

Appeal Decision

Site visit made on 20 August 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/Z4310/W/24/3342634

24 Woodcroft Road, Liverpool L15 2HQ

- 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 Flare Homes Ltd against the decision of Liverpool City Council.
 - The application Ref is 23F/1996.
 - The development proposed is Change of Use from existing 6 bed HMO to a 7 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 6 Bed HMO to a 7 bed Sui Generis HMO with proposed internal and external alterations at 24 Woodcroft Road, Liverpool L15 2HQ in accordance with the terms of the application, Ref 23F/1996, 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 no:- 835 002 Rev G: Proposed Floor Plans, Elevations, Site Block Plan and OS Plan.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing building.
 - 4) The sui generis HMO hereby approved shall only be occupied by a maximum of seven (7) persons.

Preliminary Matters

2. The Council has agreed that the description of development should omit the reference to external wall render which was omitted from the proposal prior to the planning application being determined, but which was erroneously detailed on the decision notice. I have determined the appeal on this basis, and amended the description of development in the banner heading above to omit reference to the external wall render.

Main Issues

3. The main issues are the effects of the proposed development on:
 - the living conditions of neighbouring occupiers with regard to noise and disturbance;
 - the living conditions of the occupiers of No 26 Woodcroft Road (No 26) with regard to outlook and light and the occupiers of No 15 Bagot Street and 17 Bagot Street (No 15 and No 17) with regard to outlook and privacy; and
 - the character and appearance of the host property.

Reasons

Living conditions – noise and disturbance

4. The appeal property, 24 Woodcroft Road (No 24), is a two-storey mid terrace property situated within a densely developed urban area of terraced housing arranged in a grid-iron street layout. The surrounding area is predominantly residential with commercial and retail uses nearby.
5. No 24 is already in use as a six-bedroom House in Multiple Occupancy (HMO), and as such there is a significant amount of activity associated with the property. I note that whilst there have been no incidents reported to the Council's Environmental Health team in relation to noise and disturbance, neighbours and Ward Councillors have raised concerns. I also note that No 24 has a close physical relationship with adjoining properties to the side and rear, and that the dwellings on either side of No 24 are in use as typical dwelling houses rather than HMOs.
6. An extra resident would lead to an increase in activity. There is likely to be an associated increase in noise and additional comings and goings from the extra resident, their 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.
7. I note that there are no commercial properties along Woodcroft Road. However, Woodcroft Road is densely populated and is close to a District Centre and large supermarkets 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.
8. I 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.

Living conditions – outlook, light and privacy

9. The proposed rear flat-roof dormer would sit above the existing rear outrigger and would project over 3m beyond the rear windows of No 26. It would, however, sit below the ridge and would not exceed the height of the existing roof. Although windows of No 26 are positioned close to the boundaries with the appeal property, evidence before me indicates that the rear projection of the proposed extension would be stepped in approximately 1.85m from the boundary, so a separation between these windows and the rear projection would exist. As such, I do not consider that the windows or back garden of No 26 would be unacceptably overshadowed as a result of the proposal.
10. The proposal would reduce the separation distance between habitable rear windows of No 15 and No 17. However, intervisibility between properties is not uncommon in built-up urban areas, particularly in neighbourhoods with tight knit residential properties. I saw on site that there is already a degree of mutual overlooking between the houses in the terrace and the rear yards and windows of neighbouring properties. Moreover, I noticed that there were a number of properties in Woodcroft Road with outriggers with windows which had views towards the rear of properties on Bagot Street. The proposed windows would therefore not introduce a new relationship of overlooking, nor lead to a significant loss of privacy for the occupiers of No 15 and No 17.
11. My attention has been drawn to permitted development tolerances and similar dormer windows in the locality that might have the benefit of permitted development rights. Whilst I do not know the exact site-specific circumstances of these dormer extensions, nor their legal status, within this context the proposed dormer would appear as a fairly common example of a large dormer window often constructed under permitted development rules, where such rights apply. I acknowledge that the proposal would not benefit from permitted development rights, as it relates to a Sui Generis HMO. However, having regard to the surrounding context of similar extensions in proximity, I do not consider that it would appear as unduly overbearing or oppressive.
12. I therefore conclude that the proposed development would not harm the living conditions of the occupiers of No 26 with regard to outlook and light, or the occupiers of No 15 and No 17 with regard to privacy and outlook. As such, the proposal would comply with Policies H7, H8 and H10 of the LP which seek to ensure that developments do not harm the living conditions of neighbouring occupiers with regard to loss of light or overshadowing or loss of privacy and are not overbearing.

Character and appearance

13. The proposed rear dormer would be an appreciable addition to the property. Nonetheless, I do not consider that it would significantly alter its appearance. The outward projection would extend its existing form. Given

the variety of additions and other dormer extensions in the surrounding area, it would not appear as overly incongruous. The surrounding roofscape does not have an unbroken, uniform appearance, and the proposal would not, therefore, appear as unduly prominent. Furthermore, the proposed windows would be evenly spaced and would create a well-balanced arrangement, and the proposed external materials would blend in with the existing roof structure.

14. Furthermore, the proposed extension would be at the rear of the property. The roof height would be no higher than the existing roof height, and would not be visually prominent from public vantage points. Despite its scale, it would not compromise the appearance of the host building.
15. I therefore conclude that the proposal would not harm the character and appearance of the host property. As such, it would comply with Policies H8 and H10 of the LP which highlight that proposed development should not cause harm to local character, and the size, scale and materials of development should be in keeping with the original dwelling.

Other Matters

16. I acknowledge the concerns raised by local residents and Ward Councillors in relation to parking, litter, and the strain on local facilities. However, from the evidence before me and my site visit, I do not consider an additional occupant at the premises 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.
17. At the time of my visit there was no obvious evidence of significant litter problems within the road. I also observed that the appeal site is within walking distance of plentiful shops and local facilities nearby, including two major supermarkets. I therefore have no substantive evidence to demonstrate the proposal would place strain on local facilities.
18. Construction related noise would be temporary only and given the limited scale of development involved, would not be reasonably expected to endure for very long. This would not therefore be a reason to resist the development.
19. I have no substantial evidence that the proposal would lead to an increase in anti-social behaviour, or to find the scheme would unreasonably affect water pressure.
20. Comments from a local resident in respect of their anxiety and depression are also acknowledged. The local resident is a person who shares a protected characteristic for the purposes of the Public Sector Equality Duty (PSED).
21. In my assessment of the effect of the development on a person with disabilities, I have therefore had due regard to the PSED contained in Section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In reaching my decision, I have kept these interests at the forefront of my mind. However,

they are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.

22. I recognise the paramount importance of ensuring the well-being of the local resident. This is a primary consideration. Any adverse effects on the neighbouring occupier would weigh against the proposal in these respects.
23. However, I have reasoned above, with reference to planning considerations in terms of the public interest, that the proposal would not have unacceptable effects. In view of this, and having regard to the legitimate and well-established planning policy aim of providing a mix of accommodation, a refusal of permission would not be proportionate and necessary. Allowing this appeal would be consistent with my PSED duty contained in Section 149 of the Equality Act 2010.

Conditions

24. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. For the sake of clarity, I have amended the conditions as necessary.
25. In addition to the standard commencement condition, I have attached a condition specifying the approved plans, to provide certainty. A condition regarding the materials to be used is necessary in order to protect the character and appearance of the area and the host property. To protect the living conditions of neighbouring occupiers and occupiers of the HMO, I have added a condition to restrict the number of occupants to seven.

Conclusion

26. 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.
27. As a result, the appeal is allowed.

L C Hughes

INSPECTOR