

Appeal Decision

Site visit made on 3 September 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2024

Appeal Ref: APP/Z4310/W/24/3344063

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/1971.
 - 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 allowed and planning permission is granted for change of use from existing 7 bed Sui Generis HMO to an 8 bed Sui Generis HMO with proposed internal and external alterations at 89 Lawrence Road, Liverpool L15 0EF in accordance with the terms of the application, Ref 23F/1971, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing numbers: Existing floor plans, elevations, site block plan & OS plan (001C); Proposed floor plans, elevations, site block plan & OS plan (002D).
 - 3) The sui generis HMO hereby approved shall only be occupied by a maximum of eight (8) persons.

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 appeal for a substantially similar scheme at the appeal property was dismissed by an Inspector in April 2024¹. Whilst I have considered this appeal on its merits, the recent appeal decision is a material consideration to which I have given significant weight.

¹ APP/Z4310/W/23/3329524

4. An appeal was allowed in October 2017 for the conversion of the appeal property into a seven-bed House in Multiple Occupation (HMO).² 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'. The Inspector for the appeal in April 2024 noted differences between the internal room arrangement and the approved plan, and concluded that there was no evidence to demonstrate that the layout and fenestration has been lawfully implemented. I have likewise not been provided with any evidence in this regard.
5. The Council have confirmed that as the previous Inspector who determined the April 2024 appeal considered that the bedroom windows would provide adequate outlook, it no longer wishes to defend the third reason for refusal in the decision notice. I therefore do not address this matter in the reasoning below.

Main Issues

6. The main issues are the effect of the proposed development on:
 - the living conditions of neighbouring occupiers with regard to noise and disturbance; and
 - the living conditions of future occupiers with regard to the provision of internal and external amenity space.

Reasons

Noise and disturbance

7. The appeal property is a two-storey end of terraced dwelling, situated in a predominantly residential area characterised by high density terraced housing. 89 Lawrence Road (No 89) is already in use as a seven bedroom HMO, and as such there is a significant amount of activity associated with the property.
8. An extra resident would lead to an increase in activity, such as the extended use of the kitchen and television. There is likely to be an associated increase in noise and additional comings and goings from the extra resident, visitors and deliveries. However, the proposed development would result in only a modest increase in the occupancy of the property. The introduction of an additional bedroom and one additional occupant would not result in an overall level of activity materially different to that generated by the current occupancy. As the appeal property is an existing HMO, any differing patterns of activity associated with this use, as compared to a family home, will be an established part of the neighbourhood.
9. Lawrence Road is densely populated and accommodates a number of convenience stores and takeaways, which generate a high level of activity. Given the characteristics of the area, and the minimal increase in occupancy proposed, I consider that any increase in activity, and the associated noise, over and above that generated by the current level of occupancy, would not be significant.

² APP/Z4310/W/17/3177111

10. The Council has drawn my attention to an appeal decision at Granville Road³ whereby an appeal to convert a dwelling to a 7-bed HMO at a nearby property off Lawrence Road was dismissed, partly due to it being a terraced property with a close physical relationship to surrounding residential dwellings. However, the appeal at Granville Road was for a change of use to an HMO from a dwelling, rather than the addition of an extra bedroom to an existing HMO. Furthermore, there is a material difference between the two schemes, as the Granville Road appeal related to a mid-terraced rather than an end of terraced property. I do not find the cases to be directly comparable and give the appeal decision at Granville Road minimal weight.
11. The Inspector for the 2017 appeal at No 89 stated that a further increase in occupancy, over and above 7 people, might adversely affect the living conditions of the occupiers of neighbouring properties. However, the Inspector for the April 2024 appeal scheme at No 89 found that the proposal to increase the occupancy of the HMO from 7 to 8 persons would not harm the living conditions of neighbouring occupiers with regard to noise and disturbance. I have not been provided with substantive evidence of any material changes since that appeal was determined that would lead me to a different conclusion.
12. I therefore conclude that the proposal would not harm the living conditions of neighbouring occupiers with regard to noise and disturbance. As such, the proposal would comply with Policies H7 and H10 of the Liverpool Local Plan 2013-2033 (2022) (LP) which seeks to ensure that development does not lead to a significant reduction in the living conditions of the occupiers of neighbouring properties.

Internal and external amenity space

13. The April 2024 appeal⁴ at the property was dismissed as the proposal did not provide sufficient communal lounge and kitchen space. The scheme before me has sought to overcome this reason for dismissal, with the proposal providing increased internal communal floorspace.
14. The proposal would have a combined kitchen/living area on the ground floor. Paragraph 8.62 of the LP states that 'the minimum size of communal lounge space is 12 square metres of usable 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, I consider that proportionately it would be reasonable to expect 24m² of communal lounge space to be provided. The Council's Houses in Multiple Occupation Standards and Management Document indicates that a kitchen for an 8 person HMO should be 10m². The minimum usable floorspace of a combined kitchen lounge area provided for the 8 bed HMO should therefore be 34m². The submitted plans indicate that the proposal would provide a combined lounge/ kitchen area of 35.3m².
15. Whilst the Council suggest that not all of the space included in the calculation could be counted as usable space, I consider that the lounge and

³ APP/Z4310/W/21/3266454

⁴ APP/Z4310/W/23/3329524

kitchen would be of a sufficient size with usable, functional and sociable space for eight residents. The rooms would have natural light, circulation space and adequate room for cooking, eating and socialising.

16. Although the outdoor amenity space is modest in size, it would be unaltered by the proposal. However, one extra resident would intensify the use of this shared space.
17. Whilst there would be limited outdoor amenity space, the HMO has a large internal lounge and kitchen area, and the amenity space does provide a safe and secure, functional and usable area, albeit small, for sitting out and for any necessary bin storage. I also observed a number of recreational spaces within walking distance in the area, including Sefton Park. With this in mind, I consider that the outdoor amenity space would be of a sufficient size to meet the needs of the occupiers of No 89.
18. Furthermore, the Inspector of the previously dismissed appeal in April 2024 was satisfied that there would be sufficient external space for the occupiers of the HMO. The Inspector found that the property would benefit from communal bins, which would free up bin storage space in the outdoor area. I do not consider that there have been any substantive material changes regarding bin collections in the local area since the earlier appeal was determined, and I see no reason to come to a different conclusion.
19. Consequently, I conclude that the proposal would not harm the living conditions of future occupiers with regard to internal and external amenity space. As such, the proposal would comply with Policy H10 of the LP, which seeks to ensure that development does not cause significant harm to the living conditions for the occupiers of the property.

Other Matters

20. I note third party concerns in relation to parking and the strain on local facilities. However, from the evidence before me and from my site visit, I do not consider that an additional occupant at the property would cause detriment to local parking provision, particularly as the appeal site is in a sustainable location, close to local facilities and supermarkets, and has access to nearby bus services.
21. The appeal site is within walking distance of plentiful shops and local facilities. I therefore have no substantive evidence to demonstrate that the proposal would place a strain on local facilities. I also have no substantial evidence that the proposal would lead to an unacceptable loss of light, an increase in fly-tipping, an increase in anti-social behaviour, or to find the scheme would unreasonably affect water pressure.

Conditions

22. The Council have suggested a number of conditions which I have considered against the advice in the Planning Practice Guidance. In addition to the standard time limit condition, I have imposed a condition listing the approved plans, as this provides certainty. To protect the living conditions of neighbouring occupiers and occupiers of the HMO, a condition is necessary to restrict the number of occupants to eight.

Conclusion

23. For the reasons given above, I conclude that the proposal would comply with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

24. As a result, the appeal is allowed.

L C Hughes

INSPECTOR