



Appeal Decision

Site visit made on 21 January 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal Ref: APP/Z4310/W/24/3351459

65 Alderson Road, Liverpool L15 2HL

- 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 Tom Mcconnon of Wavertree Student Homes Ltd. against the decision of Liverpool City Council.
 - The application Ref is 23F/2002.
 - The development proposed is change of use from existing 6 bed HMO (C4 Use Class) to a HMO for 7 occupiers (Sui Generis) and to replace the existing roof lights to the front.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from existing 6 bed HMO (C4 Use Class) to a HMO for 7 occupiers (Sui Generis) and to replace the existing roof lights to the front, at 65 Alderson Road, Liverpool L15 2HL in accordance with the terms of the application, Ref 23F/2002, 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 Site Location Plan 028A-JMS-A1-00-DR-A-00-100 P01; Proposed Plans 028A-JMS-A1-00-DR-A-00-450 P02; Existing and Proposed Elevations/Sections 028A-JMS-A1-00-DR-A-00-550 P02; Existing and Proposed Sections (Bedroom 7) 028A-JMS-A1-00-DR-A-00-650-P01.
 - 3) The sui generis HMO hereby approved shall only be occupied by a maximum of seven (7) persons.

Preliminary Matters

2. On the 12 December 2024 the Government published a revised National Planning Policy Framework (The Framework). The revised Framework is a material consideration which should be taken into account from the day of publication. Insofar as it is relevant, its content has not been materially altered in respect of the main issue before me, and therefore it has not been necessary to go back to the parties in this regard.
3. I was able to see on my site visit that the appeal property is in use as a 7-bed House in Multiple Occupation (HMO), and therefore I have determined this appeal on that basis.
4. I have taken the description of development from the decision notice and the appeal form, as this more accurately describes the development.

Main Issue

5. 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

6. The explanatory text for policy H10 of the Liverpool Local Plan 2013-2033 (2022) (LP) advises that the Council's Guidance of Standards and Management for HMOs (and any subsequent update) provides advice on a range of matters including space standards and lighting. This document was updated in February 2022 to the Houses in Multiple Occupation Standards and Management document (HMOSM). The HMOSM sets out that bedrooms should have a minimum ceiling height of 2.14m over no less than 75% of the room.
7. The loft bedroom positioned at the front of the appeal property has a floor area that exceeds the minimum size for a one-person bedroom as set out in both the HMOSM, and guidance contained within Supplementary Planning Guidance Note 7 – Conversion of Buildings into Flats and Bedsits (SPG). However, part of the room sits under a sloping ceiling. There is an area of floorspace which has a standard ceiling height, but beyond this area the ceiling falls sharply towards the eaves. Less than the recommended 75% of the room has a ceiling height of 2.14m.
8. Whilst concerns have been raised that the low ceiling height over a large percentage of the room would not allow for a 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.
9. Criteria 2i of LP Policy H10 requires bedrooms in HMOs not to be solely lit by rooflights. A similar scheme at the property for a change of use from a 6 bed HMO to a 7 bed HMO was dismissed on appeal in April 2023¹, with the Inspector concluding that the rooflights serving the front loft bedroom were small and would not provide a meaningful outlook.
10. The proposed development differs from the earlier scheme, as it would provide for larger rooflights to serve the bedroom, which would be mounted lower on the roof plane than the current rooflights. This, in addition to their size, would afford views out over the roof tops as well as allowing ventilation and a good level of natural light to penetrate into the room, sufficient to undertake general domestic activities.
11. Operating the blinds for the proposed rooflights would not be difficult, given the positioning of the rooflights within the roof plane, whilst the opening mechanism of the rooflights would not be particularly hazardous. A future occupier would be aware of how the windows opened in relation to the layout of the bedroom in order to avoid any collisions.
12. The appeal property has a combined kitchen/lounge area on the ground floor. The LP states that the minimum size of communal lounge space is 12m² of usable floorspace, equating to 3m² per person, assuming a small four-person size HMO.

¹ APP/Z4310/W/22/3309935

For HMOs accommodating more residents, proportionately more communal lounge space should be provided. In this instance as the proposed HMO would accommodate 7 residents, proportionately it would be reasonable to expect 21m² of communal lounge space to be provided. The HMOSM indicates that a kitchen for a 7 person HMO should be 9m². The minimum usable floorspace of a combined kitchen/lounge area provided for the 7 bed HMO should therefore be 30m².

13. The evidence indicates that the appeal property's combined lounge/ kitchen area falls under this figure, at 28.6m². However, despite this small shortfall, the lounge and kitchen are a sufficient size with usable, functional and sociable space for seven residents. The area would have natural light, circulation space and adequate room for cooking, eating and socialising. I saw from my site visit that the kitchen and lounge area was completed to a high standard, with a large table separate from the kitchen space, and a generous, comfortable seating area. The proposal would therefore provide internal communal space of an appropriate size and quality for occupiers of the HMO.
14. On balance, I am satisfied that in this instance the appeal property would provide satisfactory living conditions for future occupiers with regard to internal space and outlook. Therefore, despite some conflict, I conclude that the proposal would achieve the overall aims of Policy H10 of the LP, the SPG and the Framework, which include seeking a high standard of amenity for existing and future users.

Other Matters

15. The property is already in use as an HMO, and from the evidence before me and from visiting the site, I do not consider that an additional occupant at the premises would place a strain on local facilities, or 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.
16. I also have no substantial evidence that one extra occupant at the appeal property would lead to an increase in litter, anti-social behaviour, or to find that the scheme would unreasonably affect water pressure.
17. My attention has been drawn to another appeal for the change of use from a 6 bed HMO to a 7 bed HMO nearby at Egerton Road, which was dismissed.² I was the Inspector for that appeal, and therefore I am familiar with the details of that case. In that instance, the loft bedroom would have only been served by one roof light, which would have been set higher in the roof plane than the rooflights which are the subject of this appeal, and the proposed bedroom would have been a more awkward shape. Moreover, the proposed communal lounge and kitchen space would have had a larger shortfall from the required standard than the appeal proposal. Therefore, this example does not represent a direct parallel to the appeal before me, which I have determined on its own merits.

Conditions

18. 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

² APP/Z4310/W/24/3341970

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 seven.

19. I do not consider it necessary to impose a condition to secure any further details relating to cycle or bin storage, as the location as shown on the plans hereby approved is adequate, and I have concerns about the enforceability of a condition requiring bins to be left outside the premises on a specific day.

Conclusion

20. I conclude that the proposal would comply with the development plan when taken as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
21. For the reasons given above, the appeal should be allowed.

L C Hughes

INSPECTOR