



Appeal Decision

Site visit made on 8 August 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/Z4310/W/25/3366669

51 Arundel Avenue, Liverpool L17 3BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by A & I Property against the decision of Liverpool City Council.
 - The application Ref is 24F/3219.
 - The development proposed is to reinstate fire damaged building and carry out alterations to include new roof structure, front and rear gables, insertion of new windows and doors, dormer at rear and change of use from dwelling (Use Class C3) to 1 no. three bed and 1 no. five bed dwellinghouse in multiple occupation (Use Class C4); with associated installation of bike store to rear.
-

Decision

1. The appeal is dismissed.

Application for costs

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

Preliminary Matter

3. The description of development was revised by the Council. Although the appeal form states that the changes do not improve the accuracy of the description, it was nevertheless agreed by the appellant. Accordingly, I have taken the description of development in the banner heading above from the decision notice; it accurately reflects the proposed development before me.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the residential character of the area, with particular regards to the balance and mix of housing;
 - whether acceptable living conditions could be provided for future occupiers of the proposed development, regarding light, outlook, privacy, noise and odour;
 - the effect of the proposed development on the living conditions of existing residents in the surrounding area, with particular regards to noise and disturbance;
 - whether the proposed development would preserve the setting of the Grade II listed building, known as 'rear entrance gateway, steps and attached boundary walls at Toxteth Park Cemetery' and the effect on the significance

of the Toxteth Park Cemetery, a Grade II listed Registered Park and Garden, through development within its setting;

- the effect of the proposed development on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Toxteth Park and Avenues Conservation Area (the CA); and
- whether the proposed development makes appropriate provision for cycle parking.

Reasons

Character, balance and mix of housing

5. 51 Arundel Avenue (No 51) is a mid-terrace dwelling located on the north side of Arundel Avenue, a predominantly residential road characterised by a mixture of house types including terraced and semi-detached dwellings, and blocks of flats. It has been uninhabited since a gas explosion and fire caused substantial damage to the building. The proposal is to reinstate and alter the building and change its use to a three-bedroom House-in-Multiple Occupation (HMO) at ground floor, and a five-bedroom HMO over first and second floor.
6. Policy H11 of the Liverpool Local Plan 2013-2033 (2022) (LP) states that the Council will aim to ensure that there is balanced housing provision, meeting the needs of families and households of varying sizes. Neighbourhoods where the concentration of HMOs has reached, or could reach, a level that could have an adverse impact on the character of the area are designated on the Policies Map. No 51 falls within the designated neighbourhood area of 'Area D: Sefton Park (north) periphery,' which, based on the Council's latest figures, has a concentration of 8.5% HMOs.
7. In such designated neighbourhoods, where there is a concentration of less than 10%, LP Policy H11 requires a planning application for a change of use to an HMO (large or small) to be considered against the criteria set out in paragraph 2 of LP Policy H10. This includes criterion (n) which requires that 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.
8. LP Policy H10 does not define what constitutes a 'family dwelling.' However, the Council's 'Supplementary Planning Guidance 7: Conversion of Buildings into Flats and Bedsits' (SPG) identifies buildings normally considered suitable for conversion as being older, larger houses which because of their size and location may be difficult to sustain as single dwellings.
9. Before the fire, No 51 was arranged with a lounge, dining room and kitchen at ground floor and six bedrooms and a bathroom over first and second floor. The appellant's evidence is that No 51 was occupied by one family, and according to several interested parties, this is a desirable and sought after residential area for families. I therefore have no doubt that No 51 would have originally been a suitable size, design, layout and location for use as a family dwelling. Further, I have no persuasive evidence before me that its size or location would have made it difficult to sustain as a single dwelling, such that it is the type of building envisaged by the SPG as suitable for conversion.

10. The fire has clearly caused significant damage to the building. This includes the total loss of the roof tiles and most of the roof joists, and the partial collapse of the rear and front elevations including the second-floor gable. The appellant's photographs also show damage to some internal floors and a staircase, although many of the windows survive. A hoarding encloses the front garden, but the building is not wind or watertight. In its current condition, No 51 is uninhabitable and is not suitable for continued use as a family dwelling.
11. The appellant asserts that, owing to its condition, it would be impossible for any party to secure a mortgage to purchase the building. To demonstrate this, viability evidence has been provided which considers two development scenarios: first, reinstating the building as a six-bedroom single dwelling; and secondly, the appeal proposal of 2no. HMOs. The Council has had the opportunity to comment on this evidence. Despite being commissioned by the appellant, the evidence has been professionally prepared by a firm of chartered surveyors and valuers, and I have no reason to question its integrity or independence.
12. I note that there are some access limitations, however, I have very little information before me regarding the structural condition of the building or a detailed schedule of the proposed works for either scheme. The schedule for each (appendices V and VI) provides only a summary of overall building costs with no indication of what each 'element' of work would comprise, such as the extent of demolition work or a broad scope of fittings and finishes. Nor do I have any information regarding how the estimated cost (£/m²) has been derived or if an appropriate data source is used, such as the Building Cost Information Service.
13. The viability appraisal shows that both development scenarios would result in a loss, with the reinstatement to a single dwelling showing the greater loss. However, the level of loss is sensitive to the inputs on build costs, amongst other things, and the scenarios have not been sensitivity tested. On the limited evidence before me, I am not therefore satisfied that it has been demonstrated that there is no opportunity that No 51 could be reinstated for continued use as a family dwelling, or that this would not be viable, or indeed mortgageable.
14. The appellant has drawn my attention to a Section 79 Notice (the Notice) under the Building Act 1984 which was served on the previous owner of No 51 because of its 'ruinous or dilapidated condition.' The Notice requires the owner to either: (a) execute such works of repair or restoration as are necessary in the interests of amenity; or (b) take such steps for demolishing the building.
15. No 51 is within the Toxteth Park and Avenues Conservation Area (the CA). Section 196D(1) of the Town and Country Planning Act 1990 (as amended) makes it an offence to fail to obtain planning permission for the demolition of unlisted buildings in conservation areas in England. I have no evidence that planning permission has been granted for the demolition of No 51, or that, should an application be made, it would be supported by the Council. Nor do I have any evidence that the Council has been notified of any intention to demolish the building. Consequently, I am not persuaded that the Notice means that the loss of the family dwelling has already occurred, or that the building no longer exists de facto, as asserted by the appellant.
16. Therefore, for the above reasons, in conflict with LP Policy H10(n), the appeal proposal would result in the loss of a dwelling that is suitable in size, design, layout

and location for continued use as a family dwelling. Although there is an existing mix of house types, the proposal would result in an increase in the concentration of HMOs which would be to the detriment of the balance of housing provision in this neighbourhood area.

17. I therefore conclude that the proposed development would cause harm to the residential character of the area, with regards to the balance and mix of housing. Consequently, it would conflict with LP policies H7, H10 and H11 which together aim to ensure that there is balanced housing provision and require development, including conversions to HMOs, to have no adverse impact on the residential character of the area.

Living conditions – future occupiers

18. The SPG pre-dates the adoption of the LP, but I have no evidence before me that it has been repealed. It provides useful guidance in respect of the conversion of houses to bedsit accommodation, which reflects the requirement in LP Policy H10 that the configuration of internal space satisfactorily takes into account minimum room acoustic insulation.
19. The SPG states that the vertical arrangement of layouts should ensure that bedrooms are not located above or under living areas or kitchens unless a suitable scheme of acoustic insulation is proposed. In conflict with this guidance, Bedroom 2 of the 5-bedroom HMO would be directly above the communal living, kitchen and dining area of the ground floor 3-bedroom HMO. Moreover, the second-floor living, kitchen and dining area for the 5-bedroom HMO would be directly above two of the bedrooms at first floor.
20. Whilst I appreciate that the subdivision of No 51 into two HMOs requires two communal areas, I am not persuaded that the vertical stacking of these areas above or below bedrooms could not be avoided. Nor do I have any detailed information before me in respect of a proposed scheme for acoustic insulation. On the evidence before me, I am not therefore satisfied that noise transfer to bedrooms could be mitigated to ensure satisfactory living conditions, or that acoustic insulation could be reasonably controlled by condition, as asserted by the appellant.
21. At ground floor, the 3-bedroom HMO would be arranged with two bedrooms to the rear, which would have windows facing the communal yard. The only window of Bedroom 2 would directly face the outrigger of the dwelling at No 53 Arundel Avenue (No 53) which would be only a short distance away. This proximity would restrict outlook and natural light and as a consequence the room would be dark and feel oppressive for its occupant. Further, the window would be next to the patio doors of the communal living area and given this area of the yard is away from the bin and cycle store, it is likely it would be well used by occupiers of the HMO. Bedroom 2 would therefore be afforded limited privacy and overall, the standard of living condition for the occupier of this room would not be adequate.
22. Bedroom 1 would have a small, secondary window which would be close to the bin store. The main window would be on the rear elevation facing the proposed cycle store, but it would be of sufficient distance to ensure that, on balance, the bedroom would benefit from a reasonable level of natural light and outlook.

23. The communal living, kitchen and dining area for the proposed 3-bedroom HMO would have a good level of outlook from the proposed patio doors towards the rear yard. The depth of the room and its north facing orientation means the kitchen area would benefit from limited natural light, but it would still be a functional space.
24. I am satisfied that because the refuse bins would be enclosed and would be located a reasonable distance from the main windows of Bedroom 1 and 2, there would be no harm to the living conditions of the occupiers of these rooms in respect of odour.
25. The room sizes range from between 10sqm and 18sqm which exceed the 'Technical housing standards – nationally described space standard' (2015) minimum floor area for a single bedroom of 7.5sqm. The communal living, kitchen and dining rooms would also exceed the minimum size of communal lounge space which equates to 3sqm per person, referred to in the supporting text to LP Policy H10. Whilst the generous size of individual rooms would clearly benefit future occupiers of the HMO, the availability of such space would not sufficiently mitigate the wider harm I have identified above in respect of living conditions.
26. I therefore conclude that overall, the living conditions for future occupiers of the proposed development would not be acceptable, with regards to light, outlook, privacy and noise. Consequently, it would conflict with LP policies H10 and R1 which together require the conversion of existing dwellings to meet specific criterion and should demonstrate that the impact of noise will not be significant.

Living conditions – existing occupiers

27. Consistent with the approach of the Inspector in respect of a scheme at 184 Molyneux Road,¹ I accept that LP Policy H11 adopts a neighbourhood approach to the location of HMO's, rather than a ward or street level approach. However, in combination with 49 and 49A Arundel Avenue (No 49A), the proposal would result in a high concentration of HMO bedspaces within a small area. Although the Council's Environmental Health Officer has not objected to the proposal, several representations from neighbours and interested parties have raised existing issues in respect of anti-social behaviour, noise and loud music at unreasonable hours, including occasional noise from No 49A, which is managed by the appellant. This is therefore a location particularly sensitive to increases in noise and disturbance.
28. The proposal would involve reconfiguring the original internal arrangement of the appeal property, dividing one bedroom into two at first floor and changing two bedrooms to a communal living, kitchen and dining area at second floor. This would be the only communal area for the proposed 5-bedroom HMO and would adjoin the party wall with No 53, a single dwelling.
29. It is likely that the occupiers would regularly use the communal area next to No 53's second floor room, understood to be a bedroom. I have no substantive evidence before me that occupation by students would regularly lead to anti-social behaviour, but the use of the communal area could nevertheless extend late into the evening. This is a time of day when peace and quiet should reasonably be expected, particularly in a bedroom, and noise from music or raised voices would be keenly felt by the occupiers of No 53, to the detriment of their living conditions.

¹ APP/Z4310/W/23/3315086

30. Further, the occupiers of the two HMOs, particularly students living together, would tend to be relatively transient and could lead largely independent lives from each other, but also from their neighbours. They would have separate daily routines which would result in frequent comings and goings, and noise at different times of the day. The original arrangement of No 51 included six bedrooms and could have been occupied by different members or generations of the same family. However, the proposal would result in a greater number of people, and it is likely to be all single adults residing across the two HMOs.
31. My attention has been drawn to the appellant's 'Tenant Handbook' which sets out expectations in terms of being considerate to neighbours and it also recognises that the first couple of months of a tenancy are when problems tend to arise, particularly noise complaints. However, this handbook does not include measures to control noise associated with the second-floor communal area, nor would it sufficiently mitigate the external noise and disturbance associated with two HMOs, which could take many forms including doors slamming, people gathered or frequent deliveries. Therefore, the appeal proposal would result in a noticeable increase in noise and disturbance in the surrounding area, which would be particularly intrusive to the occupiers of No 53.
32. I therefore conclude that the proposed development would cause significant harm to the living conditions of existing residents in the surrounding area, with regards to noise and disturbance. Consequently, it would conflict with LP policies H7, H10 and R1. Together, these seek to ensure that development proposals do not result in a significant noise impact and require new development, including conversion of existing dwellings into HMOs, to protect the living conditions of existing residents from increased activity, noise and disturbance.
33. There would be no conflict with LP Policy H11 as this requires that, in designated areas with an HMO concentration of less than 10%, proposals for an HMO be only *considered* against, and not accord with, the criteria in LP Policy H10 paragraph 2.

Setting of Toxteth Park Cemetery and listed rear gateways, steps and boundary walls

34. No 51 is a bay fronted, mid-terrace dwelling which forms part of a short row of three properties on the northern side of Arundel Avenue. To the rear, is Toxteth Park Cemetery which is a Grade II registered park and garden². Based on the list description and evidence before me, its significance is derived from its historic interest as a good example of an early High Victorian public cemetery in a provincial city, designed by William Gay, a prolific and renowned cemetery designer. The cemetery covers a large area and is enclosed with a high buttressed brick boundary wall, with a coping of blue brick, and was designed with a main axial drive running south along its length.
35. The principal entrance lies on the northern boundary with Smithdown Road, but the second 'rear entrance gateway, steps and attached boundary walls' are on the southern boundary accessed from Arundel Avenue, and are Grade II listed³. In accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have therefore had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

² List Entry Number: 1001611

³ List Entry Number: 1078256

36. The significance of the 'rear entrance gateway, steps and attached boundary walls' is principally derived from its historic association with Toxteth Park Cemetery. However, it is also of architectural interest, described in the official list entry as comprising two pedestrian entrances, each with a three-lobed wrought-iron turnstile within a square stone cell, topped with octagonal turrets, with two arched door openings below. The entrances each give access via two short flights of stone steps leading down into the cemetery and are flanked on either side by a red brick boundary wall with buttresses, which extends a length to the east and west.
37. The setting of a heritage asset is the surroundings in which it is experienced. This is not fixed and may change as the asset, and its surroundings evolve. The architectural interest of the 'rear entrance gateway, steps and attached boundary walls' are best appreciated close by and particularly from within Toxteth Park Cemetery. Toxteth Park Cemetery is principally experienced from within its expanse of open space and formal pathways but also within the context of its urban, predominantly residential surroundings, and this contributes to its significance as an early public cemetery in a city.
38. When viewed from the cemetery, the proposed dormer and alterations to the rear elevation of No 51 would not be unduly prominent above the high boundary wall, and it would be viewed in the context of the wider, varied rear elevation of the terrace of properties along Arundel Avenue. It would form part of the evolving surrounding urban context and the historic interest, and therein significance of Toxteth Park Cemetery would be preserved.
39. Further, the proposed dormer would not fundamentally alter views from the cemetery toward the listed rear entrance gateway, steps or the red brick boundary walls. Nor would it alter the historic association between this listed building and Toxteth Park Cemetery. From Arundel Avenue, there are views of the entrance gateway as it is approached via a short alleyway which leads north between properties on either side. On the opposite side of Arundel Avenue, the reinstated front gable and bay of No 51 would be seen in these views and would make a positive contribution to the appreciation of the architectural interest of the entrance gateway.
40. I therefore conclude that the proposed development would preserve the setting of the Grade II listed building, known as 'rear entrance gateway, steps and attached boundary walls at Toxteth Park Cemetery' and would not have a harmful effect on the significance of the Toxteth Park Cemetery, a Grade II listed Registered Park and Garden, through development within its setting. Consequently, it would accord with LP policies H7, H10, UD1, UD2 and HD1 which together seek to ensure that there is no adverse impact on the character of an area, and that development proposals take into account the relationship to existing structures and the setting of designated heritage-assets, conserving their significance.
41. As the proposed rear dormer and alterations would facilitate the use of the appeal property as an HMO, I do not find LP Policy H8 to be determinative as it specifically relates to extensions and alterations to dwellings. The proposal would however accord with LP Policy UD7 which requires that alterations and extensions to buildings consider the scale, proportion, form, materials and character of the existing building. For the same reasons given above, there would be no conflict with LP Policy H11 which does not require a proposal to accord with LP Policy H10 paragraph 2.

Conservation Area

42. The appeal property is within the CA, which covers an extensive area comprising Toxteth Park Cemetery in the north and parallel residential roads to the south. The significance of the CA is derived in part from the cemetery, but also from the dense grain of primarily late C19th and early C20th low or mid status housing which has a generally consistent palette of materials including red pressed bricks and stone dressings. In accordance with the statutory duty set out in Section 72(1) of the Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
43. The fire largely destroyed the roof of No 51 and severely damaged the front and rear walls, including part of the first-floor bay and gable on the front elevation. The front garden of the appeal property is hoarded. In its current dilapidated and uninhabited state, the appeal property detracts from the character and appearance of the immediate locality, and the CA.
44. Mindful of paragraph 209 of the National Planning Policy Framework (the Framework), there is no substantive evidence to lead me to believe that the condition of No 51 is a result of deliberate neglect or damage, nor does an absence of evidence on the cause of the fire lead me to this conclusion. The proposed reinstatement of the fire damaged building, notably its bay, gable and natural slate roof, would clearly enhance the character and appearance of the CA.
45. The existing windows at ground and first floor survived the fire, although the condition is not known. The first-floor window on the rear elevation appears to be a vertical sliding sash, but the remaining are top opening aluminium casement windows. These have a vertical transom bar which means that the top pane of glass is smaller than the bottom. The proposed new and replacement windows would similarly be casement but would be uPVC.
46. The proposed windows are not traditional in design. However, they would have a central meeting rail which gives symmetry to the top and bottom pane of the window and would better match the symmetry of the original sash windows on the neighbouring property at 49 Arundel Avenue. Moreover, whilst aluminium is thought to be a superior material by the Council, I observed that uPVC casement windows are commonplace along Arundel Avenue and within the wider CA. Subject to a condition controlling the details, the proposed windows would not cause harm to the character and appearance of the CA.
47. The roof of No 51 would be rebuilt and a new gable dormer window constructed within the rear roof slope. The dormer would be small, align with other openings on the rear elevation, and be finished in a reclaimed grey slate to match the finish of the main roof. The rear elevation of No 51 is partially screened by 49A Arundel Avenue (No 49A) and therefore there would be limited visibility of the dormer window above the high boundary wall. From here, views would be softened by the trees in the cemetery, particularly when in full leaf, and the dormer would not be particularly conspicuous.
48. Moreover, although it would be seen from a very short section of the alleyway up to the gates of the cemetery, its design and proportions would mean that the dormer would appear a modest, incidental addition to the appeal property. It would also be seen against the backdrop of the three-storey, more modern apartment building behind and it would assimilate well with the rear elevation of the terrace.

49. The bin stores for both HMOs would be within No 51's rear yard. This would be accessed directly from the communal kitchen area of the ground floor HMO but there would be no direct access to the rear of the property from the upper floors. The occupiers of the 5-bedroom HMO would need to take bin bags downstairs, along the front of the terrace, and down the alleyway to the rear yard. Should the bins for this HMO be stored to the front of No 51, they would be visible from the road above the low boundary wall. However, I observed that where bins are stored to the front of properties along Arundel Avenue they do not appear particularly prominent or intrusive in the streetscene.
50. Finally, the Council's assertion that HMO accommodation is poorly managed and maintained is unsubstantiated. I observed that the adjoining HMO at No 49, which is owned and managed by the appellant, to be well maintained, at least externally.
51. I therefore conclude that overall, the proposed development would preserve the character and appearance of the CA. It would accord with LP policies H7 and H10 in so far as they require that development, including the conversion or sub-division to an HMO, has no adverse impact on the character of the area. It would also accord with LP policies UD1, UD2, UD7 and HD1 which require development to retain the overall character of an area and seek to conserve the significance of heritage assets.
52. There would be no conflict with LP Policy H11 which does not require a proposal to accord with the criteria in LP Policy H10 paragraph 2. LP Policy H8 would not be determinative as it specifically relates to extensions and alterations to dwellings.

Cycle parking

53. The occupiers of the HMO would not be solely reliant on the use of a cycle as a means of transport, given that the appeal property is located relatively centrally within the city and is in walking distance of shops, local facilities and bus services along Smithdown Road. Accordingly, despite being lower than the number of occupiers, I am satisfied that provision of storage for 6 cycles would be sufficient in this case. Moreover, although the HMO on the upper floors would not have direct access to the cycle store within the rear yard, it would be easily accessed from the alleyway alongside the end of the terrace. The alleyway is well-used, there is natural surveillance from the windows of 49A, and the yard is secured by double gates. The location of the proposed cycle store would not therefore deter its use.
54. I therefore conclude that the proposed development would make appropriate provision for cycle parking. It would accord with LP Policy TP5 which requires proposals for new development to be designed to encourage cycling and provide appropriate cycle access and sufficient, secure cycle parking.

Other Matters

55. The appellant has referred to a scheme for the conversion to a 9-bedroom HMO at 88 Hartington Road⁴. This property falls within the same HMO neighbourhood concentration area as No 51, but it is not possible to ascertain from the information before me whether the original dwelling was comparable in size, number of bedrooms or internal layout. However, it appears to be a very large double fronted three-storey property which I note had not been used as a dwelling since 1985,

⁴ LPA Ref. 22F/0116

which is a significantly longer period than the appeal property. Similarly, the scheme the appellant refers to for the change of use to a 7-person HMO at 79 Salisbury Road⁵ related to a larger dwelling with 8-bedrooms which, whilst previously being in a very poor state of repair, had been in use as an HMO for several years.

56. Although it deals with similar issues in respect of the condition of the property, the Inspector for the appeal scheme at 58 Boswell Street⁶ referred to a report which identified that the dwelling suffered from extensive structural defects. I have insufficient evidence in respect of the structural condition of No 51, to establish whether the appeal proposal is directly comparable to this example.
57. A further example has been referred to at 37 Ullet Road⁷ which proposed the conversion of an existing nursing home into 5no HMO units. In contrast to the appeal proposal, in this case the Inspector found that the movements associated with the existing use would be significant and would be more dispersed across the day than the proposed HMO. Finally, the appellant has referred to a scheme at 1-5 Croxteth Road but no further information or details have been provided.
58. Therefore, on the evidence before me, I am not persuaded that the examples provided by the appellant are directly comparable to the appeal proposal before me, and consequently they lend little support or justification for it. In any event, I have determined this appeal on its individual site characteristics and merits.
59. I have had regard to the letter of support from the landlord of the adjoining dwelling at 53 Arundel Avenue and I recognise the concerns raised in respect of the previous occupiers of No 51. I also appreciate that the current condition and appearance of the property is detrimental to the perception of the area. Finally, I have no reason to doubt the credentials of the appellant in terms of developing and managing similar properties, or that the proposed HMOs would be developed to a high specification. However, these matters are not sufficient to justify the appeal proposal or to outweigh the harm that I have found.

Planning Balance and Conclusion

60. The appeal proposal would reinstate a fire damaged building, returning it into an active use. This would result in a reduction in the level of vacant housing in the city and would contribute to the overall supply of housing. It would further contribute to the variety and type of accommodation, including addressing the long-term trend for smaller household sizes, which is recognised in the explanatory text to LP Policy H10. I afford these benefits moderate weight, despite the small scale of the proposed development.
61. LP policies H7, H10 and R1 with which the development conflicts accord with the Framework where it requires that planning policies and decisions should ensure that development is sympathetic to local character and creates places which have a high standard of amenity for existing and future users. Therefore, the conflicts I have found attract full weight in this case.
62. The appellant asserts that the progress of some sites included in the Council's housing land supply has stalled, or previous planning permissions have lapsed.

⁵ APP/Z4310/W/24/3357354

⁶ APP/Z4310/W/22/3308257

⁷ APP/Z4310/W/22/3311110

Using the standard revised method and discounting these sites, the appellant calculates only a 4.31-year housing land supply. Although the position is being updated, the Council nevertheless maintain a 5-year housing land supply can be demonstrated. The Council has also confirmed that those developments sites referred to by the appellant are not included in the latest supply figures.

63. Therefore, on the relatively limited evidence before me, I cannot be certain that there is less than a 5-year housing land supply, as asserted by the appellant. Nevertheless, if I were to accept the appellant's contention that there is a shortfall in housing supply, paragraph 11d) of the Framework would be engaged.
64. The development would align with the Framework where it seeks to increase the supply of housing and acknowledges that small-scale development can make an important contribution to meeting housing requirements, often built out relatively quickly. The Framework further gives great weight to the benefits of using suitable sites within settlements for homes and promotes and supports the development of under-utilised buildings. The proposal would also align with the Framework where it seeks to achieve well-designed places. These matters would attract moderate weight in favour of the scheme.
65. When considering the impact of a proposed development on the significance of a designated heritage asset, the Framework requires that great weight should be given to the asset's conservation. The proposed reinstatement of the fire damaged building would clearly be an enhancement, and I have found that overall, the proposed development would preserve the character and appearance of the CA. It would also preserve the setting of the Grade II listed building, known as 'rear entrance gateway, steps and attached boundary walls at Toxteth Park Cemetery' and would not have a harmful effect on the significance of the Toxteth Park Cemetery, a Grade II listed Registered Park and Garden, through development within its setting.
66. However, the appeal proposal would conflict with the Framework where it seeks to actively plan for, and manage, patterns of housing growth to meet an area's identified housing need, with an *appropriate* mix of housing type for the local community. It would also conflict with the Framework where it requires that decisions should ensure that development creates places with a high standard of amenity for existing and future occupiers. I give this conflict substantial weight.
67. Taking all of this into account, and even if there is a shortfall in the housing land supply position, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. As such, the presumption in favour of sustainable development does not apply.
68. For the reasons set out above, I conclude that the appeal proposal would conflict with the development plan as a whole and there are no material considerations, including policies in the Framework, that indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

R. Gravett

INSPECTOR