
Appeal Decision

Site visit made on 21 May 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2024

Appeal Ref: APP/Z4310/W/23/3329377

53 Whitland Road, Liverpool L6 8NP

- 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 Miss Siedah Oniru against the decision of Liverpool City Council.
 - The application Ref is 23F/1779.
 - The development proposed is to change the use from dwellinghouse (Use Class C3) to a small HMO (Use Class C4).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of development from the decision notice as this more succinctly describes the proposal than the application form.

Main Issues

3. The main issues are:
 - whether the development would result in the unacceptable loss of a family dwelling, and
 - the effect of the development on the living conditions of neighbouring residential occupiers with regards to noise and disturbance.

Reasons

Family Dwelling

4. The appeal property is a mid-terrace dwelling which is situated in a predominantly residential area. It is set close to the pavement and has a rear garden/yard area. Policy H10 n.) of the Liverpool Local Plan 2013-2033 (Local Plan) seeks to ensure that a development does not cause the loss of a dwelling that is suitable in size, design, layout and location for continued use as a family dwelling.
5. There are various references on how the appeal building has been used previously, although the appellant has confirmed that it is currently a dwellinghouse. The appeal property has three bedrooms and a layout that provides living, dining and kitchen spaces on the ground floor. It is also located in an area where family housing appears to be the predominant housing type.
6. The appellant has set out the need to provide affordable housing for those who are not part of traditional family structures. Whilst there may be such a need,

the evidence set out in the Strategic Housing Market Assessment identifies a shortfall in three- and four-bedroom family homes that is not disputed.

7. The appeal site is not located in a designated neighbourhood where the concentration of Houses in Multiple Occupation (HMO) has reached a level that could have an adverse impact on the character of the area. This does not however outweigh the fact that the proposal would result in the loss of a dwelling, that is in terms of its size, design, layout and location, suitable for occupation by a family.
8. As such, I conclude that the proposal would result in the unacceptable loss of a family dwelling and consequently, it would conflict with Policy H10 of the Local Plan, which sets out, amongst other matters, a criteria-based approach to the conversion of existing dwellings.

Living Conditions

9. The future occupiers of the HMO are likely to lead independent lives from one another, unlike a family residing in a dwelling. This will result in an increased level of comings and goings from up to four tenants who would occupy the property, with each individual likely to have separate routines. The resultant level of activity would be more intensive than that occupied by a family dwelling of this size. The noise and disturbance would be particularly noticeable given the appeal property is situated on a residential side street, with low levels of background noise from passing vehicular traffic.
10. I do not doubt the appellant's commitment to preserving the living conditions of neighbouring residents, and whilst reference has been made to the lack of complaints by neighbours when the property was used as a HMO previously, a number of representations have been made by neighbouring occupiers raising noise concerns from HMOs in the local area.
11. I therefore conclude that the proposed development would have an unacceptable harmful impact on the living conditions of neighbouring residential occupiers with regard to noise and disturbance. As such, it would conflict with Policies H7 and H10 of the Local Plan, which seek, amongst other matters, to ensure that the living conditions of existing residents are protected.

Other Matters

12. I have taken into account other matters raised relating to the appeal property holding a selective licence, reference to enforcement investigations and that no significant construction works are to be undertaken, but none of these matters would outweigh my conclusions on the main issues.

Conclusion

13. The appeal development would provide accommodation that is affordable. This is a matter which weighs in favour of the proposal, although, as it would also result in the loss of a three-bedroom dwellinghouse for which there is an identified shortfall, I afford this matter limited weight in this appeal.
14. I have found that the proposal would result in the unacceptable loss of a family dwelling and give rise to adverse harm to the living conditions of neighbouring residents. This harm would be long lasting, and I ascribe this substantial weight.

15. As such, the benefit of the proposal would not outweigh the identified harm and I therefore conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR