



Appeal Decision

Site visit made on 8 September 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal Ref: APP/Z4310/W/25/3366752

35 Stanley Street, Fairfield, Liverpool L7 0JN

- 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 Elmgreen Property Ltd against the decision of Liverpool City Council.
 - The application Ref is 24F/3233.
 - The proposed development is described as: “to retain dormer extension to rear, to carry out loft conversion and install 3no. rooflights to front in connection with change use to a 6 bed House Multiple Occupation (HMO).”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is taken from the decision notice. The revised description has been agreed between the parties. I am satisfied therefore that the cases of the parties would not be prejudiced by use of the above description. I have determined the appeal accordingly.

Main Issue

3. The main issue is whether the proposed development would result in the harmful loss of a family sized dwelling.

Reasons

4. The appeal property is a semi-detached dwelling, in a residential area. The parties agree that the site lies within neighbourhood Area H: Prescott Road/Fairfield Street/Laurel Road, and that the HMO concentration in this area is less than 10%. Policy H11 of the Liverpool Local Plan 2013-2033 (the Local Plan) states that planning applications for change of use to an HMO in neighbourhood areas with an HMO concentration of less than 10% will be assessed against Local Plan policy H10.
5. Policy H10 of the Local Plan in recognising the important role of HMOs in contributing to housing mix, including for residents more transient than families, permits the conversion of existing dwellings into HMOs, providing that proposals meet a range of criteria.
6. Criterion n), allows the change of use providing the development does not cause the loss of a dwelling that is suitable in size, design, layout and location for continued use as a family dwelling. The Local Plan Inspector’s Report, October

2021¹, shows that Criterion n) was included within the policy requirements due to the evidenced shortfall of three and four bedroom family homes, as set out within the SHMA².

7. The appeal property has an existing layout, size and design capable of providing separate living, kitchen and dining rooms on the ground floor, three bedrooms and a separate bathroom on the first floor, plus an attic room accessible via a staircase and noted as a bedroom on the plans. It also has an off-road parking area and a rear yard. It is therefore suitable for family occupation. No evidence has been provided to explain why the size of the dwelling exceeds average family needs. Moreover, there is no policy requirement for a dwelling to meet a test of exceptional suitability for family occupation.
8. Whilst the location, close to universities and the city centre would be suitable for students and professionals, it would be equally suited to families for the same reasons. No substantive evidence has been provided to support the assertion that families prefer suburban locations. Indeed, the SHMA notes the need for family homes to meet the needs of 20-34 age group as they progress to have families of their own.
9. The proposal amounts to the loss of one family home in an area with an HMO concentration of less than 10%. It is also not disputed that there has been a decrease in Area H from 7.8% HMO concentration in 2023, to 7% in 2024³, however no substantive evidence is before me to explain the drop in concentration. The decrease is minimal in any case.
10. Even so, Policy H10 clearly refers to the loss of singular dwellings in these locations, as opposed to a broader assessment of the extent of HMO concentration increase. Moreover, whilst the Framework does not restrict HMOs, it also requires Councils to establish the housing needs of different groups and to reflect this in planning policies. It has been evidenced that Policy H10 follows this requirement.
11. The appellant cites a recent appeal decision which concluded that one further HMO would not result in a meaningful change to the housing mix. However, the details of that appeal are not before me. I cannot for example, establish whether this refers to a comparable area of HMO concentration. I therefore attribute little weight to this appeal example.
12. For these reasons I conclude that the proposed development would result in the unacceptable loss of a family sized dwelling. As such, it would conflict with policy H10 of the Local Plan, which sets out a criteria based approach to the conversion of existing dwellings as set out above.

Other Matters

13. The proposal would meet all other criteria of Policy H10 including requirements relating to an accessible location, retaining the residential character of the property, acceptable living conditions of neighbours, space and light standards, highway safety and parking standards amongst other requirements. However the policy does not adopt an either/or approach; all criteria should be met.

¹ The Liverpool City Council, Liverpool Local Plan 2013-2033, Inspector's Report October 2021

² Liverpool Strategic Housing Market Assessment, Liverpool City Council, Final Report July 2016.

³ Housing Authority Monitoring Report 2022-23 and 2023-24

14. The proposal would have the potential to house professionals, and the living conditions of neighbouring occupiers may be respected. Also the proposal would be in residential use and would contribute to housing mix, including serving the increased student and young person population. The appellant also considers that there is evidence of a market transition towards rentals/HMOs, and that all HMOs are provided in what were formerly family homes for viability reasons, although I have little evidence before me to substantiate these points. Nevertheless, these factors do not outweigh the harmful loss of a dwelling suitable for family occupation, for which there is an evidenced need.

Conclusion

15. The proposal conflicts with the development plan as a whole and there are no other considerations that outweigh that conflict. Therefore for the reasons given, I conclude that the appeal should be dismissed.

E Heron

INSPECTOR