



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: 07 August 2025

Appeal Ref: APP/Z4310/W/25/3363724

22 Bryanston Road, Liverpool, L17 7AL.

- 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 Miss Jess Taylor of Hawksmoor Properties Limited against the decision of Liverpool City Council.
 - The application Ref is 24F/2203.
 - The development proposed is change of use from a 6-bed C4 Use Class HMO to a 7-bed sui generis HMO.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a 6-bed C4 Use Class HMO to a 7-bed sui generis HMO, retention of 3 rooflights to rear and installation of an escape ladder to the front elevation, at 22 Bryanston Road, Liverpool, L17 7AL, in accordance with the terms of the application, Ref 24F/2203, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out only in accordance with the following approved drawings:
 - 062-02-02-005
 - 062-02-02-006
 - 062-02-02-007
 - 062-02-02-008
 - 062-02-03-001
 - 062-02-03-002
 - 2025/0711/001
 - 2) Before the HMO hereby approved is first occupied, cycle 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. The appeal was accompanied by an application for costs by the Appellant against the Council, but this was withdrawn during the appeal process and I take no further action upon it.

Procedural Matters

3. The application is retrospective to the extent that, from inspection, the conversion works to effect the proposed change of use have been completed. However, this has no bearing upon the consideration of the planning issues arising in the appeal.
4. On the application form the development is described as set out in the above heading but the retrospective proposal, as described in the refusal notice, includes retention of 3 rooflights to the rear and installation of an escape ladder to the front elevation.
5. Due to conflicting evidence concerning the dimensions and floor area of the communal basement living room of the proposed 7-bed HMO, following my site visit I accepted a corrected plan of the basement agreed between the Appellants and the Council and this is taken into account below.

Main Issue

6. The sole main issue is the adequacy of the available communal internal amenity space to serve the 7-bed HMO.

Reasons

Principle

7. 22 Bryanston Road is already subject to a lawful development certificate (LDC) for use as 3-6-bed HMO. I agree with the Council that this creates a planning fallback position, such that the proposed change of use is acceptable in principle and its effects fall to be judged in comparison with those of the approved 3-6-bed HMO. allowed at appeal¹.

Communal Internal Amenity Space

8. Policy H10.1 of the adopted Liverpool Local Plan (LLP) on the conversion of dwellings includes the overall aim that HMOs should not cause significant harm to the living conditions of occupiers. Policy H10.2(c) permits conversions of dwellings by sub-division to houses in multiple occupation (HMOs) subject to criterion (c) that the configuration of internal space satisfactorily takes into account minimum room size. Supporting paragraph 8.62 sets a minimum standard for a dedicated communal lounge area of 3 sqm per person, equal to 21 sqm for a 7-bed HMO.
9. Communal internal living space is provided in the basement lounge of floor area now agreed as 16.69 sqm, excluding the basement stairs. This is below the minimum advised by the supporting text of Policy H10.2(c), even for six occupants.
10. However, from inspection I am satisfied that this room could adequately accommodate up to seven residents. Thus, despite a shortfall in floor area, compared with the 21sqm standard set out in LLP paragraph of 8.62, I consider that the 7-bed HMO would meet the overarching requirement of Policy H10 that the living conditions of its occupiers would not be harmed.

¹ APP/Z4310/3332441

Other Matters

11. Policy H10.2 of the LLP also includes criteria that: (a) alterations necessary to the conversion to an HMO be of high-quality design, matching or complementing the style of the dwelling and the surrounding area; (i) bedrooms are not solely lit by rooflights; and (n) the development would not cause the loss of a dwelling suitable for continued family use.
12. I do not consider that the development would result in the loss of a family dwelling, accepting the fallback position resulting from the LDC for use of the appeal property as a 3-6-bed HMO.
13. The completed conversion is of notably high quality with no adverse impact on the style of the dwelling or the visual character of its surroundings. There is yet to be installed a statutory escape ladder from the basement living room but that would mainly sit discretely within the light well and have minimal effect on the appearance of the frontage within the street scene. Three rooflights have been installed at the rear, and a former window bricked up, but these features also have minimal impact on the appearance of the property. In these respects, the development meets LLP Policies H7 and UD1, as well as Policy H10.2(a).
14. The proposed second floor rear Bedroom 6 is lit only by two rooflights, but these are substantial in size and have a low cill level affording an open external view and good light levels. Under a convention adopted by the Council in view of previous appeal decisions, and in my own judgement, this is acceptable and avoids undermining the aim of Policy H10.2(i) with respect to living standards.
15. Given the fallback position, the addition of one further resident is most unlikely to give rise to significant additional neighbourhood noise or disturbance in further compliance with LLP Policies H7(d) or R1 to protect the amenity of primarily residential areas.
16. Accepting that the car ownership level among residents of HMOs is generally low and that the house is in a sustainable location close to public transport and community facilities, there is equally unlikely to be a significant increase in demand for on-street car parking. I therefore find no objection in relation the provision of on-street car parking in terms of LLP PolicyTP8.

Conditions

17. It is necessary to require the provision of adequate cycle storage within the appeal site to meet LLP Policy TP5.
18. Otherwise only a condition requiring compliance with approved drawings is required

Conclusion

19. Subject to those conditions and for the reasons explained, I conclude that this appeal should be allowed.

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B J Sims

INSPECTOR