



Appeal Decision

Site visit made on 25 March 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 May 2025

Appeal Ref: APP/Z4310/W/24/3356895

33 Lidderdale Road, Liverpool L15 3JG

- 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 Tim Cowell of Your Student Living Ltd against the decision of Liverpool City Council.
 - The application Ref is 24F/2267.
 - The development proposed is described as “Proposed Change of Use from Use Class C4 dwellinghouse in multiple occupation (for six occupants) to Sui Generis House in Multiple Occupation (HMO) for seven occupants.”
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Decision

1. The appeal is allowed and planning permission is granted for change of use from Use Class C4 dwellinghouse in multiple occupation (for six occupants) to Sui Generis House in Multiple Occupation (HMO) for seven occupants at 33 Lidderdale Road, Liverpool L15 3JG in accordance with the terms of the application, Ref 24F/2267, dated 3 September 2024, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: NG/03 Block and Site Plan, and NG/02 Proposed Layout Plan.
 - 3) The house in multiple occupation hereby approved shall be occupied by no more than 7 persons at any one time.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 with a further minor revision on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. I have had regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristics and people who do not share it. Protected characteristics include a person's disability.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of nearby residents, with particular reference to noise and disturbance.

Reasons

5. Lidderdale Road predominantly consists of terraced properties, with small setbacks that many occupiers use to store wheelie bins. I observed parking with two wheels on the pavement to either side of the carriageway to enable a vehicle to drive down the centre of the road. Surrounding residential roads share similar characteristics, and to the south is Smithdown Road, which contains shops, services and facilities as well as public transport links.
6. No 33 Lidderdale Road is a 2-storey mid-terraced property that has a lawful use as a house in multiple occupation (HMO) for up to six occupants. The proposal would increase the occupation of the property by an additional resident, to a total of seven occupants. This would result in an increase of comings and goings as well as associated noise and disturbance from the property. However, given the appeal property's location within a densely populated area close to the busy Smithdown Road, I consider an additional resident would not result in a noticeable and harmful increase in any noise and disturbance currently experienced by occupiers of neighbouring residential properties.
7. Two noise complaints have been received in relation to activities at the appeal property, in November 2021 and March 2024. In both of those cases the Council's Environmental Health Officer was unable to discuss the matter with the complainant and no further action was taken. As the complaints were neither fully investigated nor verified by the Council, I give these logged events only limited weight against the proposal.
8. I also note that concerns have been raised in relation to the likely increase in anti-social behaviour. This can take the form of, amongst other things, excessive noise. However, there is no substantive evidence before me to demonstrate that an additional resident would result in an unacceptable increase in noise and disturbance, that would be significant or exacerbate any previously experienced issues.
9. For the above reasons, the proposed development would not have an adverse impact on the living conditions of nearby residents, with particular reference to noise and disturbance. As such the proposal complies with Policies H7 and H10 of the Liverpool Local Plan, which seeks to ensure that development does not significantly harm the living conditions for the occupiers of neighbouring properties.

Other Matters

10. I note the concerns raised relating to the obstruction of the pavement, parking, traffic levels and waste storage. I observed that cars were parked with 2 wheels on the pavement and there were also some wheelie bins on the pavement. I recognise that this scenario could impact upon a person's ability to navigate these obstructions and would be dependent on factors such as the positioning of parked cars and wheelie bins to each other at any given time.
11. In my assessment of the appeal proposal to increase the occupation at the property from 6 to 7 persons, I recognise that the highway authority raised no

objection to the planning application. I have also considered the impact of the extra occupant on the generation of additional pavement parking or the positioning of wheelie bins on the pavement above and beyond the existing situation, which I conclude would be limited. As such a grant of permission for the development would not give rise to an unacceptable loss of highway safety, and it is proportionate and necessary to allow the appeal.

12. Other concerns have been highlighted relating to litter and water pressure. I did not observe any significant litter issues in the street and there is no evidence before me to demonstrate that the proposal would be detrimental to water pressure.
13. I acknowledge concerns raised over larger HMOs attracting a population that may have less regard to safeguarding amenity and maintaining the character of the area than the long-term resident population. However, the existing property is already in operation as an HMO and I have assessed the merits of the appeal proposal on the basis of an increase from 6 to 7 occupants, which I have found to be acceptable in terms of neighbouring residential amenity. Moreover, there is no substantive evidence before me to demonstrate that the proposed development would adversely affect the character of the area.

Conditions

14. I have considered the conditions suggested by the Council in light of the Framework and the Planning Policy Guidance. Where appropriate, the wording from that proposed by the Council has been amended for clarity.
15. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans as this provides certainty. I have also imposed a condition limiting the maximum occupancy of the HMO to no more than 7 persons at any one time, to align with the description of the development. This is reasonable and necessary to maintain accommodation standards and to protect the living conditions of neighbouring occupiers.
16. The Council has suggested a condition requiring any waste generated shall only be placed outside the premises on the appropriate refuse collection day. On the basis that the existing property is already operating as an HMO, and the proposal is for an additional occupant, I consider that this condition is not necessary.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed.

P Barton

INSPECTOR