



Appeal Decision

Site visit made on 25 March 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 April 2025

Appeal Ref: APP/Z4310/W/24/3357354

79 Salisbury Road, Wavertree, Liverpool L15 1HW

- 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 Dr M Roberts against the decision of Liverpool City Council.
 - The application reference is 24F/2071.
 - The development proposed is a change of use to a seven person house in multiple occupation.
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Decision

1. The appeal is allowed and planning permission is granted for a seven person house in multiple occupation at 79 Salisbury Road, Wavertree, Liverpool in accordance with the terms of the application, reference 24F/2071 and the plans submitted with it, subject to the following conditions:
 - 1) The works to convert the communal bathroom to an en-suite associated with bedroom 2; and the combining of bedrooms 5 and 6 to provide a single bedroom with en-suite facilities, shall be completed within 6 months of this decision in accordance with the approved drawing reference 2024 000 044 002.
 - 2) The number of persons in residence at the premises shall not exceed seven persons at any one time.
 - 3) The position and details of a covered and secure cycle store shall be submitted to the local planning authority within two months of the date of this decision. The store shall be erected in accordance with the approved details within two months of the date of the local planning authority's approval and shall be retained as such thereafter.

Main Issues

2. The main issues are the effect on the character of the area; the effect on the housing mix of the area; and the effect on the living conditions of the residents of the loft rooms with regard to space, light and outlook.

Reasons

3. The property has been used as an eight bedroom house in multiple occupation (HMO) without planning consent since 2018. The use was not lawful for planning purposes. The council considers the lawful use of the property to be a single dwellinghouse. The proposal is for internal alterations and a change of use to allow the property to be used as a seven bedroom HMO. The works proposed include the

conversion of the communal bathroom to an en-suite associated with bedroom 2; and the combining of bedrooms 5 and 6 to provide a single bedroom with en-suite facilities.

Character and housing mix

4. The council is concerned that the use of the property as a HMO would result in harm to the character of the area because of the proliferation of such uses and that it would also unacceptably reduce the level of provision of family houses. The property lies within a Primarily Residential Area as defined by the Liverpool Local Plan 2022 (LP).
5. LP policy H10(2) accepts conversions to HMO providing a list of requirements are met. Of particular relevance to the council's first two concerns are that: (a) There would be no adverse impact on the amenity of neighbouring properties and the character of the surrounding area in particular through increased activity, noise or disturbance; and (n) The development would not cause the loss of a dwelling that is suitable in size, design, layout and location for continued use as a family dwelling.
6. The property has been used, with a licence, as a HMO for a number of years. Whilst two complaints about its operation were made, these appear to have been isolated events. Its appearance does not differ from other houses in the street. It has also been reported that the street already has nearly 65% of properties as HMO. Overall, I am not satisfied that its continued use, albeit for seven residents, would materially alter the character of the area or conflict with LP policy H10(2)(a).
7. LP policy H10(2)(n) seeks to avoid the loss of a dwelling that is suitable in size, design, layout and location for continued use as a family dwelling. I am mindful that the property has eight bedrooms. It is not of a layout that would generally be suited to family use due to the number of bedrooms and bathrooms and only the single communal area. It is also in very close proximity to other HMO in a street with a very high proportion of such properties. I am unclear how attractive it would be to a large family, particularly given the investment that would be required to return it to a family home. However, the lawful use of the property remains relevant and it could theoretically be returned to a dwellinghouse use. There would therefore be conflict with part (n) of the policy.
8. LP policy H11 advises that with regard to HMO, the council will aim to ensure that there is balanced housing provision meeting the needs of families and households of varying sizes. Neighbourhoods where the concentration of HMOs has reached, or could reach, a level that could have an adverse impact on the character of the area are designated on the LP Policies Map. In designated neighbourhoods with a HMO concentration exceeding a threshold of 10%, further planning applications for a change of use from dwellinghouse to HMO will not be supported. The council advise that the neighbourhood was identified in 2016-2017 to have a concentration level of HMOs of 16%. There is therefore, conflict with this policy.
9. I am not satisfied that there would be conflict with the council's Supplementary Planning Guidance Note 7 (SPG) which describes suitable premises for conversion as older, larger houses, which because of their size and location may be difficult to sustain as a single dwelling. This property, as now existing, with eight bedrooms and numerous bathrooms and toilets, would appear to reflect the type of property referenced. Houses not considered appropriate are those in an area of

predominantly single family dwellings where there would be an adverse impact on the character, environment and amenity of neighbouring properties. This area already has a significant proportion of HMO properties so this building would not be considered as inappropriate in this regard.

Living conditions

10. The proposal would result in significant improvements over the existing eight bedroom layout resulting in a HMO with high quality accommodation for all seven residents. It would retain the large communal area and the good sized outdoor space. All of the seven bedrooms would have en-suite facilities. The two loft rooms that are the concern of the council, are already in use. They are large en-suite rooms. Although they are long rather than wide, they have sufficient width and height for a single bed and access to the bathroom. Each has a desk and a wardrobe. The sloping roof does not significantly restrict movements within the room.
11. The council's main concern appears to be the reliance on roof lights although one of the bedrooms has a separate window that opens to the side. The rooflights are large and they extend to a depth that allows for views down from them from head height. These rooms are well lit and provide relatively spacious accommodation for the existing residents. I found the outlook from these rooms to be satisfactory.
12. The layout shown on the submitted plans would provide good living standards with regard to space, light and outlook for all residents. There is therefore no conflict with the living standards requirements of LP policies L7 or H10. The SPG requires that roof lights be at normal sill level if they are the only windows to a room. A normal sill height is not specified but as the windows are reasonably low and afford views out, I do not consider that they result in conflict with the SPG objectives.

Other matters

13. It is evident that the property was in a very poor state of repair and not suitable for habitation before the works to bring the property back to an efficient use in 2018. It appears that any previous use had been in sub-standard accommodation. The appellant suggests that the change of use did not therefore prevent the continued use as a family dwelling as it was not in a dwellinghouse use. It is not clear therefore, that there could have been a continued use as a family dwelling, as referred to in LP policy H10(2)(n), without substantial investment. The appellant suggests that the investment required to bring the building back to an efficient use as a single dwellinghouse may not have been forthcoming at that time. I am mindful however that planning permission for such a change of use was a requirement in 2018.
14. The property is of a size and layout that could be returned to single family use but the number of bedrooms would require a very large family to occupy it, in order that it be fully utilised. The current use undoubtedly represents the most efficient use in terms of households served and it is also likely to be the most consistently efficient use of the floorspace. Furthermore, as it has been calculated that nearly 65% of the properties in this street have become HMO, it may now be unattractive to potential house buyers, especially as significant works would be required to return it to a functional dwellinghouse.

15. The intention of the 2022 LP policy is to prevent new conversions of dwellings to HMO. At the time of the policy adoption, the property had already been a licensed HMO for a number of years, with the full knowledge of the council, with a licence first issued in 2018. Whilst there is conflict with the policy, its intention relates to future changes. As would be normal for such policies, it does not specifically consider the potential to seek to revert historic changes back to single dwellinghouses. Whilst this does not prevent the conflict with LP policy H11, it is suggested that its retention would not conflict with the objectives of the policy as the number and proportion of HMOs would not be increased in relation to those already physically in place when the policy was adopted.
16. The council advise that the Strategic Housing Market Assessment 2016 highlighted a shortfall in three and four-bedroom family homes across the city and an underlying shift towards demand for larger family homes of four bedrooms or larger. No evidence has been provided to indicate whether there was a lack of need, or over supply, of relatively affordable HMO accommodation. There is also no more up to date information relating to this matter. It is therefore unclear what the balance in demand was prior to 2022 and it is not clear what it is now. I am unable to conclude that the benefit of a 7 or 8 bedrooomed dwelling, in these circumstances and in this location, would be greater than the continuing benefits of a large, good quality, HMO. What is clear is that this proposal would retain relatively affordable accommodation for seven households, without environmental harm from its continued relatively long term operation. Furthermore, there is no certainty that efficient and effective use of the property as a single dwelling would result in the short or medium term, should this appeal fail and enforcement action continues.

Conclusions

17. The harm from the proposal relates to the policy conflict in relation to housing mix. LP policies H10 and H11 seeks to prevent further HMO in this area given the existing levels. The proposal must be determined in accordance with the development plan unless material considerations indicate otherwise. As the National Planning Policy Framework 2024 seeks an appropriate mix of housing types, I am satisfied that the council's policies can be afforded full weight.
18. There are a number of material considerations that are specific to this case. This is an existing, long term, licenced HMO, that has operated with little concern since before the policy was adopted. It seems likely that it was not in use as a family dwelling and was in very poor condition when first converted. It is unclear when it was last used as a single dwellinghouse. The proposal gains some support from the LP which is clear that HMOs are an important source of affordable accommodation for younger people. It also represents a highly efficient use of this property which is located in a sustainable location and would provide housing for seven households. The proposal would provide a good standard of accommodation for the seven households.
19. Although I note the evidence as to the scale of HMO uses in the vicinity and the harm that results from this, given the history of this property as a HMO, which pre-dates the current development plan, I am satisfied that the benefits of its efficient use, as a high quality HMO for seven households, in this accessible location, can be afforded considerable weight. Retaining a dwellinghouse that would be suitable for a large family has policy support but the property is not ideally suited to such a use now and is located in an area with a very high concentration of HMO where

family users may not be attracted, potentially resulting in a period of under use. Given the background of this property and the history from 2018, together with the lack of any evidence to suggest that large HMOs are not still required as part of the housing mix, I consider that there are material considerations that are sufficient to outweigh the policy concerns, in these very particular circumstances.

20. Accepting this proposal, despite the policy conflict, would not undermine the policies as there are specific circumstances that are particular to this proposal and not anticipated by the policy. On balance, I find no overall conflict with the National Planning Policy Framework 2024 as although it seeks an appropriate mix of housing types, it also supports the efficient use of properties and high standards of amenity for existing and future users.
21. In conclusion, the benefits of the retention of a HMO use, with the provision of seven high quality en-suite bedrooms, are sufficient to outweigh the policy concerns, given the particular circumstances of this case. I therefore allow the appeal.
22. As the HMO use continues but the proposed level of use and the internal works differ from those shown on the existing plans for the unlawful eight bedroom HMO layout, I have imposed a condition requiring that all works required by the approved plans be completed within six months of this decision to ensure that the HMO has high quality accommodation for all seven residents. I have also imposed a condition limiting the use to seven residents for the avoidance of doubt. Although some details of a bike rack have been provided, this would not provide any cover and would not therefore be attractive to users. I have required that details of a covered and secure bike store be submitted. I have required a short timetable for installation as this would normally be required before first occupation.

Peter Eggleton

INSPECTOR