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## Appeal Decision

Site visit made on 15 February 2024

**by J D Westbrook BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5<sup>TH</sup> March 2024**

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**Appeal Ref: APP/Z4310/W/23/3327921**  
**76 Smithdown Road, Liverpool, L7 4JQ**

- 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 Kemal Aslan against the decision of Liverpool City Council.
  - The application Ref: 21F/1197, dated 24 March 2021, was refused by notice dated 12 April 2023.
  - The development proposed is described as the conversion of first- and second-floor flats to a 10 person house in multiple occupation with minor external alterations.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. From the information before me, it is unclear as to the actual number of flats existing within the appeal property. The submitted plans that purport to show the existing floor plans are also unclear on this matter, particularly since there is no door access to the property shown on the plans, nor is there any indication as to the composition of the individual flats. The most likely number would appear to be four flats, and I have based my considerations on this assumption.

### Main Issues

3. The main issues in this case are the effect of the proposed conversion on:
  - The living conditions of the occupiers of nearby residential properties by way of noise and disturbance
  - The living conditions of the future occupiers of the House in Multiple Occupation (HMO) involving space, residential amenities and facilities.

### Reasons

4. The appeal property is a three-storey building on a corner plot at the junction of Smithdown Road and Whittier Street. At the time of my visit, the ground floor appeared to be occupied by a firm of accountants and there were two floors above, which include the existing flats. Access to the flats is from a narrow gate at the rear of the property on Whittier Street, which appears to serve both the commercial unit on the ground floor and the flats above. There is a small amount of space at the rear of the property beneath the external staircase that provides access to the flats, and there is a small area at the top of the stairs leading to the main 'front' door to the flats themselves.

5. Policy H10 of the Council's local Plan (LP) indicates that planning permission will be granted for the conversion of existing dwellings into HMOs providing they are suitable for conversion in terms of location, the provision of amenities, and size for the number of households to be accommodated; there would be no adverse impact on the amenity of neighbouring properties and the character of the surrounding area through increased activity, noise or disturbance; the configuration of internal space is satisfactory; the design of external space is safe and secure, includes provision for refuse storage, and ensures access to yards and/or gardens; sufficient provision for waste management is made; and bin storage is provided externally within the curtilage of the site, within a suitably designed structure located within the rear amenity space and not visible from the public realm.
6. The Council contends that the proposal would have an adverse impact on the residential character, environment and neighbouring properties by virtue of an intensification of noise and activities; would result in a substandard dining/lounge area in size and insufficient kitchen provision; that non-provision of cycle parking, the lack of amenity space and the main entrance located to the back yard demonstrate that the existing property is not appropriate and suitable for the proposed development; and that it is unconvinced that suitable facilities for bin storage can be accommodated within the site curtilage and without harm to residential amenity.
7. The appellant contends that the area is a mixed use residential area based around Smithdown Road and that the proposal would not have an adverse impact on character. Moreover, he contends that the plans could be amended to accommodate an increased dining/lounge area and a second kitchen; that the main entrance is existing and has been in place for many years without external amenity space, cycle spaces, or car parking spaces; and that a simple email requesting additional bin storage space that did not compromise residential amenity could have resolved this issue.
8. Smithdown Road is a mixed residential and commercial street, with residential properties on its northern side, and short rows of commercial properties with residential properties above, on the southern side. The roads leading off Smithdown Road on the southern side are characterised by rows of terraced housing. The houses on Whittier Street, to the rear of the appeal property appear small and densely packed, with the closest house, No 4 Whittier Street, separated from the appeal site by just a small passageway.
9. On the basis that each of the 4 flats would have its own kitchen and bathroom facilities alongside living and bedroom space, it would appear unlikely that they could, in total, adequately accommodate as many as 10 people. On this basis, the current proposal would, therefore, represent an increase in usage. While the increase may not necessarily be large numerically, the fact that the residents would likely be independent would, in all probability, result in additional noise and disturbance due to an increased number of individual comings and goings at the rear, from the gate to the stairs and up to the first-floor landing, along with an increase in other normal activities. Given the proximity to the nearest dwellings on Whittier Street, and especially No 4, this would be harmful to the living conditions of the occupiers of those dwellings by way of additional noise and disturbance.

10. It is unclear whether the very limited space at the rear of the building, under the external staircase, would be in joint use with the commercial property on the ground floor. Even if this were not the case, it seems improbable that this space could accommodate the number of waste bins necessary, along with cycle parking provision. It would appear, from the limited information available, that the proposal could not provide sufficient in the way of external residential amenities and facilities necessary for the number of residents anticipated.
11. From the submitted floor plans, it would appear that four of the proposed bedrooms (Nos 1, 2, 5 and 6) would not meet the technical requirements relating to the size of single bedrooms, as laid down in the Government's Technical Housing Standards – nationally described space standard (THS), which requires a minimum width of 2.15 metres. In addition, other bedrooms are illustrated as double bedrooms and if used as such would lead to more than 10 individuals living in the property. Furthermore, the proposal would have a dining/living area well below the size expected to cater for 10 residents, as laid down in the explanation to Policy H10 in the LP. In regard to this matter, therefore, I find that the proposal would not provide adequate internal space for use by 10 individuals.
12. It would appear that requirements regarding kitchen provision to serve 10 residents may relate either to the need for two kitchens or a large single kitchen. It may well be that the large kitchen shown would be sufficient to meet the requirements. However, my concerns as to deficiencies in other requirements remains.
13. In conclusion, I find that the proposal would be harmful to the living conditions of the occupiers of nearby residential properties by way of noise and disturbance, and to the living conditions of future occupiers of the (HMO) by way of inadequate external and internal space, residential amenities and facilities. It would, on this basis, conflict with Policy H10 of the LP and, accordingly, I dismiss this appeal.

*J D Westbrook*

INSPECTOR