
Appeal Decision

Site visit made on 26 September 2025

by **R Gravett BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 October 2025

Appeal Ref: APP/Z4310/W/25/3369372

31 Liscard Road, Liverpool L15 0HH

- 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 Simon Lawrence of SGL Group Ltd against the decision of Liverpool City Council.
 - The application Ref is 25F/0852.
 - The development proposed is to convert the property from a C4 Use Class HMO to a 7-bed Sui Generis HMO facilitated by the installation of a rooflight and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted to convert the property from a C4 Use Class HMO to a 7-bed Sui Generis HMO facilitated by the installation of a rooflight and rear extension at 31 Liscard Road, Liverpool L15 0HH in accordance with the terms of the application, Ref 25F/0852, and the plans submitted with it, subject to the attached schedule of conditions.

Applications for costs

2. An application for costs was made by Mr Simon Lawrence of SGL Group Ltd against Liverpool City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. In my decision and the banner heading above, I have removed references not relevant to the act of development from the description of development, namely 'part retrospective.'
4. I was able to see on my site visit that the appeal property is in use as a 7-bedroom House in Multiple Occupation (HMO), but the proposed rear extension had not been constructed, nor the rooflight installed. Accordingly, I have determined this appeal on the basis that the development has partly been carried out.
5. The appellant has referred to revised floor plans being produced in support of the appeal which propose two rooflights in Bedroom 5, as opposed to the single rooflight which is in situ. Although I have an extract of the second-floor plan, I have not been provided with a copy of the revised floor plans. Nor do I have a copy of the revised site plan to which the appellant also refers. I have therefore considered the appeal on those plans before me, and on which the Council made its decision.

Main Issues

6. The main issues are:

- the effect of the development on the residential character of the area, with particular regards to the balance and mix of housing;
- the effect of the development on the living conditions of existing residents, with particular regards to noise and disturbance; and
- whether acceptable living conditions are provided for occupiers of the development, with regards to light and outlook, and the provision of internal space, outdoor amenity space and bin and cycle storage.

Reasons

Character, balance and mix of housing

7. 31 Liscard Road (No 31) is a two-storey mid-terraced property with accommodation within the roofspace. It has the appearance of a typical dwelling and is located in a predominantly residential area, characterised by rows of streets of similar terraced properties.
8. No 31 is within an area covered by an Article 4 Direction, which came into effect on 17th June 2021, and removed permitted development rights for the change of use of a Class C3 (dwellinghouse) to Class C4 (HMO). In January 2021, the Council issued a Lawful Development Certificate (LDC)¹ for the proposed change of use of No 31 from a single dwelling to an HMO, as well as the erection of a single storey and dormer extension to the rear, and rooflights to the front.
9. Within the context of an appeal under section 78 of the Act, it is not within my remit to formally determine whether the existing use or development is lawful, as questioned by the Council. However, I shall consider the evidence as to the lawful use in so far only as it is material to this appeal. If the appellant wishes to ascertain whether the existing use and development is lawful, they may make an application under Section 191 of the Town and Country Planning Act 1990 (as amended).
10. The appellant has provided a copy of a signed Joint Assured Shorthold Tenancy Agreement between SGL Student Homes and six students which commenced in early June 2021. The consultation response from Private Sector Housing confirmed that there is currently an HMO license for the property which started on 3rd June 2021 and expires on 2nd June 2026. Although the license was requested and granted for a maximum of 7 occupants, the consultation response nevertheless confirmed that 'at the time of making the application, there were only 6 tenants secured.' I have no persuasive evidence before me that, although benefitting from a dormer, the seventh room was not used at this time as an office, as shown on the 'Existing and Proposed Attic Floor Layout' plan referenced in the LDC.
11. The appellant acknowledges that it was the intention to later seek to secure planning permission for a further (seventh) bedroom, but nevertheless on the evidence before me, I am satisfied that the tenancy and occupation of No 31 for the period during which the Article 4 Direction took effect was for six persons only.

¹ 20LP/3111

12. The Council has referred to Policy H11 of the Liverpool Local Plan 2013-2033 (2022) (LP) which aims 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 31 falls within designated neighbourhood 'Area B: Smithdown Road / Gainsborough-Wellington Roads / Picton Road / Cranborne Road,' which has a concentration of more than 10% HMOs. LP Policy H11 states that, in such designated neighbourhoods, further planning applications for a change of use from C3 to small (C4) or large HMO dwellings will not be supported.
13. However, the policy is silent regarding the change of use from a small to a large HMO and it specifically relates to the change of use from a C3 dwelling. As I have found No 31 to be an HMO, there is no conflict with LP Policy H11 and, despite increasing the occupancy from six to seven persons, there has been no substantive change to the overall character, balance or mix of housing in the neighbourhood.
14. Moreover, the appellant's evidence is that No 31 would revert to be used as a small HMO for six-persons in the event the appeal was dismissed, and I have no persuasive evidence before me to the contrary. Accordingly, there would be no conflict with LP Policy H10(n) because the development has not resulted in the unacceptable loss of a dwelling that is suitable in size, design, layout and location for continued use as a family dwellinghouse. Nor has it resulted in the loss of a three or four-bedroom family home, which the Strategic Housing Market Assessment has identified as in short supply across the city.
15. I therefore conclude that the development does not cause harm to the residential character of the area, with particular regards to the balance and mix of housing. Consequently, it does not conflict with LP policies H10 and H11 which seek to ensure balanced housing provision and require conversions to not adversely impact the character of the surrounding area or cause the loss of a family dwelling.

Living conditions – existing residents

16. The increase in occupation from 6 to 7 persons has inevitably resulted in a more intensive use of No 31 and some additional activity, such as the general comings and goings of the occupiers and their visitors, and vehicle movements associated with food deliveries and taxis. However, although occupiers of HMOs can often lead largely independent lives from one another, with different routines and schedules, it is unlikely that one additional occupant would result in a markedly different level of activity. Moreover, given No 31 is already an HMO, any differing patterns of activity associated with such use, as compared to a family dwelling, will already be an established part of the neighbourhood.
17. The Council's research shows that levels of noise nuisance and anti-social behaviour are highest in areas with HMO concentrations. No 31 is in an area where there is a concentration of more than 10% HMOs and the density of housing is relatively high, comprising similar terraced properties. I observed that Liscard Road is busy and well-used by pedestrians and vehicles, with on-street parking on both sides of the road. Therefore, there is a reasonable amount of activity, but I have little evidence that Liscard Road experiences noise nuisance or anti-social behaviour. I accept that a line needs to be drawn somewhere in respect of the cumulative effect of HMOs. However, given No 31's busy location, it is unlikely that

the activity associated with only one additional person would result in a noticeable increase in noise and disturbance. Nor would it be reasonable to assume that the HMO would lead to anti-social behaviour, despite other HMOs in the locality. In the absence of an adverse impact on the amenity of neighbouring properties, No 31 would not be a building considered inappropriate for conversion by 'Supplementary Planning Guidance Note 7: Conversion of Buildings into Flats and Bedsits' (SPG7).

18. I therefore conclude that the development does not cause harm to the living conditions of neighbouring residents, with particular regards to noise and disturbance. It accords with LP policies UD2 and H10 and saved Policy H7 of the City of Liverpool Unitary Development Plan (2002) (UDP). Together these require new development, including the conversion to HMOs, to consider amenity and ensure there would be no adverse impact on neighbouring properties, in particular through increased activity, noise or disturbance.

Living conditions – future occupiers

19. The second-floor bedroom at the rear of No 31, which is identified on the plans as Bedroom 5, has a floor area that exceeds the minimum size of 6.5sqm required by SPG7 and guidance in 'Houses in Multiple Occupation Standards and Management' (2022) (the HMO Standards). There is an area of floorspace which has a standard ceiling height, but beyond this the bedroom is under a sharply sloping ceiling which falls towards the eaves. Less than 75% of Bedroom 5 has a ceiling height of 2.14m which would be in conflict with the HMO Standards.
20. However, I observed on my site visit that the room comfortably fitted a large bed, positioned under the eaves, and a bedside table, desk, wardrobe and chest of drawers. The ceiling height over the bed is restricted by the eaves, but there is sufficient other usable space for the occupiers to undertake everyday activities such as dressing and studying.
21. Bedroom 5 has a relatively wide, single rooflight set within the sloping ceiling. As the Council has set out, because this bedroom, a habitable space, is only being served by a rooflight there would be a conflict with LP Policy H10, paragraph 2 i). However, in this instance, the rooflight is located relatively low on the roof plane which, in combination with its width, allows some outlook from the window as well as affording the room adequate levels of natural light. Notwithstanding only being served by a rooflight, I observed this bedroom to be comfortable, bright and inviting. As such, despite some conflict, the appeal proposal would nevertheless meet the aim of this policy which is to ensure a good standard of amenity.
22. The sole window for Bedroom 6 has a relatively high cill height which means that the outlook from this room is limited, with views only of the skyline. I accept that the nature of shared accommodation may mean that occupiers often spend more time in their bedrooms, particularly students who require quiet space to study. However, despite the limited outlook, I did not observe Bedroom 6 to be an unduly oppressive space such that it would be an unhealthy or uncomfortable room in which to spend time or study.
23. A single-storey extension is proposed which would infill part of the space between the existing rear outrigger of No 31 and the shared boundary with 29 Liscard Road (No 29). Whilst one of the kitchen windows would be retained, the proposed extension would result in the loss of the door and a further kitchen window on the side elevation of the outrigger. However, in accordance with the HMO Standards,

the existing kitchen window, and the proposed door and rooflight, would be of adequate size, shape and position to allow daylight to penetrate the communal living, kitchen and dining room. Moreover, although the outlook from this room would be restricted by the proximity of the boundary walls of the rear yard, it would be a large, practical and usable space.

24. I saw on my site visit that no bins were stored within No 31's rear yard, but there is sufficient space for four bins to be stored along the boundary with No 29. The bins could be accessed from the ginnel to the rear of the property, and enough space would remain for a person to pass alongside them.
25. The consultation response from Highways refers to Local Transport Note 1/20² (LTN 1/20) which states that a local authority may set out minimum or preferred capacity standards for cycle parking in local standards, but in the absence of these the suggested 'typical' minimum cycle parking for residential use is 1 per bedroom. There would be insufficient space within the rear yard of No 31 to accommodate parking spaces or storage for seven cycles, as suggested by this guidance. However, the proposal would only increase the occupancy of the HMO from six to seven persons, and I am satisfied that there would be sufficient space to securely store a cycle in the rear yard, alongside the bins.
26. The proposed door to the dining area would open onto an area of amenity space in the yard which would be small, particularly allowing for the storage of bins and a cycle. Nevertheless, it would be sufficient in size for occupiers of the HMO, albeit not together, to sit or stand outside or dry washing.
27. I therefore conclude that acceptable living conditions are provided for occupiers of the development, with regards to light and outlook, and the provision of internal space, outdoor amenity space and bin and cycle storage. Consequently, it would accord with saved UDP Policy H7 and LP Policy UD2 which together require consideration of the design of internal spaces, and amenity, and that there is good outlook from proposed development. Further, for the reasons given above, although the development would conflict with LP Policy H10 paragraph 2(i), it would accord with the overall aim of the policy, and the configuration of internal space would satisfactorily take into account minimum room size and light.

Conditions

28. The Council have suggested conditions which I have considered against the advice contained in the National Planning Policy Framework and the Planning Practice Guidance. I have undertaken some minor editing in the interests of precision and clarity.
29. Since the appeal property is already in use as a 7-bedroom HMO, I have imposed the standard time limit condition only in respect of the proposed rear extension and rooflight. For the avoidance of doubt and in the interests of certainty, I have also imposed a condition listing the approved plans, although I have omitted reference to the 'Proposed Site Plan' as this does not show the full existing rear outrigger. To safeguard the character and appearance of the area, it is necessary to impose a condition which requires the materials to be used in the extension to match the existing building.

² Cycle Infrastructure Design: Local Transport Note 1/20 (DfT, 2020)

30. To protect the living conditions of neighbouring occupiers and the occupiers of the HMO, a condition is necessary to restrict the number of occupants to seven. I have also imposed a condition to avoid bins being permanently left on the road, which is necessary to maintain the quality of the local environment and to safeguard the living conditions of neighbouring occupiers.
31. Finally, as I have found there would be sufficient space within the rear yard to securely store a cycle, it is not necessary to impose a condition which would require the submission of a scheme for the provision of cycle parking, as suggested by the Council.

Conclusion

32. For the above reasons, the proposal accords with the development plan and there are no material considerations to indicate a decision should be taken other than in accordance with it. Therefore, I conclude that the appeal is allowed.

R Gravett

INSPECTOR

Schedule of Conditions

- 1) The installation of the rooflight and rear extension hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 2504-02-00-001 Rev 01 (Existing Drawings); and 2504-02-00-002 Rev 01 (Proposed Drawings).
- 3) The external materials of the extension hereby permitted shall match those used in the existing building.
- 4) Any waste generated to be discarded as refuse or recycled shall be kept within the curtilage of the premises and shall only be placed outside the premises on the appropriate refuse collection day.
- 5) The maximum number of occupants residing at the property shall not exceed seven persons at any one time.

End of Schedule