



Appeal Decision

Site visit made on 13 December 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2024

Appeal Ref: APP/M4320/W/23/3324692

26 Blucher Street, Sefton, Waterloo, Liverpool L22 8QB

- 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 Pippa Edwards against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2022/02292, dated 30 November 2022, was refused by notice dated 1 February 2023.
 - The development proposed is change of use of existing dwellinghouse (C3) to a dual use dwellinghouse (C3) or short-term holiday let (maximum 90 days per annum) (C1).
-

Decision

1. The appeal is allowed, and planning permission is granted for the change of use of existing dwellinghouse (C3) to a dual use dwellinghouse (C3) or short-term holiday let (maximum 90 days per annum) (C1) at 26 Blucher Street, Sefton, Waterloo, Liverpool L22 8QB, in accordance with the terms of application DC/2022/02292 dated 30 November 2022, and 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:
TQRQM22327130348541 (Location Plan)
1781/03 (Proposed Floor Plans)
1791/04 (Proposed Elevations)
 - 3) The building shall not be occupied as a short-term holiday let for a period exceeding 90 days in any calendar year. The owner or operator shall maintain a register of the name and addresses of the occupants for each calendar year. The register shall be made available on request for inspection by any duly authorised officer of the Local Planning Authority.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the Council's decision notice and I note the appellant has no objection to this change.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of surrounding residents with particular regard to noise and disturbance.

Reasons

4. The two storey mid-terraced appeal property is located in a predominantly residential area. Internally, accommodation is spread over three floors and includes a hallway, lounge, dining room, kitchen, bathroom and 4 bedrooms. There is a small enclosed rear yard. No external or internal alterations are proposed.
5. The evidence before me indicates that the property would be used as a family dwelling for the majority of the year, but it is proposed that for up to 90 days per year it would potentially be used as a short-term holiday let for a minimum letting period of 5 consecutive nights. This would equate to the retention of the property as a family dwelling for approximately 75% of the year and possibly more if the property is let for less than 90 days in a year. The appellant suggests that letting periods are unlikely to be for longer stays than 2 weeks. Furthermore, the holiday let would provide a sensory room for neurodiverse occupants and would be marketed through Spectrum Holidays or other similar companies that specialise in holiday accommodation and respite breaks for families with sensory needs.
6. While there would be no increase in bedrooms, the property could accommodate up to 8 bedspaces with no on-site management, although there would only be one relatively small bathroom which would be likely to limit the number of holiday occupants to less than 8. For this reason, and due to the location of the property outside the city centre, the proposed holiday let is unlikely to be attractive to large groups of people.
7. I am mindful that whilst designed to meet sensory needs, the occupancy of the proposed short-term holiday let would not be restricted, such that anyone could stay. Whilst the appellant may strive to ensure there would be minimal disturbance to neighbours and measures could be put in place to manage the frequency and type of occupants for the holiday let, the pattern and nature of occupation for such a use would be likely to be more transient than for a family dwelling and could result in increased activity. Similarly, there is no guarantee that holiday let occupants would be quiet. The effect of any increased activity upon the living conditions of the occupiers of immediately adjoining properties would be intensified by their proximity to the appeal site.
8. However, the potential for noise and disturbance exists from both occupiers of holiday lets and from family housing. Even though the property is located within an area subject to an Article 4 Direction to restrict the provision of Houses in Multiple Occupation, given the number of bedrooms, the appeal property could be used as a dwelling to accommodate a reasonably large family that could consist of adults, children and teenagers. Such a family could generate considerable activity in the form of comings and goings for work, school, leisure and shopping at various times of the day.
9. Furthermore, while Blucher Street is a cul-de-sac, I observed at my site visit that there was a nursery and children's holiday club, a primary school, church, several businesses and a bus stop in proximity to the appeal site on Oxford Road. Public gardens, the beach and marine lake are also located nearby. Thus, there is already a general level of activity from the parking of vehicles and pedestrians in the area. Consequently, the level of noise and disturbance from the comings and goings of visitors or cleaners to the appeal property would not be likely to be significantly noticeable to neighbouring residents.

10. The private outdoor space at the appeal property would be limited in size and would also be used to store refuse bins. It would therefore be unlikely that, when used as a holiday let, occupants would spend a significant amount of time in the rear yard, particularly having regard to the proximity of nearby public gardens and beach.
11. Although it may be the appellant's intention to let the property for a minimum number of consecutive nights, limit the number of guest's vehicles and restrict lettings and advertising to families only, this would be difficult to enforce.
12. Nevertheless, the primary use of the property would be as a dwelling and, for the reasons given above, any increased intensity of use for up to 90 days per year would be unlikely to make a material difference to the levels of noise and disturbance that would be experienced by neighbouring residents as a result of the proposal. In coming to this view, I have taken into account that the Council's environmental health officer has not raised any objections to the proposal in terms of noise and there is no substantive evidence before me to indicate that the proposal would introduce or exacerbate noise and disturbance at the property.
13. On this basis, I am satisfied that the development would not cause unacceptable harm to the living conditions of neighbouring occupiers. In this regard, the development would be consistent with Policy HC3 of the Sefton Local Plan, April 2017, which seeks to ensure, amongst other things, that development does not have an unacceptable impact on the living conditions of neighbouring properties.

Other Matters

14. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Given the appeal property would include a sensory room and the proposed holiday let would be marketed for people with sensory needs, such occupants would share a protected characteristic for the purposes of the PSED.
15. However, as I have found the proposal to be acceptable, even if it would not be occupied by those sharing a protected characteristic, it is not necessary to consider this in greater detail.
16. I have been advised of two appeal decisions to support the Council's case¹. However, I have not been provided with the location, decision or full details of these examples to be able to make a robust comparison with the appeal proposal. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
17. I have taken careful account of all the representations before me, including in relation to parking and anti-social behaviour. The site is in an accessible location and there is unrestricted on-street parking in the surrounding area. The proposal would not result in a significant increase in parking requirements. I note no objection has been received from the Council's highway officer in this regard and this reinforces my assessment.

¹ APP/C2741/W/22/3293998 and APP/X3540/W3240658

18. The building is in situ and no alterations to the external appearance of the building are proposed therefore there would be no apparent visual effects of the proposed development on the character and appearance of the area.
19. There is no substantive evidence before me to suggest that the proposal would introduce or exacerbate any actual or perceived levels of crime and/or antisocial behaviour in the area.
20. My attention has been drawn by interested parties, to the previous occupation of the property by students. However, that is not the proposal before me. There are concerns regarding the notification of the planning application. Nonetheless, an opportunity to make representations as well as further comments at the appeal stage has been given. I am satisfied that no prejudice has been incurred.
21. Concern has been expressed about the need for the development but as I have found the development acceptable in relation to the main issue, a demonstrable need for the proposed development is not required to justify granting planning permission.
22. Matters related to restrictive covenants are civil matters and would be separate to and would not ultimately influence the assessment of the planning merits of the proposal. It is also a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.
23. The decision would not set a precedent for the area, as each proposal must be assessed on its own merits and the particular circumstances of the site.

Conditions

24. The Council has suggested two conditions to be attached, should planning permission be granted. I have had regard to the requirements of the Framework, the Planning Practice Guidance (PPG) and the comments of the appellant. I have imposed standard conditions concerning commencement and compliance with the submitted plans.
25. The Council has suggested that the proposed holiday let be implemented in accordance with the submitted planning statement. It would not be reasonable or necessary to limit the functionality or marketing of the short-term holiday let. However, to ensure the main use of the property would be retained as a permanent dwelling, I have imposed a condition to limit the period of time the property would be in use as a short-term holiday let, in accordance with the description of development.

Conclusion

26. For the reasons given above I conclude that the proposal does not conflict with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it.
27. The appeal should therefore be allowed, and planning permission granted.

A Veivers
INSPECTOR