



Appeal Decision

Site visit made on 21 December 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/Z4310/W/22/3302977

86 Windsor Road, Tuebrook, Liverpool L13 8BB

- 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 David Cunningham (AMT Property Management Limited) against Liverpool City Council.
 - The application Ref 22F/0107 dated 12 January 2022 was refused by notice dated 8 July 2022.
 - The development proposed is to convert single dwelling house into 3no. self-contained apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was given on the application form as '5 single Dwelling house converted to 3 self-contained apartments'. I have taken the description of development from the Council's decision notice, which is a more accurate representation of the proposal.

Main Issue

3. The main issue is whether the proposed development would result in the loss of a family dwelling.

Reasons

4. The site is an end of terrace dwelling on Windsor Road, located at the junction with Albert Road within a Primary Residential Area. The proposal seeks to convert the dwelling into three self-contained apartments. In accordance with the Statement of Case and amended plans submitted with the application this would comprise 1x two-bedroom apartment and 2x one-bedroom apartments.
5. Policy H7 of the Liverpool Local Plan 2013 – 2022 (the LLP) states that within Primary Residential Areas planning permission will be granted for new housing development, provided the residential character of the area and living conditions of existing residents is protected. It is agreed between the main parties that the proposal would not result in any adverse impacts on the living conditions of neighbouring or future residents. I further note that the external appearance of the property would remain largely unchanged.
6. Notwithstanding the above, Policy H10 of the LLP, which relates to the sub-division of dwellings, states that permission will be granted for the conversion of dwellings into self-contained flats providing, among other things, that 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.

7. No definition is provided for 'family dwelling'. The Report on the Examination of the LLP (the RELLP) acknowledges that Policy H10 is based on the findings of the Strategic Market Housing Assessment (the SHMA). It appears that excess detail was removed from Policy H10 when in draft but that this related to the size of communal areas in houses in multiple occupation and shared accommodation. Nevertheless, the RELLP and SHMA recognised that a particular issue for the area is the need to deliver family housing and larger homes, due to the profile of consented supply being heavily skewed to smaller apartments and flats, rather than family sized properties.
8. Taken together with the reading of the policy, I therefore consider the purpose of this section of Policy H10 is to resist the loss of existing larger homes, for which there is an identified need in order to ensure a balanced housing stock. It seeks to prevent such family sized homes from conversion to smaller units, given the identified pipeline of smaller apartments coming forward in the area.
9. The appeal property has communal areas and 5 bedrooms that would support its use by a family. While reference is made to it being derelict, there is no substantive evidence before me that it would not be suitable for continued use as a family dwelling. On this basis I consider that, for the purposes of Policy H10, this is a family dwelling that would be lost as a result of the proposal.
10. I note that the proposal would contribute to housing mix and that the 2 bedroom apartment may be suitable for occupation by a smaller household, given the various forms and sizes that a family can take. I further acknowledge the census information showing a high number of single person households, and the contention that there is likely to be an increased demand for smaller units due to economic factors.
11. Nevertheless, it is clear from the SHMA evidence underpinning the provisions of Policy H10 that there is currently a need for larger family homes, rather than smaller flats and apartments. I consider that it is these homes that the policy seeks to protect and to which the proposal would fail to contribute. Even acknowledging the provision of a two bedroom apartment as part of the proposal, the scheme would result in the loss of a dwelling that is suitable for continued use as a family dwelling.
12. On this basis, I find that the replacement of the current five bedroom dwelling with the proposal would result in the loss of a dwelling that is suitable in size, design, layout and location for continued use as a family dwelling. The proposal would therefore conflict with the provisions of Policy H10 of the LLP.

Conclusion

13. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR