined and appears to be used solely in connection with the B&B. It includes heat lamps and a boarded up wooden structure which resembles a bar servery, although I did not have full access inside this to allow confirmation.

¹ Reference 14F/0085

6. The proposal is to create a 9 bedroom B&B by knocking through into No. 136 to create a much bigger lounge/dining area and bar servery on the ground floor, plus additional toilets. No. 136 would provide 4 additional bedrooms for a maximum of 8 additional guests, with a total overall maximum of 19 guests.
7. The Council considers that the proposal would result in the loss of a property capable of being a family dwelling contrary to policy H10 of the Liverpool Local Plan. This is with reference to parts 2 and 3 of policy H10 which relate to the conversion and sub-division of dwellings, and specifically part 2 criteria n) which restricts proposals that would cause the loss of a dwelling that is suitable for continued use as a family dwelling.
8. I do not need to determine whether the property is currently classed as a family dwelling or an HMO, because Part 2 of policy H10 is not directly relevant. This is because it refers to planning permission being granted for the conversion of existing dwellings/buildings into self-contained flats, studio apartments/bedsits, and houses-in-multiple occupation, providing the list of criteria within the policy are met. The proposal is for a conversion into B&B accommodation, not for any of these other specified conversions.
9. Furthermore, part 4 of policy H10 specifically relates to B&B and hostel establishments. While this does reference that it is in addition to the criteria set out in parts 1, 2, and 3, I find that those criteria can only be implicit considerations of general aspiration, as otherwise the list of conversion types under part 2 would directly specify B&Bs.
10. The part 4 criteria require the specification of a maximum number of residents, and to ensure that the layout and vertical arrangement of the accommodation provides privacy and minimises internal noise. The proposal achieves both of these aspects. I acknowledge that there would be new bedrooms directly above the enlarged lounge and dining area, with potential for noise transference. However, this would be the same arrangement as for the existing B&B, and is very typical of 1st floor B&B accommodation such that this is not an unreasonable layout.
11. In conclusion therefore, the proposed development would be suitable for conversion to a B&B establishment with respect to policy H10 of the Liverpool Local Plan. This aims for the Local Plan overall to provide a mix of housing to meet the needs of different groups in the community, and acknowledges the significant contribution that B&Bs can make to the provision of affordable short term accommodation including that for visitors.

Living conditions

12. The use of a B&B in this primarily residential area is supported in principle by policy H7 criteria d) of the Liverpool Local Plan, provided there would be no adverse impact on residential amenity or the character of the area. The Council raises no concerns about the visual impact of the proposal on the character of the area. Therefore, the determining factor for H7 compliance is whether the increase in size and resulting additional guests would lead to an unacceptable increase in noise and disturbance, which would be detrimental to the living conditions for the surrounding dwellings.
13. Environmental Health have received no formal complaints since the use commenced in 2014, and did not object to the proposal subject to imposition of

conditions to restrict noise. Neither conjoined dwelling objected to the application, and while this does not indicate that no harm may be caused, alongside the evidence of the wall construction, it does indicate that any internal noise transfer to the conjoined dwellings would be very limited.

14. As well as the general comings and goings of the potential additional guests, I do expect that the proposed upgrade and size increase of the lounge and bar area is likely to attract a larger number of guests to remain on site for socialising compared to at present. This would therefore increase the activity and general noise. However, I find that this would not be a significant increase when considered in the context of noise mitigation measures which I could impose via condition.
15. This mitigation includes conditions which would restrict use of the lounge/dining area and yard during noise sensitive hours, for no amplified music to be played outside, for all areas of the B&B to only be used by guests staying overnight, and to restrict the B&B to only open 2 days either side of Anfield Stadium home matches. While this latter restriction may allow for full 7 day use at some periods due to the timings of home fixtures, it would restrict the use through the course of the year, and thus limit any disturbance overall. A member of staff would also normally be available on site, who could monitor and manage the guests and noise levels as necessary. I noted on my site visit signage reminding guests to be mindful of noise.
16. I am mindful that due to the close proximity of the surrounding properties and their small rear yards, any increase in external noise and disturbance would have a large impact on neighbours. A neighbour directly to the rear has objected on the basis that the enlargement will worsen an already bad situation as regards noise and having too many people in a residential area. Specific personal circumstances are also referenced, stated as being exacerbated by noise. However, this does appear to be a general difficulty arising from the football match days rather than specifically as a result of the B&B use. As outlined above, I have found that the appeal proposal would not cause unacceptable noise and disturbance, including to this rear property.
17. A property further along Anfield Road has objected regarding general disturbance, but due to its distance away from the appeal site its occupants would not be directly affected. The increase in visitors along Anfield Road as a result of the B&B extension would be extremely minor in comparison with match day flows. I do have sympathy for the impact on residents as a result of anti-social behaviour in the area, including if some of this is caused by a cumulative effect from hotel and B&B facilities. However, evidence of this behaviour is not so specific that it can be attributed to the Soccer Suite's current B&B use or its guests, or therefore be assumed to worsen due to the proposed extension.
18. In conclusion therefore, the development would not result in harm to the living conditions of neighbouring occupiers, with regard to noise and disturbance. This would comply with the Liverpool Local Plan policy H7 in its aim to ensure that new development does not have a detrimental impact on existing residential neighbourhoods, and protects amenity to ensure attractive neighbourhoods.

Other Matters

19. There are currently more than 11 guest bedspaces available, and the lounge/dining room and rear yard also appear able to accommodate far more guests than this. However, I have been presented with no evidence that more than 11 guests are using the B&B at any one time. I have therefore not taken this into account in reaching my decision.
20. The parties disagree whether the lawful fallback use of No. 136 Anfield Road is an HMO property or a dwelling. However, I have already concluded that no harm would be caused from the proposal in its own right. As my decision has not relied on a specific fallback position as a material consideration, I therefore have no need to conclude further on this matter.

Conditions

21. I have attached the standard conditions which limit the lifespan of the planning permission, and specify the approved plan for the avoidance of doubt and in the interests of proper planning.
22. In order to minimise noise disturbance, I have imposed the same restrictive conditions as for the previous permission relating to guest numbers, timings of the use, and on external amplified music, subject to slight amendment to reflect paragraph 56 of the National Planning Policy Framework (2021) and the Planning Practice Guidance. For the same reason I have also included a condition restricting construction working hours.
23. Further conditions relate to the management of refuse and recycling, in order to maintain the quality of the street environment.

Conclusion

24. For the reasons given above, and having regard to all other matters raised, I conclude the development accords with the development plan taken as a whole with no material considerations outweighing this, and therefore the appeal is allowed.

L Hughes

INSPECTOR