



Appeal Decision

Site visit made on 7 March 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 9th April 2024

Appeal Ref: APP/Z4310/W/23/3329524

89 Lawrence Road, Liverpool L15 0EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Sandeep Krishan against the decision of Liverpool City Council.
 - The application Ref is 23F/0185.
 - The development proposed is change of use from existing 7 bed sui generis HMO to an 8 bed sui generis HMO with proposed internal and external alterations.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Sandeep Krishan against Liverpool City Council. The cost application is the subject of a separate decision.

Preliminary Matters

3. An appeal¹ was allowed in October 2017 for the proposed conversion of the appeal property into a seven-bed house in multiple occupation (HMO). A condition was attached to that planning permission which stated that the development permitted should be carried out in accordance with the plan marked 'proposed conversion of 89 Lawrence Road into seven bed HMO'. During my site visit, I observed that the internal room arrangement did not match that plan, instead it appeared as shown on the 'Existing Floor Plans, Elevations, Site Block Plan & OS Plan'². There is no evidence before me to demonstrate that the layout and altered fenestration as shown on the plan has been lawfully implemented.
4. The description of the proposal from the application form is replicated in the banner above. The amended description was not explicitly agreed to by the appellant. However, whilst the Council amended the description, I am satisfied that they assessed the proposal as a change of use from a 7-bed HMO to and 8-bed HMO based on their reasoning within the delegated officer's report.

¹ Appeal Ref. APP/Z4310/W/17/3177111

² Drawing No 834-001-Rev C

Main Issues

5. The main issues are:

- whether the proposal would provide appropriate living conditions for future occupiers of the HMO, with particular regard to the provision of internal and external space, and outlook;
- the effect of the proposal on the living conditions of occupiers of 87 Lawrence Road, 32, 34 and 36 Bligh Street with particular regard to noise and disturbance; and,
- whether the proposal includes an appropriate refuse storage strategy, with particular regard to its effect on the character and appearance of the area.

Reasons

Future occupiers' living conditions

6. The proposed 8-bedroom HMO would have an open plan living area and a Kitchen/Diner on the ground floor. In relation to HMOs, paragraph 8.62 of the Liverpool Local Plan 2013-2033, Adopted January 2022 (LLP) states "The minimum size of communal lounge space is 12 square metres of useable floorspace, equating to 3 square metres per person, assuming a small four person size HMO. For HMO accommodating more residents, proportionately more communal lounge space should be provided." In this instance as the proposed HMO would accommodate 8 residents, 24m² of communal space would be expected, as this is a proportionate increase.
7. A communal lounge space of 25m² could be provided if the open living area and Kitchen/Diner are laid out as shown on plan ref. 834-003. Nonetheless, this would reduce the area dedicated as kitchen space. Table 2 of the HMO Standards Guidance³ indicates that the kitchen should be at least 10m² for a HMO accommodating 8 residents where there is only one kitchen.
8. An 8-bedroom HMO with one kitchen is expected to provide 24m² communal lounge space and a kitchen of 10m², combined the total area for the two spaces would be 34m². The proposed open plan living area and Kitchen/Diner would only be 31.9m². Therefore, regardless of the internal arrangement, there is not sufficient space to meet the minimum standard for both areas combined.
9. A recent planning permission⁴ is before me, where the Council accepted a communal living space of 23.2m² for an 8-bedroom HMO, which is below the minimum standard detailed in LLP paragraph 8.62. However, in that instance the HMO also proposed a 12.9m² Kitchen/Diner and thus the combined area, 36.1m², exceeded the minimum space standards for both areas combined, 34m². In this regard, that permission is materially different to the appeal proposal and does not set a precedent. There is no evidence before me which would justify the below standard provision of communal space. As such, the proposed 8-bedroom HMO would be overcrowded and would cause significant harm to future occupiers.
10. The existing rear external amenity space is modest in size and would be unaltered as part of the appeal proposal. The existing space was previously considered appropriate for a 7-bedroom HMO. Following that decision the

³ Guidance on Standards and Managements of Houses in Multiple Occupation

⁴ Planning Permission Ref. 23F/0186

Council introduced communal bins, as such, there is no longer a requirement for refuse storage in the rear external amenity area. Whilst the increased occupation of the HMO would lead to greater demand for the external amenity space, given there is no longer a requirement for refuse storage, I am satisfied that the external amenity space would be a sufficient size for an 8-bedroom HMO.

11. The only window in proposed bedroom 8 would be a rooflight. LLP Policy H10 specifies that permission will be granted for the conversion of existing buildings into a HMO providing bedrooms are not solely lit by rooflights, amongst other factors. In this instance, the bedroom is in the loft space and the rooflight is of a moderate size and would be sited in the lower section of the roof plane and therefore could be looked out of by people standing or sitting on a chair. I am satisfied that it would provide an adequate outlook.
12. Following the refusal of the planning application, the appellant has presented evidence that the window within proposed bedroom 6 has already been permitted as part of the previous appeal. The Council accept this and no longer seeks to defend that the window would provide an inadequate outlook.
13. Overall, the proposal would not provide appropriate living conditions for future occupiers of the HMO, with particular regard to the provision of internal space, but would provide sufficient external space and adequate outlook. The proposal would therefore be contrary to LLP Policies H7 and H10 which indicate that planning permission will be granted for the conversion of existing buildings into HMOs provided that the configuration of internal space satisfactorily takes into account minimum room sizes and that new housing will be granted provided the living conditions of existing residents are protected.

Neighbouring occupiers' living conditions

14. 89 Lawrence Road is currently used as a 7-bedroom HMO, as such there is a significant amount of activity associated with the property. The proposed change of use to an 8-bedroom HMO would result in increased activity, including the extended use of the kitchen area and use of televisions and other electronic equipment. It is an end of terrace property, connected to 87 Lawrence Road (No 87) and backs onto, but physically separated from, 32, 34 and 36 Bligh Street. I acknowledge that there is a close physical relationship between the appeal property and these properties, in particular No 87, but there is a material difference between this proposal and similar proposals for mid-terrace properties.
15. The increase in activity would be relatively modest given the property's current use. Furthermore, Lawrence Road is densely populated and accommodates several convenience stores and hot food takeaways. Given the characteristics of the area and the appeal property, it has not been demonstrated that the increase in occupation by one person would lead to a discernible increase in noise and disturbance.
16. Therefore, I conclude that the proposal would not have a harmful effect on the living conditions of occupiers of No 87, and 32, 34 and 36 Bligh Street with particular regard to noise and disturbance. In this regard, it would comply with LLP Policies H7 and H10 where they indicate redevelopment will be granted where there is no adverse impact on residential amenity, and permission will be granted for the conversion of existing buildings into HMOs providing that

there would be no adverse impact on the amenity of neighbouring properties, amongst other factors.

Refuse storage

17. During my site visit, I observed communal bins on Wilkie Street and the property did not have their own bins. This arrangement is in accordance with the refuse collection scheme detailed in the email from the Council to the appellant dated 13 October 2023. I am therefore satisfied that the appeal property benefits from communal bins and the appeal proposal would not alter the existing refuse storage arrangements.
18. I conclude that the proposal includes an appropriate refuse storage strategy, with particular regard to its effect on the character and appearance of the area. In this regard, it would be in accordance with LLP Policy H10 where it indicates that planning permission will be granted where sufficient provision for waste management is made, and all proposals will be expected to have regard to the Council's latest Recycling and Waste Management guidance.

Conclusion

19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR