



# Appeal Decision

Site visit made on 26 March 2024

**by N Bromley BA (Hons) DipTP MRTPI**

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

**Decision date: 11 June 2024**

**Appeal Ref: APP/Z4310/W/23/3332441**

**62 Woodlands Road, Liverpool L17 0AP**

- 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 Ms J Taylor, of Hawksmoor Properties, against the decision of Liverpool City Council.
- The application Ref is 23F/2105.
- The development is to continue to use premises as an 8-person HMO and carry out internal alterations (resubmission of application 23F/0574).

## Decision

1. The appeal is allowed and planning permission is granted for an 8-person HMO and internal alterations at 62 Woodlands Road, Liverpool L17 0AP, in accordance with the terms of the application, Ref 23F/2105, dated 17 August 2023, subject to the following conditions:

- 1) Unless within three months of the date of this decision a scheme for cycle storage and waste/recycling bins storage provision within the site, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within three months of the local planning authority's approval, the occupation of the building shall cease until such time as a scheme is approved and implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained as such at all times in the future.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The development hereby permitted shall not be occupied by more than eight persons at any one time.

## Applications for Costs

2. An application for costs made by Ms J Taylor, of Hawksmoor Properties, against Liverpool City Council is the subject of a separate decision.

## Preliminary Matters

3. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am

satisfied that no party's interests have been prejudiced by taking this approach.

4. In my decision above I have removed references not relevant to the act of development, namely its retrospective nature, and the reference to a previous planning application.
5. I observed at the time of the site visit that the building was occupied as an eight-bedroom House in Multiple Occupation (HMO). I have dealt with the appeal on the basis that the development has already been carried out.

### **Main Issue**

6. The main issue is whether or not the site would be suitable for the development, having regard to the development plan's approach to the provision of HMOs.

### **Reasons**

7. 62 Woodlands Road (No 62) is a three-storey end of terrace property located in a primary residential area (PRA), which has a mix of house types. Within PRAs, Policy H7 of the Liverpool Local Plan 2022 (LLP) also sets out that planning permission will be granted for changes of use, provided there is no adverse impact on residential amenity or the character of the area.
8. Policy H10 specifically addresses the provision of HMOs. Amongst other things, it seeks to protect against the loss of family housing, for the candidate premises to be suitable for conversion in terms of the provision of amenities, and that the configuration of internal space satisfactorily takes into account minimum room sizes for the number of households to be accommodated.
9. No 62, due to its size, as well as the location near to local schools and amenities would likely make it attractive to families. On this basis, a family home has been removed from the housing stock in conflict with Policy H10.
10. In terms of the standard of internal space, the policy's supporting text, at paragraph 8.62, sets out that, to support the communal nature of HMO occupation, a dedicated communal lounge area is required to be provided. 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 an HMO accommodating more residents, proportionately more communal lounge space should be provided.
11. The Council's 'Guidance on Standards and Management of Houses in Multiple Occupation' (the guidance), provides further details in paragraph 15.3, Table 6. In particular, the guidance sets out that for a HMO occupied by seven people, a minimum 17.5m<sup>2</sup> of communal lounge space should be provided.
12. There is disagreement about the level of communal lounge space available for the residents of the HMO, primarily due to the lounge area being open plan with the kitchen / dining area. However, notwithstanding that there may be a slight shortfall of floorspace to meet the standards set out in the supporting text to Policy H10 and the guidance, the open plan room provides a good sized communal space for the occupiers of the HMO.
13. The communal area provides a comfy seating area for numerous occupants. The space also includes a large dining table with a number of chairs that could

be used by a number of occupants at mealtimes and for a number of other purposes throughout the day and in the evenings. The rear yard area, whilst enclosed on all sides, provides additional communal space for the occupiers.

14. Furthermore, the accommodation is completed to a high standard and the internal space represents a spacious development for eight occupants with various internal storage areas, a large hallway and landing areas. The policy requirement for a suitable quality internal communal space is therefore met.
15. In terms of noise and disturbance, the housing tenure in the area is varied but high density, and there is also a preponderance of terrace properties. Woodlands Road is well used by pedestrians and motor vehicles, with on-street parking on both sides of the road. Therefore, due to the location, a reasonable amount of activity during both the day and at night is established.
16. I acknowledge that individuals of the HMO may have different living characteristics and routines to occupiers of a single-family dwellinghouse. Namely, many would arrive at and leave from the property at varying times throughout the day. There could also be more deliveries to the property. However, unacceptable levels of noise and disturbance are not the inevitable consequence of an HMO, and it would be unreasonable to assume that the occupiers of an HMO would create excessive noise or disturbance.
17. Inevitably, there would be some increase in activity resulting from the addition of two extra bedrooms, as well as some associated disturbance, particularly due to the close relationship of the terrace properties in the locality. However, this would fall within acceptable levels in my opinion, both in terms of the effect on neighbouring occupants, and the character of this residential area.
18. Drawing the threads of my assessment together, I conclude that the site is not suitable for the development, having regard to the development plan's approach to the provision of HMOs. Whilst the development accords with the relevant objectives of Policy H7, it falls into conflict with Policy H10 insofar as it has resulted in the loss of a family home.

### **Other Considerations**

19. A Lawful Development Certificate to change the use of the property from a dwellinghouse to a House of Multiple Occupation for 3-6 persons (Use Class C4) was granted in July 2023 (Ref 23LP/1572). Given that the appellant has sought from the outset to develop the site as an HMO, and indeed has already done so, I have no reason to doubt that the certified development would be carried out if I were to dismiss this appeal. As such, the loss of a family home would more than likely occur either way. This is a significant consideration in favour of the proposal, which I will return to in the planning balance.

### **Other Matters**

20. I acknowledge that concerns are raised about highway safety matters, primarily due to an increase in traffic, as well as parking problems in the area. Concerns regarding crime and anti-social behaviour have also been raised. These factors are not in dispute between the main parties. Additionally, the Highways Authority and the Council's Environmental Protection Unit have not raised objections and no substantiated evidence has been submitted that leads me to any different view. Given my findings above, and the suggested conditions by the Council, I have found no justification to dismiss the appeal.

## **Planning Balance**

21. The Framework states that the planning system should be genuinely plan led. The development plan is the starting point for decision making and I must make my decision in accordance with it unless other considerations indicate otherwise. In this case, the conflict with local policy in respect of the loss of a family home to the housing stock draws the scheme into conflict with the development plan read as a whole.
22. However, the existence of the Lawful Development Certificate to change the use of the property from dwellinghouse to House of Multiple Occupation for 3-6 persons means that the loss of a family home would occur either way. In these circumstances, the fallback position is a consideration which must outweigh the harm that I have identified. It indicates that I should make a decision which is not in accordance with the development plan.

## **Conditions**

23. The Council has suggested several conditions, some of which I have amended for the sake of clarity and precision. I have also had regard to the Framework and the Planning Practice Guidance. A time limit condition is not necessary as the development has commenced. For similar reasons, a condition stating the approved drawings is not necessary. A condition which restricts the occupation of the building to no more than eight people is reasonable and necessary in the context of the location of the appeal site.
24. I have also imposed a condition requiring the provision of parking and storage arrangements for bicycles, to ensure that provision is made to encourage the use of sustainable modes of travel. Since the development has already been implemented, I have required this to be provided within three months of the date of this decision. The condition also includes a requirement to provide details of bin storage arrangements within the site to avoid bins being permanently left on the street, to maintain the quality of the street environment and to safeguard the amenity of neighbouring occupiers.
25. The Council have suggested a condition which seeks to secure the submission and approval of a management plan for the premises to protect neighbouring residents, should complaints be received. I also acknowledge that neighbouring occupiers have raised concerns about incidents of noise and disturbance. Nonetheless, for the reasons set out above and on the evidence before me, I am not convinced that a management plan for two additional occupants is reasonable or necessary. Furthermore, the premises are likely to be the subject of some form of management and level of upkeep from the owners.

## **Conclusion**

26. I have found that the proposal would result in conflict with the development plan. However, for the reasons set out above, the fallback position is a material consideration that outweighs that conflict. Therefore, subject to conditions, I conclude that the appeal is allowed.

*N Bromley*

INSPECTOR