



Appeal Decisions

Site visit made on 13 November 2024

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th December 2024

Appeal A Ref: APP/Z4310/W/24/3347232

172 Alderson Road, Liverpool L15 1HQ

- 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 of SGL Group Limited against the decision of Liverpool City Council.
 - The application reference is 23F/3147.
 - The development proposed is described as 'to convert the property from a 6-bed C4 Use Class HMO to a 7-bed Sui Generis HMO, and the addition of a single rooflight'.
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Appeal B Ref: APP/Z4310/W/24/3347233

174 Alderson Road, Liverpool L15 1HQ

- 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 of SGL Group Limited against the decision of Liverpool City Council.
 - The application reference is 23F/3135.
 - The development proposed is described as 'Change of use of the property from a 6-Bed C4 Use Class HMO to a 7-bed Sui Generis HMO, and the addition of a single rooflight'.
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Decision

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. As set out above there are two appeals at this location relating to adjoining terraced properties. While they are separate properties, they share a similar internal layout, they are presently in the same use and the development proposed to each property is the same, raising the same issues. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together.
3. The change of use to a 7-bed house in multiple occupation (HMO) has already commenced at both properties, albeit the additional rooflight to each property has not been installed. I have determined each appeal based on the plans before me.

Main Issue

4. The main issue for both Appeal A and Appeal B is whether each proposal would provide satisfactory living conditions, with regard to outlook and internal space standards for occupiers of the room marked Bedroom 7, as well as the overall level of communal space for all occupiers.

Reasons

5. At both No's 172 and 174, Bedroom 7 is positioned to the front of each property at second floor level. In each bedroom, the roof space is utilised, with the slope of the roof commencing almost from the doorway. As a result, immediately on entering both rooms, the sloping roof is a particularly noticeable and dominant feature. While it is possible to walk across that section of each room that extends along the internal wall from the stairwell, in order to walk further into either room away from the door, it soon becomes necessary to stoop to varying degrees. While both rooms are of a size capable of accommodating a double bed, wardrobe, drawers and a desk, I noted at my visit that depending on the placement of furniture, it was necessary to stoop in order to access some facilities, including the bed and desk. Consequently, each of these rooms provides a particularly cramped and oppressive form of accommodation for occupiers.
6. Policy H10 of the Liverpool Local Plan 2013 – 2033, Adopted January 2022, (LP), states that planning permission will be granted for the conversion of buildings into HMO's where the premises are suitable in terms of size for the number of households to be accommodated, and the configuration of internal space satisfactorily takes into account minimum room size. Neither the policy, or the supporting text specifies a minimum room size for bedrooms. However, at paragraph 8.63, it is stated that, 'the City Council's "Guidance on Standards and Management of Houses in Multiple Occupation" (and any subsequent update) of this document provides clear advice for applicants on a range of matters including space standards'.
7. I am provided with a copy of 'Houses in Multiple Occupation Standards and Management, Neighbourhoods – Private Sector Housing, February 2022', (2022 HMO Standards) the purpose of which is to provide guidance on the minimum requirements for privately rented accommodation consisting of HMO's. Given the nature of both appeal schemes, this document is a material consideration. It advises that bedrooms in HMO's for one person should be a minimum of 6.51sqm, and that when calculating the floor area of a sleeping room, any floor to ceiling height of less than 1.5m should be discounted. Additionally, it states that rooms should have a minimum ceiling height of 2.14m over not less than 75% of the room.
8. The plans before me suggest that the floor area of Bedroom 7 in each property would exceed 6.51sqm. However, having excluded any floorspace with a ceiling height of less than 1.5m, the Council calculates that the floor area of each room which would have a minimum ceiling height of 2.14sqm, would fall well below the 75% suggested in this advice. This shortfall further substantiates my concerns that the accommodation provided by Bedroom 7 in each property, is cramped and oppressive.
9. Turning to outlook and the level of light provided to these rooms, presently, each of these bedrooms is lit by a single rooflight, which starts from a low position on the roof plane. The existing rooflight to each room is relatively small and views out are further restricted due to the depth of the roof itself. As such, while each rooflight provides an outlook, the extent of the outlook is limited.
10. However, the proposed plans indicate a second rooflight would be fitted to Bedroom 7 at both properties. While the main parties have noted some

discrepancies in the plans, this second rooflight would align with the existing one, the position of which appears to me, to relate to that shown on the section drawings provided. The addition of a second rooflight at this height would improve the outlook from, and the level of light provided to, each room. As such, while there is some conflict with criteria (i) of LP Policy H10 in this regard, the addition of a further rooflight in both schemes would ensure that an acceptable outlook and amount of natural light would be provided to each room. However, this would not address my concerns relating to the cramped nature of each room.

11. With regards to communal areas, a shared lounge, dining area and kitchen is located to the rear of the ground floor in each property. At my visit, I noted that at No 172, the lounge and dining area was arranged with two sofas likely to accommodate 4 to 5 people, with a narrow dining table positioned in the corner, capable of seating four people at the most. At No 174, there was a slightly different arrangement, with two sofas and an armchair likely to accommodate 5 people, with the same size dining table. However, at this property, the dining table was positioned tightly between a store cupboard and fridge/freezer, which would restrict its use. These communal areas would not comfortably accommodate all 7 residents at any one time for dining or relaxation purposes and given the size and layout of private bedrooms, there would be little capacity to make any alternative appropriate provision. As such, these communal areas would feel crowded, causing significant harm to living conditions of future occupiers of each property.
12. The supporting text to LP policy H10 states that in order to support communal living, the minimum size of communal lounge space is 12 square metres of useable floorspace, equating to 3 square metres per person, assuming a small four person size HMO. It goes on that for a HMO accommodating more residents, proportionately more communal lounge space should be provided. No specifications are provided for kitchens, albeit the 2022 HMO Standards suggest a single kitchen should be a minimum of 9sqm for 7 people, with an adjacent dining area of a suitable size. The appellant accepts that each appeal scheme would fall short of the required standard for communal space by approximately 5sqm. There is no particular evidence before me to justify a below standard provision and for the reasons set out above, the standard of communal living space provided would not comfortably meet the day to day needs of future occupiers.
13. Both main parties have provided examples of other proposals for HMO's, some of which have been allowed on appeal and others that have not. While I appreciate the importance of consistency in decision making and I have considered these examples carefully, the differing conclusions demonstrate the need to make a decision that is informed by the facts of each case.
14. I have considered the appeal scheme at 55 Woodcroft Road¹, which the appellant references in relation to the space standards for bedrooms. However, no section drawings are provided for this development and so I cannot be certain that it is comparable in terms of the oppressive impact of the sloping roof. Further, at Woodcroft Road, the Inspector found that within the bedroom, it was possible to undertake everyday activities comfortably without stooping, whereas I have reached the contrary conclusion for the two

¹ APP/Z4310/W/24/3342957

schemes before me. In this previous appeal, the Inspector also found the living areas to be spacious, concluding that this placed less reliance on individual bedrooms for residential amenity. In contrast, at No's 172 and 174, I have found that the standard of communal living space provided would not comfortably meet day to day needs. As such, these cases do not appear to be directly comparable.

15. I have also considered the appeal scheme at 62 Woodlands Road², which the appellant has referenced with regards to communal space standards. At Woodlands Road, the kitchen/dining/living area was 32sqm for 8 people, which would be proportionately more than that proposed for No's 172 and 174, which is approximately 25sqm for 7 people. Albeit catering for more people, the layout at Woodlands Road appears to be more generous, particularly the size and functionality of the dining space, as well as the kitchen area. Further, the floorspace provided to each private bedroom at Woodlands Road is also greater than at No's 172 and 174. Therefore, I do not find this previous development to be directly comparable to the proposals before me.
16. To conclude on this main issue, while I have found each proposed development to be acceptable insofar as it relates to the outlook and level of light provided to Bedroom 7 of each respective property, the proposal would not provide suitable living conditions for future occupiers with regards to the internal standard of space provided within Bedroom 7 of each property, or with regards to the level of communal space provided for the occupiers of each property overall. Both Appeal A and Appeal B would therefore conflict with the requirements of LP policy H10, the purposes of which have been set out above.

Other Matters

17. Representations received from the public in relation to both appeals raise a number of other issues, including parking problems, litter and rubbish in the streets, noise, insufficient infrastructure, anti-social behaviour, and water pressure problems. However, there is little evidence before me to suggest that an increase of one resident at each property would give rise to any materially different impacts in respect to these issues, and the Council has not raised similar concerns.
18. The loss of a family home is raised as a further issue, however, I am advised that the use of each property for a 6 bed HMO benefits from a Lawful Development Certificate.
19. While reference is made to the aesthetic impact of dormer windows, none are proposed as part of either Appeal A or Appeal B, and To Let signs do not fall within the scope of this application. While dust can be a consequence of building work, the installation of roof lights would give rise to only very minor construction impacts.
20. Each proposal would increase the level of residential accommodation provided at 172 and 174 Alderson Road. This would contribute to the government's aims of significantly boosting the supply of homes and making the most effective use of land and buildings as set out within the National Planning Policy Framework, in a location close to local shops and services. However,

² APP/Z4310/W/23/3332441

the weight I afford to these benefits would not be sufficient to outweigh the harm I have identified resulting from the provision of unsatisfactory living conditions for future occupiers of each development.

Conclusion

21. For the above reasons, the schemes subject of Appeal A or Appeal B would not provide satisfactory living conditions for future occupiers with regards to internal space standards. As such, both proposals would conflict with the development plan, and there are no other material considerations of sufficient weight to indicate a decision other than in accordance with it. I conclude that both Appeal A and Appeal B should be dismissed.

S Brook

INSPECTOR