



Appeal Decision

Site visit made on 1 May 2025

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

an Inspector appointed by the Secretary of State

Decision date: 12th June 2025

Appeal Ref: APP/Z4310/W/25/3359416

1 Cranborne Road, Liverpool L15 2HX

- 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 Thomas Smithson against the decision of Liverpool City Council.
 - The application Ref is 24F/1993.
 - The development proposed is change of use from a single dwelling to two self-contained flats facilitated by a single storey rear extension and rear dormer.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a single dwelling to two self-contained flats facilitated by a single storey rear extension and rear dormer at 1 Cranborne Road, Liverpool L15 2HX in accordance with the terms of the application, Ref 24F/1993, dated 31 July 2024, and the plans submitted with it, subject to the following conditions:
 - The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - The development hereby permitted shall be carried out in accordance with drawing no: 156-01 Extg. & Prop Plans, Elevations & Sections.
 - The external materials of the single storey rear extension and rear dormer hereby permitted shall match those used in the existing building.

Applications for costs

2. An application for costs was made by Mr Thomas Smithson against Liverpool City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Government published a minor revision to the National Planning Policy Framework (the Framework) 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 comments on it, and I am satisfied that no party's interests have been prejudiced by taking this approach.
4. It has been suggested that the proposed single storey rear extension and rear dormer extension would fall under the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). However, it is not for me, under a Section 78 appeal, to determine whether these extensions would comply with the GPDO. As the creation of the flats would be facilitated by these extensions, I have determined the appeal on the basis of the proposed scheme before me.

5. The appeal is accompanied by a signed Unilateral Undertaking (UU), made pursuant to Section 106 of the Town and Country Planning Act 1990. The Council were given the opportunity to comment on this matter. I have assessed the planning obligation against Regulation 122 of the Community Infrastructure Levy Regulations 2010 and Paragraph 58 of the Framework and taken it into account in my determination.

Background and Main Issue

6. The Council has not raised any concern regarding the single storey rear extension and rear dormer. On the basis of the evidence before me, I also find no reason to find harm associated with these elements of the scheme. The reason for refusal refers only to the loss of a dwelling that is suitable in size, layout and location for continued use as a family dwelling.
7. Therefore, the main issue is whether the proposed development would result in the unacceptable loss of a family dwelling.

Reasons

8. Policy H10 of the Liverpool Local Plan (2022) (LLP) supports the conversion of existing dwellings into self-contained flats when, amongst other things, 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.
9. Furthermore, Policy H3 of the LLP seeks to meet the need for specific types of housing and to provide high quality new housing. This policy and the supporting text reference the housing needs and demands of the district's households as identified in the Strategic Housing Market Assessment (SHMA). The SHMA estimates that the majority of the need for market housing (85% of all household growth) is for 2 and 3-bed homes. It also expects a slight shift towards a requirement for larger dwellings, including 2 and 3-bed dwellings for family households while moving away from 1 bed homes.
10. The appeal site is an end terraced property within an established residential area, close to Cranborne Road's junction with Smithdown Road. The property has 3 bedrooms to the first floor, the smallest of which is commonly known as a 'box room'. Whilst the size of this room is below the minimum standards for a single bedroom, as set out in the Nationally Described Space Standards for new dwellings, the appeal property is suitable for occupation by a single family.
11. The existing 3-bed dwelling would be replaced by a 1-bed flat to the ground floor and a 2-bed flat to the first floor and roof space.
12. I have considered the other appeal decisions¹ put before me. However, those cited in support of dismissing the proposal before me relate to the conversion of dwellings with 4 and 5 bedrooms suitable for large families. As the proposal before me relates to the conversion of a 3-bed dwelling, these are not directly comparable.
13. I acknowledge that historically, the houses on Cranbourne Road would have been made-up of single-family dwellings. Unchallenged evidence before me shows that many on the street are still family houses, whilst there are also a number of

¹ Appeal Refs: APP/Z4310/W/23/3323312, APP/Z4310/W/22/3302977 and APP/Z4310/W/21/3280026

Houses in Multiple Occupation but no flats. There is no substantive evidence before me to demonstrate that the proposed development would adversely affect the character of the area.

14. Concern has been raised that the main living space to the proposed 2-bed flat would be accessed via two flights of stairs and could create difficulties for parents managing pushchairs and small children and sharing the outdoor amenity space with the occupiers of the ground floor flat. However, having a family dwelling to the upper floors of a property and sharing outdoor amenity space is a commonplace arrangement and there is no strong evidence before me that there would be specific difficulties relating to these factors as part of this proposal.
15. I have given significant weight to the supporting text to Policy H3, and in the absence of compelling evidence before me to demonstrate that a 2-bed flat is not suitable for occupation by a family household, I conclude that the proposed 2-bed flat would be a family dwelling. Whilst the proposed development would result in the loss of a 3-bed dwelling, it would in part be replaced by a 2-bed dwelling that is also suitable in size, design, layout and location for use as a family dwelling. Consequently, the proposal would have a neutral impact in terms of the loss of a family dwelling.
16. For the above reasons, the proposed development would not result in the unacceptable loss of a family dwelling. Accordingly, I find no conflict with Policy H10 of the LLP, which sets out, amongst other things, a criteria-based approach to the conversion of existing dwellings into self-contained flats.

Other Matters

17. It is claimed that the appeal property is currently not in use due to it being in an uninhabitable condition. Contrary evidence is before me indicating that once some cosmetic works have been undertaken, the property would be suitable for resale, occupation or investment purposes. As I have found no harm in terms of the unacceptable loss of a family dwelling, this has a neutral effect on the planning balance.
18. The signed UU seeks to secure a financial contribution towards off-site tree planting. Policy GI8 of the LLP requires, where appropriate, for new developments to make provision on site for the planting and successful growth of new trees and landscaping. In circumstances where on-site provision cannot be appropriately achieved, Part 2 of Policy GI8 requires a commuted sum based on the cost of providing and establishing new trees in the locality. The supporting text indicates the provision of at least one tree per dwelling in residential developments.
19. The appeal site is very constrained and could not accommodate new tree planting. There is evidence before me that the figure given in the UU reflects the amount the Council has sought per street tree on a different occasion, and that this figure had been discussed between the main parties prior to the submission of the appeal.
20. Taking all these matters into account, I conclude that the off-site financial commuted sum is directly related to, and necessary to make the development acceptable in terms of meeting the requirements of Policy GI8, and the amount sought fairly and reasonably relates in scale and kind to the development. As such, the UU meets the three tests set out in paragraph 58 of the Framework and in Regulation 122(2) of the Community Infrastructure Levy Regulation 2010.

Conditions

21. I have considered the conditions suggested by the Council in light of the Framework and the Planning Policy Guidance. 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. A condition is also necessary for materials to match those used on the existing building to protect the character and appearance of the area.

Conclusion

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

P Barton

INSPECTOR