



Appeal Decision

Site visit made on 13 May 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

Appeal Ref: APP/Z4310/W/25/3358450

12 Hampstead Road, Liverpool L6 8NG

- 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 Sunil Solanki against the decision of Liverpool City Council.
 - The application Ref is 24F/1500.
 - The development proposed is conversion of residential property to 3 No. flats
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the property is currently a single dwelling with 4 or more bedrooms. Based on the plans before me, that show the current arrangement of accommodation, and what I saw at my site visit the property is currently in use as a house in multiple occupancy. However, as no evidence is before me of a change of use having been applied for or granted, I have therefore considered the appeal on the basis that the appeal property is a single dwelling.

Main Issues

3. The main issues are:
 - effect of the proposal on the provision of family dwellings in the area; and,
 - whether the proposal makes adequate provision for new tree planting.

Reasons

Provision of Family Dwellings

4. 12 Hampstead Road is a substantial two-storey dwelling located within a terrace of similar houses in a predominantly residential area. The remainder of the street is comprised of further terraced rows, semi-detached and detached houses, and a three-storey block of flats. I saw at my site visit that several properties had been converted to flats or are in multiple occupancy, while others remain in single occupancy.
5. The appeal property has living rooms to the ground floor, 4 bedrooms to the first floor and a further 4 bedrooms within the roof space. The proposal would subdivide the property into 3, two-bedroom, self-contained flats. The proposed development also includes the addition of a dormer window to the full width of the front-facing roof plane to increase the size of the habitable rooms to the second floor.

6. The appellant states that the development would provide additional dwellings for couples, young professionals and smaller families through provision of small units to meet diverse housing needs and increase housing choice.
7. In this regard I have been advised that the Strategic Housing Market Assessment (SHMA) identifies that the majority of need for market housing is for 2- and 3-bedroom dwellings.
8. The contents of the SHMA are reflected in Policy H10 2.n. of the Liverpool Local Plan 2013-2033 (January 2022) (LLP). This states that planning permission will be granted for the conversion of existing dwellings into self-contained flats providing 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. Neither the Council nor the appellant have provided me with an agreed definition of what constitutes a family dwelling in relation to LLP Policy H10. While I have had regard to paragraph 8.17 of the LLP referring to the provision of 2- and 3-bedroom dwellings, this paragraph relates to dwelling type, size and housing need and to a different Local Plan policy. As a result, given the location of the building and its historic use, and in the absence of clear evidence to the contrary, I find that the appeal property comprises a family dwelling.
10. The proposed subdivision of the appeal property into 2-bedroom flats would meet a need for 2-bedroom dwellings, and would allow sufficient internal space, light and ventilation to each dwelling. However, it would also lead to the loss of a family dwelling.
11. In relation to LLP Policy H10 2.n., I have not been provided with evidence clearly demonstrating that the existing dwelling is unsuitable in design, layout and location for continued use as a family dwelling.
12. I have had regard to the comments from the appellant stating that the current level of accommodation provided by the appeal property is too large for most family housing needs in the area and is underused. However, this is not supported by any detailed evidence in the form of, for example, long-term marketing of the property, or similarly sized properties in the area, for sale or rent. Furthermore, the property was in use at the time of my site visit.
13. Therefore, and while the proposal would provide benefits in terms of the provision of high quality 2-bedroom flats, this would be at the expense of an existing family dwelling.
14. Taking the above into account, I conclude that the proposed development would have a harmful effect on the provision of family dwellings in the area. Hence, it would conflict with Policy H10 of the LLP, the aims of which I have outlined above.

Trees

15. I saw at my site visit that the rear yard to the appeal property is predominantly hard standing and enclosed by high walls. As such, it does not contain and would not be suitable for any substantial vegetation, particularly trees.
16. It is common ground that the proposed development would not extend the footprint of development, nor significantly increase built form by using an existing structure. Furthermore, there would be no harm to the character or appearance of the site or the surrounding area. However, the aim outlined in paragraph 12.40 to LLP Policy GI8 is not only to integrate development with its surroundings but also to enhance its surroundings. Therefore, given the context of the proposed development, the

requirement to make provision for tree planting is justified in terms of enhancing the site's surroundings.

17. In the absence of space on site for new tree planting, and in the absence of a legal agreement securing a commuted sum for off-site tree provision in accordance with LLP Policy GI8 2., the proposal fails to provide appropriate new tree planting.
18. Therefore, I conclude that the proposal would have a harmful effect on the provision of trees. As such it is contrary to LLP Policy GI8, which seeks, among other things, to ensure new development makes provision for tree planting and successful growth of new trees.

Other Considerations

19. I note the appellant's reference to the National Planning Policy Framework (the Framework) with regard to the presumption in favour of sustainable development, making an efficient use of land, promoting under-utilised land and buildings, boosting the supply of housing and meeting identified housing needs for different groups as part of a development that could be built-out quickly. I have also had regard to the location of the site being well-served by a range of services and facilities, to the economic benefits from construction, increased local expenditure and taxation and to the lack of harm identified with regard to cycle parking and traffic.
20. However, by reason of the small scale of the proposal, the benefits would be limited and do not outweigh my findings above.

Conclusion

21. I conclude that the proposal conflicts with the development plan when read as a whole, and the material considerations, including the provisions of the Framework, do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal is dismissed.

C Mayes

INSPECTOR