



Appeal Decision

Site visit made on 16 April 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2024

Appeal Ref: APP/Z4310/W/23/3330698

4 Gressingham Road, Allerton, Liverpool, Merseyside L18 6JT

- 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 James Forshaw against the decision of Liverpool City Council.
 - The application Ref is 22F/2827.
 - The development proposed is to use a converted garage for occasional AirBnB short term lettings. This is a change of use application (from existing planning application 19F/3206).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with particular reference to noise and disturbance.

Reasons

4. Within the rear garden of the host dwelling is a detached single storey garage that has been extended and converted into living accommodation. It is used in connection with the host dwelling as an annex. The annex comprises an open plan bedroom/living/dining area with a small kitchenette and a separate shower room. It has a door and window facing towards the road, and windows and patio doors that overlook the rear garden and patio area. It occupies a significant proportion of the host dwelling's rear garden and extends almost the full length of the boundary shared with 2 Gressingham Road.
5. The permitted use of the building as an annex would be occupied by persons linked to the host dwelling and therefore, occupants would likely undertake day-to-day activities with the occupiers of the host dwelling as one household. Furthermore, the annex's occupants would likely use the facilities of the host dwelling from time-to-time and would congregate with the occupiers of the host dwelling within the garden. The level of activity associated with the dwelling and annex would therefore be akin to a single dwelling. In contrast, people using the annex for short-term lets would lead independent lives, with

separate routines and comings and goings. This would lead to an increase in activity when compared to the existing use.

6. The appellant asserts that the annex's location within the host dwelling's rear garden and the limited number of occupants that it could accommodate would ensure that its use for short-term lets would not affect the quiet enjoyment of neighbouring properties. However, access to the building would be via an existing path/driveway in proximity to the boundary shared with No 2 and its garden, and it would require guests to walk immediately adjacent to the host dwelling. In addition, the annex's entrance door is within proximity of the host dwelling's bi-fold doors that serve their living area and a first floor rear bedroom window. Therefore, the increase in activity and comings and goings from the proposed use would likely disturb the occupiers of both the host dwelling and No 2 to a significant degree.
7. The appellant has provided a map to demonstrate the proximity of other short-term lets within the surrounding area. However, other than price labels, no other information has been provided. Furthermore, I am not aware of the planning history of these examples or whether permission was required or indeed obtained. In any event, I must determine the proposal on its own merits.
8. In reference to the main issue, the proposal would harm the living conditions of the occupiers of neighbouring properties, with particular reference to noise and disturbance. It would conflict with Policies H7 and EC4 of the Liverpool Local Plan 2013-2033 which, amongst other things, seek to ensure that development does not adversely impact on residential amenity.

Other Matters

9. The appellant asserts that the appeal site has ample space for the parking of vehicles, that the existing building is well insulated, that the proposal would not raise any privacy issues, and the existing boundary treatments would prevent neighbouring properties from seeing the existing building and its occupants. However, the Council's reason for refusal does not raise concern regarding these matters.
10. The drawing submitted with the planning application does not reflect the exterior of the existing building that I saw on my site visit, and the description of development refers solely to the change of use of the building with no proposed external alterations. However, as I am dismissing the appeal, I do not need to consider this matter further.

Conclusion

11. For the reasons set out above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR