



Appeal Decision

Site visit made on 11 July 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/Z4310/W/25/3363154

44 Egerton Road, Liverpool, L15 2HW.

- 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 A and I Property against the decision of Liverpool City Council.
 - The application Ref is 24F/3166.
 - The development proposed is change of use from 5No bed to 7No bed HMO with external rear dormer and alterations.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from 5No bed to 7No bed HMO, erection of a dormer extension, altered fenestration to side and rear and erection of associated bike and bin storage at 44 Egerton Road, Liverpool, L15 2HW, in accordance with the terms of the application, Ref 24F/3166, 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 shall be carried out only in accordance with the following approved drawings Nos 24.8.01 to 24.8.05 inclusive.
 - 3) Before the HMO hereby approved is first occupied, cycle and waste storage facilities shall be provided within the site to serve the 7-bed HMO in accordance with details which shall first have been submitted to and approved in writing by the local planning authority and the cycle storage facilities shall thereafter be permanently retained.

Application for Costs

2. An application for costs was made by A and I Property against Liverpool City Council and this is the subject of a separate Decision.

Preliminary Matter

3. On the application form the development is described as set out in the above heading but the proposal, as described in the refusal notice, includes erection of a dormer extension, altered fenestration to side and rear and erection of associated bike and bin storage.

Main Issues

4. The main issues relate to the established planning status of 44 Egerton Road and adopted planning policies concerning the local concentration of Houses in Multiple Occupation (HMOs) and the loss of family dwellings; and the potential for noise and disturbance affecting neighbouring residential amenity.

Reasons

Local Concentration of HMOs and Loss of a Family Dwelling

5. It is crucial in this case to reach an initial judgement as to whether the appeal house is currently in established use as a 5-bed HMO, as claimed in the application. This depends on whether, on a balance of probabilities, the house was in such use prior to 17 June 2021, which is the date of an Article 4 Direction covering the designated Primarily Residential Area (PRA) in which 44 Egerton Road is situated.
6. That Direction requires any conversions of family dwellings into an HMO to be subject to express planning permission. The reason for the Direction is to control the loss of 3- or 4-bed family homes in the face of a shortage identified in the Liverpool Strategic Housing Market Assessment (SHMA).
7. The appeal dwelling is also within a designated neighbourhood where the concentration of HMOs exceeds 10%. Within such areas, Policy H11 of the adopted Liverpool Local Plan (LLP) also resists the loss of family homes, whilst remaining silent as to whether the enlargement of a 5-6-bed HMO to a sui generis 7-bed unit is acceptable.
8. Policy H10 permits such changes of use but subject to several criteria including (n) that the development would not cause the loss of a dwelling suitable for continued use as a family home.
9. The Appellants provide documentary evidence of Assured Shorthold Tenancy Agreements (ASTAs) for the occupation of 44 Egerton Road as a HMO continuously from July 2014 to June 2020 and from July 2021 to June 2025. These dates crucially miss the date of the Article 4 Direction, 17 June 2021. I recognise the resulting concern of the Council that there is thus no documentary evidence that the appeal house was in HMO use at the actual date of the Article 4 Direction. At the same time, there is no evidence that it was not.
10. Moreover, aside from the one-year interval from June 2020 to July 2021, the property was evidently used as a HMO from 2014 until very recently and, from my inspection it is still in that use.
11. In the circumstances and on a reasonable balance of probability, I judge that, in practical terms, 44 Egerton Road is properly to be regarded as having been in use as a HMO for 3-6 people at the date the Article 4 Direction.
12. It follows that the present proposal to convert the dwelling into a 7-bed HMO would not result in the loss of family home. Furthermore, as a long-standing HMO, the addition of two further bedrooms would not increase the number of HMOs any further above the policy limit of 10% which applies to the surrounding PRA. In these respects, there would be no conflict with LLP Policies H11 or H10(n) or the Article 4 Direction.

Noise, Disturbance and Other Matters

13. It also follows that the effects of the proposed use of the appeal house as a 7-bed HMO fall to be assessed in comparison to those of the present 5-bed HMO.
14. Policies H7, H10 and UD2 of the LLP together accept a change of use from a 5-bed to a 7-bed HMO in a PRA, subject to range of criteria requiring high-quality design and the protection of local amenity and the character of the surrounding area. Policy H10 contains further criteria that protect residential amenity for neighbours and occupiers as well as the visual amenity, character and appearance of the locality.
15. The question of noise and disturbance is the main concern of the Council regarding the planning effects of the proposed development and gives rise to a specific reason for refusal. This is on the basis that the additional occupiers of a 7-bed HMO would, compared with a family home, increase noise levels disturbing to neighbours due to increased arrivals and departures at the appeal property. However, properly assessed in comparison with the established 5-bed HMO. I do not consider that the likely level of increased activity at the appeal dwelling would result in noticeably increased noise and disturbance in this already essentially urban location.
16. Otherwise, I agree with the views of the Council that the alterations to fenestration and the proposed rear dormer would have minimal impact on the amenity of local residents or the character of the property or the street scene, given many similar dormers in nearby houses.
17. I also agree with the Council that the room sizes of the proposed 7-bed HMO, whilst not always ideal in terms of spaciousness or ceiling height, would be acceptable overall, having regard to established standards for the anticipated single room occupancy. All the rooms would have adequate natural lighting, and occupiers would have access to a rear yard, where bike and bin storage could be secured by planning condition.
18. With regard to car parking, I noted some parking partly on the footways but no restrictions in Egerton Road. Overall, in this essentially sustainable location and given the generally low car ownership level among HMO residents, I agree with the Council that additional occupiers at No 44 would be unlikely to result in any significant alteration in the parking situation in Egerton Road, especially when comparing the existing 5-bed HMO with the 7-bed HMO proposed. .
19. I therefore see the appeal proposal as compliant with the relevant provisions of LLP Policies H7, H10 and UD2.
20. Finally, I note the concerns expressed by a Councillor and residents concerning the effects of a 7-bed HMO in this location in the face of an exceedance of the 10% limit on conversions from family homes. However, on the evidence, I have found that the appeal property is already to be regarded as a 5-bed HMO, such that the comparative difference in its effects as a 7-bed HMO will be proportionately reduced to an acceptable level in planning terms.

Conditions

21. Conditions are needed to ensure compliance with the approved drawings and to secure bike and bin storage.

Conclusions

22. All the local policy provisions cited above are consistent with national policy and I find that the proposed development would be compliant with the development plan as a whole. With the conditions I have outlined in place, and for the reasons I have set out, I conclude that the appeal should be allowed and the permission sought granted.

B J Sims

INSPECTOR