



Appeal Decision

Site visit made on 27 August 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th August 2025

Appeal Ref: APP/W4325/W/25/3365396

71 Albion Street, New Brighton, Wirral CH45 9JQ

- 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 Oliver Walsh of Revilo Albion Limited against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is APP/25/00154.
 - The development proposed is change of use of the property to a 13-bedroom HMO (Sui Generis Use) and provision for off-street car parking, cycle and bin stores. Also includes removal of external staircase and insertion of window to replace the existing door leading onto the external staircase. Conversion of garage as habitable accommodation including a new door, window and roof. Reinstatement of windows to the basement apertures and reduction to height of existing lightwells.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of the property to a 13-bedroom HMO (Sui Generis Use) and provision for off-street car parking, cycle and bin stores. Also includes removal of external staircase and insertion of window to replace the existing door leading onto the external staircase. Conversion of garage as habitable accommodation including a new door, window and roof. Reinstatement of windows to the basement apertures and reduction to height of existing lightwells. at 71 Albion Street, New Brighton, Wirral CH45 9JQ in accordance with the terms of the application, Ref APP/25/00154, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made by Mr Oliver Walsh of Revilo Albion Limited against the decision of Wirral Metropolitan Borough Council. This is subject to a separate decision.

Preliminary Matters

3. The appeal submission has been accompanied by a Daylight and Sunlight Assessment (April 2025) and a Natural Light and Outlook Study drawing (drawing number: (20)A007 REV A). This information was not considered by the Council in reaching their final decision. This represents the submission of new information. The appeals procedure guide makes it clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views were sought. I have therefore not considered this new information in this appeal as it would prejudice the Council and any interested parties. Accepting this new information would have deprived those who were entitled to be consulted of the opportunity to make any representations as part of an appeal.

4. The Council note that the Wirral Local Plan was adopted on the 31st March 2025 and now constitutes the adopted development plan. I have therefore given full weight to the relevant policies of this development plan in my decision.
5. The description of development notes a change in the use of the property to a 13-bedroom House of Multiple Occupancy (HMO). However, in following the planning history of the appeal site, a previous planning application was granted permission to change the use of the property to a 12-bedroom HMO. There is one main difference between this appeal and this previously approved application. This is the use of a converted garage as a games room within the previously approved scheme, or its use as a bedroom (Bedroom 6) in the appeal proposal, amongst other external works. Therefore, planning permission has been granted for a 12-bedroom HMO, and this development would provide an additional further bedroom, amongst other things.

Main Issue

6. The main issue is the effect of the development on the living conditions of the future occupier of bedroom 6, with specific regard to noise, outlook and light.

Reasons

Noise

7. The host property is a detached dwelling situated on a corner plot at the junction of Albion Street and Dudley Road. Bedroom 6 is located within a section of the building previously designated as a garage. This area is physically separated from the main residential structure by a single storey connecting outrigger, which serves as a communal kitchen for the occupants of the HMO.
8. It is important to note that communal kitchen facilities within HMOs are typically high-traffic areas that generate considerable levels of ambient noise. Such noise may arise from the use of cooking appliances, the handling of kitchenware, and social interaction among multiple residents. It is reasonable to expect that occupiers of a HMO, living independently of one another, may choose to spend more time in their private space. Given the proximity of Bedroom 6 to this communal space, there is a heightened risk of noise transmission, which may adversely affect the residential amenity of the occupant.
9. However, in this instance, Bedroom 6 benefits from a degree of separation from the communal kitchen through the presence of an internal porch situated between the two spaces. This porch would serve as a transitional area, incorporating two internal doors, with one leading to the kitchen and the other to the bedroom. It is reasonable to assume that both doors would remain closed while the bedroom is occupied, thereby creating a physical buffer between the living space and the primary source of domestic noise. This configuration would introduce an additional layer of acoustic separation, which is likely to reduce the transmission of sound generated within the kitchen, including the use of appliances, cooking utensils, and general conversation.
10. Furthermore, communal kitchen areas are provided on both the ground and first floor. Given this configuration, it is anticipated that the use of the ground floor kitchen, adjacent to Bedroom 6, would largely be used by the occupants of the basement and ground floor rooms, with the occasional visit from an individual from

the upper floors if the kitchen on the first floor was busy. The total number of individuals regularly using the ground floor kitchen is therefore likely to be limited. When factoring in the natural variation in residents' daily routines, including differing work schedules, personal habits, and meal times, the cumulative noise impact from this kitchen on Bedroom 6 is expected to be moderate and intermittent.

11. This likely limited and staggered usage pattern, combined with the physical separation provided by the internal porch and dual-door arrangement would reduce the effect of noise generated from this kitchen on Bedroom 6. I shall now turn to the matter of noise generation from parking bays.
12. Two parking bays are proposed to the front of the property, situated just off Albion Street. These bays will be separated from the external door and window of Bedroom 6 by a generously sized amenity space, which would provide a meaningful buffer in a residential setting. The parking area will accommodate a maximum of two vehicles. As such, even in the event that both vehicles arrive or depart simultaneously, any associated noise would be brief and when combined with the separation from Bedroom 6 unlikely to cause a significant disturbance to its occupant.
13. Therefore, for the reasons outlined above, I do not find that the proposed development would result in an unacceptable effect on the living conditions of the occupant of Bedroom 6 with regard to noise.

Outlook

14. The Council note that Supplementary Planning Guidance 11 (SPG 11) advises that sole habitable room windows should be positioned a minimum of 14 metres from a blank wall. However, this is guidance which is focused on house extensions. This proposal would not involve an extension, nor would it look out onto a blank wall. Accordingly, the guidance set out in SPG 11 is not directly applicable in this case. It is therefore important to consider the specific physical context of this application, which may provide material planning considerations.
15. Bedroom 6 is served by a window which would face onto Albion Street. In the space between this window and the highway would be a private amenity space which would be lined by hedge planting, and two parking bays to service the host building. This is the sole outlook of Bedroom 6. The hedge planting would provide a soft landscaped outlook which is not an uncommon situation for many habitable room windows to residential buildings. Whilst I note that an outlook towards an area of car parking would not necessarily be attractive, any vehicles parked in this location would be largely concealed by the provision of hedge planting. There would also be instances where vehicles are not parked in these spaces and therefore, this would remove any perceived harm to outlook generated from parked vehicles.
16. I acknowledge the Council's concern regarding the potential height of the planting proposed in this area. I concur that, should the planting grow to a substantial height, it could adversely affect the outlook from Bedroom 6, given its proximity to the window serving this room. However, this outlook would be to a soft boundary treatment. This would not be as harmful as an outlook to a blank wall.

17. On this basis, I am not convinced that the proposed development would result in an outlook which is harmful to the living conditions of the occupant of Bedroom 6.

Light

18. Bedroom 6 would benefit from two sources of natural light. These are a window facing Albion Street and a centrally positioned rooflight. While the room would offer an adequate area of space, it is not excessively large. However, both light sources are of such a size that they provide a significant amount of light to this room. Therefore, in consideration of the size of Bedroom 6 and its provision of two notable natural light sources, the design elements of this space ensure that the room would receive an appropriate level of light.

Summary

19. To conclude, the development does not result in unacceptable living conditions for the future occupant of Bedroom 6 with regard to noise, outlook and light. As such, it would comply with Policy WD7 of the Wirral Local Plan 2025. This policy notes that in HMOs, reasonable outlook and amenity, including access to sufficient sunlight and daylight is provided for the future occupiers of the development.

Other Matters

20. Representations from interested parties have raised concerns that a neighbouring property is already occupied as a HMO, and that the development would therefore contravene Policy WD7 of the Wirral Local Plan 2025. However, the Council has confirmed that there are no licensed HMOs on Albion Street, Dudley Road, or Salisbury Road. In the absence of any compelling evidence to the contrary, I accept this position. Furthermore, planning permission for a HMO at the appeal property has previously been granted. Accordingly, the scope of this appeal is confined to assessing the living conditions of the future occupant of Bedroom 6 within the approved HMO.
21. Comments have also been received with concerns surrounding the parking provision which would be provided and its effect upon the highway. The Council note that the addition of one further bedroom to the previously approved 12-bedroom HMO is not considered to materially alter the scenario of highway safety nor vehicle numbers. The Council also note that this location is close to New Brighton railway station and a frequent bus service which would promote the use of public transport. As such, I have no reason to disagree with this assessment.
22. Concerns have also been raised which suggest that anti-social behaviour is likely to increase through the presence of another HMO. This is a fear of crime. The fear of crime can be a material consideration in a planning application. However, there must be a reasonable and evidential basis for that fear. There is no convincing evidence before me to suggest that crime does occur within the immediate locality as a result of the presence of a HMO in the vicinity, of which the Council state that there are no licensed HMOs on Albion Street, Dudley Road or Salisbury Road.

Conditions

23. The Council noted which conditions they considered to be necessary in the event that the appeal was allowed. These suggestions were not contested by the appellant.

24. In addition to the statutory time condition [1], I have imposed a condition specifying the approved plans [2], in the interests of certainty and to ensure that the development proceeds in accordance with the submitted details. A condition limiting the total number of occupants [3] is necessary to safeguard the living conditions of both future residents and neighbouring occupiers. Furthermore, a requirement for landscaping to be implemented [4] following the occupation of the buildings or upon completion of the development is essential to promote a positive visual appearance and to enhance the overall quality of the scheme.
25. I have attached a condition which requires the cycle parking, as shown on the approved drawings [5], to be made available prior to the occupation of the development. This is necessary to ensure that appropriate facilities for the parking of bicycles is provided. To ensure that satisfactory bin storage facilities are provided, it is necessary to include a condition which requires the submission of these facilities to the Council and that are approved in writing prior to the occupation of the development [6]. A condition which obscures a section of glazing to Bedroom 5 [7] is necessary to preserve the privacy of the occupant of this bedroom.

Conclusion

26. For the reasons given above and in taking all material considerations into account, the appeal should be allowed.

J Smith

INSPECT

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers:
 - (20)A004 REV F (Planning Site & Location Plans Alternative Layout)
 - (20)A005 (Planning Proposed Details 13 Bed Option)
- 3) The number of persons residing in the property as their sole or main residence shall not exceed thirteen persons at any one time.
- 4) All landscaping shown in the approved drawing (20)A004 REV F (Planning Site & Location Plans Alternative Layout) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) The cycle parking shown on approved drawing (20)A004 REV F (Planning Site & Location Plans Alternative Layout) shall be made available for use prior to the occupation of the approved development. That space shall thereafter be kept available for the storage of bicycles.
- 6) Prior to the occupation of the development, the full details of the bin store demarked on drawing (20)A004 REV F (Planning Site & Location Plans Alternative Layout) shall be submitted to and approved in writing by the Local Authority. The bin storage facilities shall be made available for use prior to occupation and shall thereafter be retained.
- 7) Prior to occupation, the South-West facing window in the ground floor serving bedroom 5 shall be permanently formed as a fixed light and glazed with obscure glass and shall thereafter be retained.