



Appeal Decision

Site visit made on 10 January 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th February 2023

Appeal Ref: APP/Z4310/W/22/3305449

22 Cranborne Road, Liverpool L15 2HX

- 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 Simon Lawrence of SGL Properties against the decision of Liverpool City Council.
 - The application Ref 21F/3427, dated 17 November 2021, was refused by notice dated 23 February 2022.
 - The development proposed is change of use from 6-bedroom HMO (C4) to 7-bedroom HMO (sui generis).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Mr Simon Lawrence of SGL Properties against Liverpool City Council. This application is the subject of a separate decision.

Preliminary Matters

3. The submitted plans show the proposed bedroom 7 as an office. At the time of my site visit I saw that the room was already in use as a bedroom. However, as other parts of the internal layout of the property were not as shown on the submitted plans I have considered the appeal based on the proposed plans.

Main Issues

4. The main issues are:
 - Whether the proposed development would provide appropriate living conditions for the occupier of bedroom 7, with regard to outlook, daylight and sunlight;
 - The effect of the proposal on the living conditions of neighbouring occupiers, with regard to noise and disturbance; and
 - The effect of the proposal on the character of the area, with particular reference to the supply of family housing.

Reasons

Living conditions of future occupiers – bedroom 7

5. Policy H10 of the Liverpool City Council Liverpool Local Plan, 2022, (LP) relates to conversion of buildings, or dwellings, to Houses in Multiple Occupation (HMOs). The supporting text of the policy confirms that this includes instances where planning permission is required to convert to large HMOs and there is no evidence before me that the policy should not apply where planning permission is required to change small HMOs to large HMOs. Policy H10 is therefore relevant in my decision and the policy against which to assess this main issue.
6. Policy H10 seeks to resist living rooms, kitchens and bedrooms from being solely lit by rooflights to ensure that the residents have appropriate living conditions. These would be the main habitable rooms in the types of accommodation covered by H10, including HMOs, and the list does not include offices or study rooms.
7. The room in the roof space, proposed as bedroom 7, spans the width of the front of the property. The large size of the room and the small, single, rooflight in the centre would not provide sufficient levels of daylight or sunlight for the whole of the room. The position of the rooflight would only allow limited light into the room and ends of the room are likely to be dark and gloomy resulting in an unpleasant room for the future occupiers.
8. While there may be an outlook for occupiers of bedroom 7 from other rooms within the property, they would be likely to spend a considerable amount of time in their bedroom, being their only private area. The high position and small size of the single rooflight results in an uninviting and restricted outlook with only views towards the sky and roofs of the houses opposite.
9. The proposal would, therefore, provide unacceptable living conditions for the future occupiers of bedroom 7, with particular reference to daylight, sunlight and outlook. It therefore conflicts with the requirements of Policy H10 of the Liverpool City Council Liverpool Local Plan, 2022, which seeks to ensure that conversion of existing dwellings/ buildings into HMOs provide satisfactory internal accommodation, taking into account light, and also seeks to resist bedrooms being solely lit by rooflights.

Living conditions of neighbouring occupiers

10. There would be some increase in activity resulting from the addition of one extra bedroom, as well as disturbance due to the close relationship of the terrace properties. However, as an existing HMO accommodating 6 unrelated individuals there is already a level of activity, noise and disturbance from the occupiers and visitors. There is no substantive evidence before me to show that the addition of one extra bedroom would significantly increase the risk of noise or disturbance to occupiers of nearby properties.
11. Accordingly, the proposal would not harm the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance. It would therefore comply with the requirement of Policy H10 of the Liverpool City Council Liverpool Local Plan 2022 which seeks to ensure that conversion of dwellings/ buildings to HMOs do not have an adverse impact on the amenity of neighbouring properties, in particular through increased activity, noise or disturbance.

Character and supply of family housing

12. The evidence before me indicates that the appeal site lies within a neighbourhood which exceeds 10% HMOs and is also covered by an Article 4 Direction. Policy H11 of the LP resists the change of use from C3, dwellinghouse, to small (C4) or large (sui generis) HMO. However, the planning history shows a lawful development certificate for change of use of the appeal property from C3 to a small HMO (C4) (Council reference 20LP/3234) which was issued in February 2021.
13. Therefore, the appeal property is already an HMO. It is no longer a 3-bed family dwelling, and the appellant has advised that they have no desire to convert it back. The appeal proposal does not add to the concentration of HMOs and as such I find no harm to the supply of family housing. The proposal does not involve any physical alterations or extensions to the building and consequently would also not prevent the property from being converted back to a family dwelling in the future. This may not be under permitted development rights, but it would not prevent it returning to a C3 use under a planning application. The supporting information within Policy H11 includes flexibility to encourage the return of family households in such neighbourhoods.
14. Moreover, the addition of one further bedroom, with no other external alterations, would not harm the character of the area, nor would it substantially change the character of the existing property.
15. For the reasons given above I find that the appeal proposal would not result in an adverse effect on the character of the area, nor the supply of family housing. As such, the proposal accords with the requirements of Policy H11 of the Liverpool City Council Liverpool Local Plan, 2022, which seeks to ensure that there is a balanced housing provision and seeks to protect the character of designated areas.

Other Matters

16. The benefit of adding one extra bedroom to the supply of this type of housing is limited.

Conclusion

17. Notwithstanding my conclusions on the living conditions of neighbouring occupiers, the supply of family housing in the area and the character of the area, the occupants of bedroom 7 would not have satisfactory living conditions, with particular reference to daylight, sunlight and outlook. This harm is in conflict with the development plan and the Framework as a whole. Moreover, there are no material considerations that indicate that the decision should be made other than in accordance with the development plan.
18. For the reasons given above I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR