



Appeal Decision

Site visit made on 3 January 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/Z4310/W/23/3323312

51 Grosvenor Road, Picton, Liverpool L15 0EY

- 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 Thomas Smithson against the decision of Liverpool City Council.
 - The application Ref 23F/0156, dated 24 January 2023, was refused by notice dated 20 March 2023.
 - The development proposed is the change of use from a single C3 Use Class dwelling house to form two C3 Use Class apartments.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Thomas Smithson against Liverpool City Council. This application is the subject of a separate decision.

Preliminary Matter

3. A revised National Planning Policy Framework (Framework) was published in December 2023. I have had regard to this in reaching my decision.

Main Issues

4. The main issues are:
 - whether the development would provide satisfactory accommodation for its future occupants, with regard to internal space standards, outlook and privacy,
 - whether the proposal would make adequate provision for tree planting,
 - whether the development would result in the unacceptable loss of a family dwelling,
 - the effect of the development on the character of the area with particular regard to the mix and balance of housing; and
 - whether the design of the development would be accessible to a range of users.

Reasons

Satisfactory Accommodation

5. The Council has confirmed that the proposed 2-bedroom flat meets the minimum space standards, in terms of the total internal floorspace set out in the Technical housing standards – nationally described space standards (NDSS) as it is a 2-bedroom 3-person flat and not a 2-bedroom 4-person flat as the Council had previously indicated.
6. The NDSS require a minimum floor to ceiling height of 2.3m for at least 75% of the Gross Internal Area which the proposed 2-bedroom flat would not meet as the second floor, which accounts for around 40% of the total floorspace for this flat and provides the kitchen/living space, would only have a height of 2.15m. Although the appellant considers this floor to ceiling height to be appropriate, the height across part of the top floor would be even lower given it utilises the pitched roofspace. The appellant has made reference to amendments that could be made to the internal floor to ceiling heights across the appeal property's three floors, but it is not clear what the implications of this change would be for the external appearance of the building and in particular how the amendments to the floor/ceilings would impact on external windows. Given the shortfall in the internal floor to ceiling height across the entire top floor, it would result in sub-standard cramped accommodation for future occupants.
7. Whilst the ground floor flat does not include 1sqm of built in storage, it is evident that there is sufficient space to accommodate this within the flat given the size of the showerroom, and I do not therefore consider this aspect of the scheme would be harmful.
8. Reference has been made to the layout of the ground floor flat which would face the rear yard area and the rear boundary wall beyond at a distance of around 2.9m. There is however already a habitable room window facing the rear yard and boundary wall, and unlike the existing arrangement, the proposed bedroom would be served by two windows. As such, I consider future occupants of the proposed ground floor flat would be provided with adequate outlook.
9. The windows serving the ground floor flat's bedroom would be directly facing a shared yard space. The rear yard would however only be shared by one other flat, and its limited size would primarily provide a space for the storage of bins and cycles. As such, whilst there would be opportunities for overlooking into the ground floor flat, the external space would not be used for prolonged periods and any such views would likely be in passing. The privacy of future occupants of the ground floor flat would not therefore be unduly impacted.
10. Nevertheless, I conclude that the development proposed would not provide satisfactory accommodation for its future occupiers, having regard to internal space standards. Accordingly, it would conflict with Policy H10 of the Liverpool Local Plan 2013-2033 (Local Plan) and Paragraph 135 of the Framework, which seek, amongst other matters, a high standard of amenity for future users.

Tree Planting

11. Policy GI 8 of the Local Plan requires, where appropriate, for new development to make provision on site for the planting of new trees. It is common ground between the main parties that the appeal site does not provide an appropriate

location for tree planting, and as such, Part 2. of Policy GI 8 states that where on-site provision cannot be appropriately achieved, then a commuted sum would be required.

12. There is no obligation before me to secure the provision of off-site tree planting, and as such, I conclude that the appeal development would not make adequate provision for tree planting. Consequently, the development would be contrary to Policy GI 8 of the Local Plan, which seeks, amongst other matters, the planting and successful growth of new trees and landscaping.

Family Dwelling

13. The appeal property comprises of a mid-terrace dwelling, which is situated in a predominantly residential area. Policy H10 of the Local Plan sets out, that planning permission will be granted for the conversion of existing dwellings to self-contained flats provided, amongst other matters, 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.
14. The appeal property is a long-term vacant building and is in a poor state of repair. Although it is not currently in use as a dwelling, the size, design and layout of the property as well as its location is suitable for occupation by a family. Whilst such occupation would require significant investment to enable the property to be returned to a habitable condition, I have not been provided with any substantive evidence that such works would be unviable. The conversion of the appeal property would therefore cause the loss of the existing dwelling.
15. This loss would however be replaced in part by a 2-bedroom 3-person apartment on the first and second floors, which would be suitable for a small family. The Council state that there is a need for larger family homes, rather than small flats and apartments by referring to the Strategic Housing Market Assessment (SHMA), which is said to underpin the provisions of Local Plan Policy H10. This policy does not refer to larger family homes and it is the supporting text to Local Plan Policy H3, which provides a definition of larger homes as those with '4 plus bedrooms'. The existing property, as the Council set out, is considered to be a 3-bedroom dwelling given the small size of one of the bedrooms and it would not be considered a larger (family) home.
16. I appreciate there is a significant pipeline of supply of studio and one-bedroom apartments, but the data provided by the appellant for the L15 postcode area shows that only a small percentage of properties are apartments. Whilst I do not doubt the need for larger family homes, and this is supported by Local Plan Policy H3, which seeks to encourage such provision, the SHMA is also said to have identified a growth in the 20-34 age category which necessitates a widening of the City's housing offer. This proposal, which includes a 2-bedroom 3-person apartment would cater for this population segment as they form family households.
17. As such, I conclude that the proposal would not result in the unacceptable loss of a family dwelling and consequently, it would not conflict with Policies H3 and H10 of the Local Plan, which set out, amongst other matters, a criteria-based approach to the conversion of existing dwellings.

Character

18. The Council has referenced the appeal site being located within a House in Multiple Occupation (HMO) designated neighbourhood where the concentration of HMO's is said to be at a point where it has, or is it likely to have, an adverse impact on the existing residential character of the area. The proposal does not however seek to provide an HMO and the Council do acknowledge that the majority of houses along this street appear to be family homes. This is confirmed by data put forward by the appellant which also shows that there are no apartments on Grosvenor Road. The proposal would therefore contribute to the housing mix in the area by including a 2-bedroom flat which would be suitable for occupation by a family. Accordingly, the proposal would not unbalance the housing mix to the detriment of the residential character of the area.
19. To conclude, the proposal would not have a harmful effect on the character of the area with specific regard to the mix and balance of housing. As such, it would not conflict with Policies H3 and H10 of the Local Plan.

Access for a range of users

20. The proposed flats would not be provided with level access and a number of other concerns relating to door widths and clear space in front of kitchen units and bathrooms have been raised by the Council. The proposed development however relates to the conversion and extension of an existing property and not a new-build development. Whilst Local Plan Policy H12 seeks to provide quality living environments for residents both now and in the future, it also sets out that there will be no requirement for adaptable and accessible housing where it is evidenced that step-free access is not viable.
21. The appeal property does not currently have step free access, with the front door exiting directly onto the pavement with no front garden area. The conversion involves an older property and is constrained by its internal room and corridor layout. Given these factors, I consider that there is sufficient evidence to demonstrate that step free access is not viable. The appellant has also set out that the ground floor flat, although not benefitting from step free access, would provide all its accommodation on one level and is easily adaptable to meet the needs of older occupants.
22. I conclude on this issue that the development would be acceptable in relation to its design being accessible to a range of users. As such it would not be contrary to Local Plan Policy H12, which seeks, amongst other matters, for new homes to provide quality living environments for residents both now and in the future.

Other Matters

23. Reference has been made by the appellant to an appeal decision¹ which is considered to be relevant to this appeal. The referenced appeal case turned on a single main issue relating to the supply of family homes. I have not however found harm in relation to this matter on this appeal development. In relation to the reference planning application approval² by the Council, the matter of inconsistency is addressed in the accompanying costs decision.

¹ Appeal Ref: APP/Z4310/W/22/3308257

² LPA Ref: 23F/0256

24. The proposal would restore a property that has been vacant for a long period of time and is in a derelict condition. It would be renovated to a high standard and would have a positive impact on the appearance of the area. The development would add variety to the housing mix, providing accommodation to meet the differing needs of people in the community. Whilst these factors weigh in favour of the proposal, they would not outweigh the harm that I have identified in relation to the first two main issues.
25. The proposed development would be acceptable in relation to its design, effect on neighbour's living conditions and would provide suitable storage of waste. It would also have good access to public transport connections and local facilities. A lack of harm in these areas are neutral matters and do not weigh in favour of the proposal.

Conclusion

26. There would be no harm arising in relation to the unacceptable loss of a family dwelling, on the character of the area having regard to the mix and balance of housing or on the design being accessible to a range of users, but I find the development would fail to provide satisfactory accommodation for its future occupants and be unacceptable in relation to tree planting.
27. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, the appeal is dismissed.

F Rafiq

INSPECTOR