



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: 3 July 2024

Appeal Ref: APP/Z4310/W/23/3335836

61 Garmoyle Road, Liverpool L15 3JH

- 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 Simon Lawrence (SGL Group Ltd) against the decision of Liverpool City Council.
 - The application Ref is 23F/1780.
 - The development proposed is the change of use from 6 bed HMO (C4 Use Class) to 7 bed HMO (Sui Generis) facilitated by the erection of a single storey rear extension, and installation of additional rooflights on the front elevation.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Simon Lawrence (SGL Group Ltd) against Liverpool City Council. This application is the subject of a separate decision.

Preliminary Matter

3. I note references to the appeal property being utilised as a 7 bedroom House in Multiple Occupation. For clarity, I have determined the appeal based on the submitted plans.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of future occupiers, with regard to internal space standards and outlook.

Reasons

5. The appeal proposal relates to a House in Multiple Occupation (HMO) that would provide 7 bedrooms, with the front bedroom at second floor level, served by rooflights. Reference has been made to a previous appeal decision¹ where the Inspector found this arrangement to be unacceptable as it provided a constrained and limited outlook to users of the room.
6. I have not been made aware of any changes to this bedroom² in the appeal scheme before me. Although reference has been made to other similar sites where bedrooms that were being solely lit by rooflight(s) were considered

¹ Appeal Ref: APP/Z4310/W/22/3298397

² Bedroom 7

acceptable, it is clear from those decisions and the observations of the respective Inspectors, that each of these cases was determined on its own merits. Bedroom 7 in this appeal development would be served by two large rooflights, but they would not sit low in the roofslope, with each of the two rooflights being mostly above 1.5m from the floor level and thus providing limited views out. The rooflights may have been in place for a number of years, and although they do provide sufficient levels of light, the lack of visual connection with the surroundings would provide an unacceptably poor outlook.

7. The usable floor area of this bedroom, where the head height is at least 1.5m has been provided as 7.7sqm. The proposal would be compliant with the minimum bedroom size of 6.5sqm set out in Supplementary Planning Guidance Note 7. Reference has also been made to the Houses in Multiple Occupation Standards and Management document (February 2022) (HMO Standards and Management). This sets out the minimum size of a sleeping room as 6.51sqm for a person over the age of 10 years old and that room should have a minimum ceiling height of 2.14m over no less than 75% of the room.
8. Although this document does not form part of the development plan and it contains standards to be applied when considering HMO licences, it can nevertheless provide useful planning guidance in ensuring satisfactory internal space standards. In this regard, the supporting text³ to Policy H10 of the Liverpool Local Plan 2013-2033 (Local Plan), which seeks the satisfactory configuration of internal space including in terms of minimum room sizes, references the City Council's Guidance on Standards and Management of Houses in Multiple Occupation, and any subsequent updates of this document as providing clear advice for applicant on matters including space standards. Given that the HMO Standards and Management document, a replacement of the guidance document referenced at Paragraph 8.62 of the Local Plan, is intended to support this policy of the Local Plan, I afford it moderate weight in the assessment of this proposal.
9. Bedroom 7 would have a floor area that exceeds the minimum bedroom size for one person as set out in the HMO Standards and Management document, but the extent of this space that would have a height of at least 2.14m would be significantly less than the standard of 75% of the room. With a room depth at less than 1m, this bedroom would result in sub-standard cramped accommodation for its occupant.
10. The communal lounge and kitchen area would, even when taking the appellant's combined measurements, be deficient in size despite the submitted floorplans illustrating a revised layout which would include sufficient seating space for 7 occupiers. The appellant considers the shortfall to be small and references amendments that have been made from the previously dismissed appeal scheme. The additional space would however be in the corner of the lounge in an area occupied by an under-stair cupboard. I do not therefore consider that this change would provide significantly more usable floorspace. As such, and taking into consideration the generous size of a number of the bedrooms and the availability of space in the rear yard, this element of the proposal would be a cramped space and fail to adequately meet the day to day needs of its occupiers.

³ Paragraph 8.63

11. I therefore conclude for the reasons set out that the proposal would be harmful to the living conditions of future occupiers, having regard to internal space standards and outlook and as such, it would conflict with Local Plan Policy H10, which seeks, amongst other matters, to ensure adequate living conditions of future occupiers.

Other Matters

12. A Certificate of Lawfulness establishes the fallback position of the appeal property being used as a small HMO for up to 6 persons. I see no reason to doubt that the appellant would exercise this right were this appeal to fail. The appellant has set out that this would include continued use of the front bedroom at second floor level, as opposed to bedroom 6 which would become a study and therefore the appeal scheme would be no more harmful than the fallback position and would also provide other benefits including securing waste management and cycle parking. The proposal would however also result in the addition of an extra person over and above the number of occupants in the fallback position and the use of the lounge and kitchen area by 6 rather than 7 occupants would be less harmful than the appeal scheme before me. Thus, the availability of the fallback position would not justify the harm that I have identified.

Conclusion

13. The proposal would not accord with the development plan when taken as a whole and there are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR