



Appeal Decision

Site visit made on 14 February 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2023

Appeal Ref: APP/Z4310/W/22/3308257

58 Boswell Street, Liverpool L8 0RW

- 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 Mersey Developments against the decision of Liverpool City Council.
 - The application Ref 22F/1722, dated 21 June 2022, was refused by notice dated 12 August 2022.
 - The development proposed is to change use of dwellinghouse to 2no. self contained apartments and carry out associated external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the change use of a dwellinghouse to 2no. self-contained apartments and to carry out associated external alterations at 58 Boswell Street, Liverpool, L8 0RW in accordance with the terms of application Ref 22F/1722, dated 21 June 2022, 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 plans: Proposed plans and elevations - 2022 011 002 Rev 02.
 - 3) Details of a covered cycle store shall be submitted to and approved in writing by the local planning authority. Such approved store shall be erected on the site prior to the occupation of the flats hereby approved.

Main Issue

2. The main issue is the effect of the proposal on the supply of family homes.

Reasons

3. The site features a linked semi-detached dwelling set behind a walled front garden. It lies in a residential street of similarly styled houses. A rear amenity space backs on to residential properties fronting Wordsworth Street.
4. Amongst other things, Policy H10 of the Liverpool Local Plan 2013-2033 [2022] (the LLP) seeks to preserve the stock of existing housing which is suitable for continued use as family dwellings. According to the Council, this reflects a housing need identified in the Strategic Housing Market Assessment. This would assist in providing relevant housing for the demographic profile of residents in the city and, particularly, an anticipated demand identified for those likely to form new family units.

5. However, the justification to Policy H10 also acknowledges that there may be some requirement for the subdivision of houses to address the long-term trend of smaller household sizes. Whilst much of this demand is being met by new-build, there is a recognition that older buildings could be brought back into use through subdivision.
6. Although the conversion of a single unit would not, in itself, be a material change in the supply of family housing, the policy to protect the existing family housing stock seeks to address incremental losses that would have a larger cumulative effect. It also seeks to protect the character of residential areas where family housing is prevalent.
7. According to the appellant, the house has not been occupied since 2013. This is not disputed by the Council. A tribunal finding under the Commonhold & Leasehold Reform Act 2002 references a report identifying that the dwelling suffers from 'extensive structural defects and major items of disrepair arising from a combination of vandalism, lack of repair and the abandonment of the Property'.
8. At the time of my site visit, it was evident that the external part of the front of the building, at least, was in a poor state of repair. Brickwork displacement was visible, and the frontage windows were boarded up. A hoarding enclosed the front garden area. In its current condition, it is a detracting element in the Boswell Street streetscene.
9. It is clear from the evidence that the unit has made no contribution to housing in recent years. Notwithstanding that the submitted plans show the building to be laid out as a single unit of accommodation, the proposal would bring the unit back into use to make effective use of an under-utilised residential site. Although there would be a marginal increase in flatted units in the locality, the area would still be strongly characterised by family housing. Whilst the effect of the subdivision would be tangible, it would be limited.
10. I note the appellants assertion that the ground floor could be adapted to meet the need of disabled persons and would be let by Lodge Lane East Co-operative housing. It would thereby qualify for grant funding to overcome what the appellant contends would otherwise be a cost-prohibitive repair of the dwelling as a single unit. Although this is not contested by the Council, there is little before me by way of a detailed assessment of the viability of repair against potential incomes from the building's use. Furthermore, there is nothing to secure the tenure of the flats on a social housing or affordable basis; nor the recycling of profits into further community affordable housing, as claimed by the appellant. Accordingly, I find these are neutral matters in the appeal.
11. Despite the above, I consider that the benefits of bringing the derelict building back into use and attendant improvements to the appearance of the building and the wider locality, would outweigh the limited harm arising from the effects on the family housing stock. On balance, the reinstatement of a use at the site for flats would have no greater impact on the character of the area as a neighbourhood for family homes than its detrimental effect arising from its non-use and poor appearance.
12. Whilst the proposal would conflict with Policy H10 2(n) of the LLP, I find that in the particular circumstances of the case, there is sufficient justification for departing from the provisions of the development plan. The benefits arising

from the use of the premises and its regeneration would outweigh the loss of a single unit capable of use for family housing.

Conditions

13. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
14. A condition to provide cycle storage facilities is reasonable to encourage sustainable forms of travel.

Conclusion

15. For the reasons given, I conclude that the appeal should succeed.

R Hitchcock

INSPECTOR