



Appeal Decision

Site visit made on 8 January 2023

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/D0650/W/22/3302696

65 Widnes Road, WIDNES, WA8 6AZ

- 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 Dr Ishtiaq Ahmed against the decision of Halton Borough Council.
 - The application Ref 22/00113/COU, dated 17 February 2022, was refused by notice dated 23 May 2022.
 - The development proposed is ground floor and first floor flats to be changed into a 5-bed House in Multiple Occupation (HMO).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development above is taken from the original application form, but I have removed the word 'total', which is unnecessary.
3. The description refers to a change to the ground floor and first floor flats. However, the Council has said that there is no record of any flats at the property, from either planning or Council Tax records. Furthermore, Google Streetview images suggest that there was a tattoo and piercing studio at the rear of the property. In considering this appeal, I have therefore treated the existing use of the building as being uncertain.
4. The appellant recognises that the scheme needs to be modified – this is clear from the appeal form and statement. I appreciate that the appellant experienced difficulties with their architect while the planning application was being considered by the Council, but unfortunately, the appeal process does not provide the opportunity to make changes to the plans. I am only able to consider the information and drawings which have already been provided. To modify the proposal, it would be necessary to submit a new planning application to the Council. This would need to address the issues which have been raised by the Council and in this appeal decision.

Main Issues

5. The main issues are:
 - whether the proposed HMO would provide satisfactory living conditions for future occupiers, with particular regard to internal space, light and ventilation, and;

- whether satisfactory provision would be made for bin and cycle storage.

Reasons

Living conditions

6. The appeal proposal seeks to convert space above and to the rear of a shop unit, which is located within Widnes town centre. The shop unit would remain.
7. The proposed floor plans show 4 bedrooms and a shared kitchen area on the first floor, and an additional bedroom on the ground floor. All the bedrooms would have en-suite bathrooms.
8. Aside from the shop front, there are only two windows in the existing building. These are positioned at the front and rear of the property, at first floor level. The rear window is directly above the door, but its position is shown incorrectly on the existing floorplan drawing. To serve the rear first floor bedroom, as is proposed, this window would therefore need to be moved.
9. The proposed plans show that one additional window would be provided at the side of the building, but this would still leave two of the proposed bedrooms, and the kitchen area, with no windows. As a result, these spaces would be entirely reliant on artificial light and ventilation. The complete lack of natural light and fresh air to these rooms would result in dark and likely damp conditions. The quality of accommodation for future occupiers of the HMO would therefore be extremely poor.
10. Furthermore, the communal area would be very small for five people to share, and there would be no external space either. None of the bedrooms would be spacious, but the first floor room at the rear of the property would be particularly small and cramped. Together, these factors show that the amount of space available in the property is insufficient to accommodate the proposed 5 bed HMO.
11. Deficiencies in internal space, light and ventilation mean that the proposed change of use to a 5 bed HMO would fail to provide satisfactory living conditions for future occupiers. The proposal would conflict with Policy GR2 of the Halton Delivery and Allocations Local Plan 2022 (Local Plan), which requires that new development has a high standard of amenity for future users.

Bin and cycle storage

12. The appeal property fronts directly onto the street at the front and rear, with no yard or other external space. The plans make no provision to store refuse inside the building, so it is likely that bins would end up being permanently stored outside on the pavement, which would not be acceptable. As well as looking untidy, this could cause an obstruction to pedestrians.
13. Local Plan Policy C2 requires that all development provides an appropriate level of parking, but in this case, no parking for vehicles or cycles is proposed. The site is within the town centre where there is good access to shops and facilities, so future occupiers would not need to rely on a car. The lack of car parking is therefore acceptable, but in order to promote sustainable transport, the Local Plan requires that residential development provides secure and convenient cycle parking, with a minimum of 2 spaces. The floorplans show nowhere to

store cycles on the ground floor, so the proposal fails to comply with the policy requirements.

14. I conclude that the scheme does not make satisfactory provision for bin or cycle storage. It would therefore fail to comply with Local Plan Policy GR2, which requires new development to provide appropriate storage space for waste and recycling. The proposal would also conflict with the requirements for cycle parking set out in Policy C2.

Conclusion

15. For the reasons given, the proposal would not comply with the development plan, and is unacceptable. The appeal is therefore dismissed.

R Morgan

INSPECTOR