
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: 10 September 2024

Appeal Ref: APP/Z4310/W/24/3342957

55 Woodcroft Road, Liverpool L15 2HG

- 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 Sam O'Flaherty, Red Square Development against the decision of Liverpool City Council.
 - The application Ref is 23F/2143.
 - The development proposed is change of use of 55 Woodcroft Road from a lawful 6-bedroom C4 Use Class HMO to a 7-bed Sui Generis HMO.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of 55 Woodcroft Road from a lawful 6-bedroom C4 Use Class HMO to a 7-bed Sui Generis HMO at 55 Woodcroft Road, Liverpool L15 2HG in accordance with the terms of the application, Ref 23F/2143, 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 : Location Plan; 0001 Section; 0002 Proposed Floor Plans; 0005 Proposed Elevations.
 - 3) The sui generis HMO hereby approved shall only be occupied by a maximum of seven (7) persons.
 - 4) The cycle storage hereby approved shall be implemented as detailed on drawing number:0002 'Proposed Floor Plans' before the development hereby permitted is first brought into use, and shall be retained for the lifetime of the development.
 - 5) All waste generated by the development, whether to be discarded as refuse or recycled, shall be stored within the curtilage of the premises in the area shown on drawing number:0002 'Proposed Floor Plans', and shall only be placed outside the premises on the appropriate refuse collection day.

Preliminary Matters

2. A previous application to use the property as a 7 bedroom HMO (House in Multiple Occupation) was refused in 2021¹, and dismissed on appeal in July 2021². Further to these decisions, an application for certificate of existing lawful development for a 3-6 person HMO, Use Class 4, was granted in April 2023³. The use of the property as an HMO is therefore established, and I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on:
- the living conditions of future occupiers of bedroom 7 with regard to internal space and outlook;
 - the character of the surrounding area and the living conditions of neighbouring occupiers in relation to noise and disturbance, with regard to the intensification of the HMO use of the property; and
 - the living conditions of future occupiers with regard to outdoor amenity space and waste storage, and the effect of waste storage on the living conditions of neighbouring occupiers and the character of the area.

Reasons

Internal space and outlook

4. Part of the loft bedroom (bedroom 7) positioned at the front of the proposed development, sits under a sloping ceiling. There is an area of floorspace which has a standard ceiling height of 2.3m, but beyond this area, the ceiling falls sharply towards the eaves.
5. Whilst concerns have been raised that the low ceiling height over a large percentage of the room would not allow for comfortable day to day existence, I noted on my site visit that the room comfortably fitted a large bed, a desk, chest of drawers and space for hanging clothes, thus providing adequate usable space despite the restricted ceiling height. The floorspace with a standard ceiling height, whilst narrow, would allow for occupiers to move around and undertake everyday activities comfortably without stooping.
6. Bedroom 7 would be served by a pair of rooflights. Criteria 2i of Policy H10 of the Liverpool Local Plan 2013-2033 (LP) requires bedrooms in HMOs not to be solely lit by rooflights. However, the rooflights are mounted fairly low on the roof plane. This, in addition to their size, affords views out over the roof tops as well as providing good levels of natural light and ventilation. Furthermore, the communal living and kitchen area would be spacious with windows, providing a pleasant cooking, sitting and social space. The availability of well-lit and spacious living areas places less reliance on individual bedrooms for residential amenity.

¹ 20F/2518

² APP/Z4310/W/21/3269362

³ 21LE/2926

7. I do not consider that the opening mechanism of the rooflight would be particularly hazardous, and a future occupier would be aware of how the window opened in relation to the layout of the bedroom in order to avoid any collisions.
8. Whilst the proposal would be contrary to the requirements of criterion 2i of Policy H10 of the LP, I am satisfied that the bedroom would provide acceptable living conditions for future occupiers. Therefore, despite some conflict, I conclude that the proposal would achieve the overall aims of Policy H10 of the LP and would provide adequate living conditions for the future occupier of bedroom 7 with regard to internal space and outlook. Furthermore, the proposal would accord with guidance contained within Supplementary Planning Guidance Note 7 – Conversion of Buildings into Flats and Bedsits (SPG7) which seeks to ensure that satisfactory standards of accommodation are achieved, including internal space.

Noise and disturbance

9. The appeal property, 55 Woodcroft Road (No 55), 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.
10. The site is located in an area which is covered by an Article 4 Direction which removes permitted development rights for Houses in Multiple Occupation. The evidence before me indicates that the Article 4 Direction is in place due to the fact that it is in an area where the concentration of HMOs has reached, or could reach, a level that is considered to have a harmful effect on the character of the area. However, as No 55 is already in use as an HMO it will already be included in the current concentration figures and the proposal would not add to the overall number of properties within the Article 4 area.
11. No 55 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, one complaint was received to the Council's Anti-Social Behaviour Team in March 2022, and neighbours and Ward Councillors have raised concerns. I also note that No 55 has a close physical relationship with adjoining properties to the side and rear.
12. 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.
13. Woodcroft Road is densely populated and is close to a District Centre, a public house 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 cumulative increase in activity, and the associated noise, over and above that generated by the current level of occupancy, would not be significant.

14. I therefore conclude that the intensification of the HMO would not harm the character of the surrounding area, nor harm the living conditions of neighbouring occupiers with regard to noise and disturbance. As such, it would comply with LP Policy H10 which seeks to ensure that development does not cause significant harm to the character of the area or the living conditions of occupiers of neighbouring properties.

Amenity space and waste storage

15. No 55 has been extended to the rear which has reduced the amount of outdoor amenity space available. Due to the high density terraced nature of residential properties nearby, rear yards in the locality tend to be small, regardless of the number of occupants using them. 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.
16. 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, along with cycle and 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 55.
17. The submitted plans and Waste Management Strategy indicate that four refuse bins would be stored at the rear of the property. Four bins is considered to be appropriate for a 7 bedroom HMO.
18. I note concerns regarding the number of bins that are located on the pavement to the front of properties on Woodcroft Road, which can cause obstruction to pedestrians and can look unsightly. However, I am not satisfied that this is a particular issue for No 55, and do not consider that a further occupier of the HMO would exacerbate the problem to a significant degree.
19. Consequently, I conclude that the proposal would provide satisfactory living conditions for future occupiers with regard to outdoor amenity space and waste storage, and would not harm the living conditions of neighbouring occupiers nor the character and appearance of the area with regard to waste storage. As such, the proposal would comply with Policy H10 of the LP which seeks to ensure that sufficient provision for waste management is made, and that the proposal does not cause significant harm to the character of the area, nor harm the living conditions for either the occupiers of the property or for neighbouring properties. Additionally, it would comply with guidance contained within SPG7 which seeks to ensure that satisfactory standards of accommodation are achieved, including outdoor space.

Other Matters

20. I acknowledge the concerns raised by local residents and Ward Councillors in relation to parking and the strain on local facilities. However, from the

evidence before me and from visiting the site, I do not consider that 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.

21. The appeal site is within walking distance of plentiful shops and local facilities, including two major supermarkets. 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.
22. I note the Council's argument that the grant of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits, and a concern of this nature does not justify withholding permission in this case.

Conditions

23. The Council have suggested a number of conditions which I have considered against the advice in the Planning Practice Guidance. Where appropriate, I have adjusted the wording of the conditions to improve precision and enforceability.
24. In addition to the standard time limit condition, I have imposed a condition listing the approved plans, as this provides certainty.
25. To protect the living conditions of neighbouring occupiers and occupiers of the HMO, a condition is necessary to restrict the number of occupants to seven. I have conditions to ensure that there would be adequate provision of cycle parking and bin storage at the property, to promote sustainable travel and protect the character of the area, respectively.

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