



Appeal Decision

Site visit made on 4 November 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Appeal Ref: APP/Z4310/W/25/3370491

67 Needham Road, Liverpool L7 0EF

- 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 William Gee against the decision of Liverpool City Council.
 - The application Ref is 25F/0103.
 - The development proposed is described as 'retention of dormer extension and use of building as 5 bedroom HMO'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As suggested by the description of development above, at the time of my visit the use of the building as a 5-bedroom HMO was taking place and the dormer extension was in situ. I have determined the appeal on that basis.

Main Issues

3. The main issues are:
 - whether the development has resulted in the unacceptable loss of a family dwelling;
 - whether the development has provided adequate living conditions for the occupants with particular regard to light and outlook to bedroom 5 and to communal space;
 - the effect of the development on the living conditions of the occupiers of nearby residential properties with particular regard to noise and disturbance; and
 - the effect of the dormer extension on the character and appearance of the host building and the area.

Reasons

Family housing

4. The appeal property is a mid-terrace dwelling in an area which predominantly comprises family dwellings and is subject to an Article 4 Direction that came into effect on 17 June 2021, restricting the change of use from a family dwelling to a small HMO (Use Class C4).

5. The appellant claims that the property has been used as an HMO for a considerable period, however no evidence has been presented within the appeal documents to support that claim. Moreover, an application for a certificate of existing lawful development comprising an HMO for 3 to 6 persons (Use Class C4), and the retention of a dormer window, was refused due to the evidence provided being imprecise and ambiguous. Consequently, based on what is before me, I cannot be certain that the HMO use lawfully commenced before the Article 4 direction came into effect or that, while currently in use as an HMO, this is lawful.
6. Policy H10 of the Liverpool Local Plan (LP), adopted January 2022, indicates that, amongst other things, the conversion, or the sub-division, of dwellings will be permitted where it would not cause the loss of one that is suitable in size, design, layout and location for continued use as a family dwelling.
7. There is no compelling evidence to suggest that the proposal has had a harmful effect on the character of the area in respect of the mix and balance of housing. Nonetheless, given that the existing property could be occupied as a large family dwelling and is in an area where they are prevalent, it is reasonable to conclude that the development has led to the loss of a family home.
8. As such, I conclude that the development has resulted in the unacceptable loss of a family dwelling contrary to LP Policy H10, which states that the conversion of existing dwellings into HMOs will be granted where, amongst other things, such a loss would not arise.

Living conditions of the occupants

9. I observed on my site visit that the single rooflight, set within the sloping ceiling of bedroom 5, provided adequate levels of natural light within that room. Nevertheless, the nature of shared accommodation means that occupiers often spend more time in their bedroom, being their only private area. It is therefore necessary that all bedrooms within HMOs are provided with a suitable outlook. In this case, as only a view towards the sky is possible from bedroom 5, the outlook is significantly restricted. Accordingly, notwithstanding the adequate level of natural light within the room, unacceptable living conditions are provided for its occupant.
10. A dining area provided on the ground floor is the only communal space available to the occupants other than the kitchen. The plans indicate that it provides 12.34 square metres (sqm) of floor space. This is below the minimum 15sqm which the supporting text to LP Policy H10 and the current standards for HMOs¹ indicate is required to support a five person HMO.
11. I acknowledge that two of the bedrooms exceed the current standards relating to minimum bedroom size where no separate living space is provided. Nonetheless, in this case separate communal space is provided, and there is no compelling evidence before me that suggests the residents that occupy the larger bedrooms would never utilise it. As such, there is no justification for the communal space to be below the size that is required for the overall number of occupants of the property. Given the significant shortfall, I find that the development, overall, provides a poor standard of accommodation for its occupants.

¹ Houses in Multiple Occupation Standards and Management document, February 2022

12. I therefore conclude that the development has not provided adequate living conditions for the occupants due to the restricted outlook provided in bedroom 5 and inadequate communal space. It is contrary to LP Policy H10 which states, amongst other things, that bedrooms should not be lit solely by rooflights and internal space satisfactorily takes into account minimal room size.

Living conditions of the neighbours

13. The appeal site is in an area characterised by densely developed terraced streets. At my visit, I observed that Needham Road was well used by pedestrians and given its position close to the bustling Holt Road, there are likely to be reasonably high levels of activity during both the day and night.
14. The occupiers of an HMO are likely to lead lives which are independent from one another, whereas a family occupying a single dwelling are more likely to carry out day to day activities together as a household. Five individual people are likely to have separate routines which result in an increase in footfall and would generate more noise. However, I have not been provided with any substantive evidence that suggests the increase in comings and goings arising from the development has caused, or will cause, unacceptable levels of noise or disturbance when compared to its use as a large family home. In finding this, I note that the Council's environmental health department has raised no objections to the development.
15. Accordingly, I conclude that the development does not unacceptably harm the living conditions of the occupiers of nearby residential properties in respect of noise and disturbance. It accords with LP policies H7 and H10, which, amongst other things, seek to ensure no adverse impact on residential amenity of neighbouring properties and protect the living conditions of existing residents.

Character and appearance

16. The rear dormer extension is lower than the ridge of the slate tiled roof, above the eaves and does not span the entire roof slope. As such, it sits comfortably within the roof plane.
17. It is, however, finished in horizontal plastic cladding in a stark white finish and is, therefore, contrary to the House Extensions Guidance Note which states that dormer cheeks should be clad in materials to match the existing roof. In views from neighbouring properties and where glimpsed from public vantage points, it is seen as an incongruous and intrusive feature. In this regard, the dormer extension is unsympathetic and detracts from the appearance of the host building and the wider area.
18. Nonetheless, contrary to the views of the Council, I consider that, were I minded to allow the appeal, a suitably worded planning condition could secure more appropriate external facing materials to the rear dormer. It is common practice to use conditions to require that facing materials match the existing building and I am satisfied that no party would be prejudiced if such a change to its external appearance was agreed in this manner.
19. I therefore find that, subject to a condition to secure more appropriate facing materials, the dormer extension would not harm the character and appearance of the host building and the area. It would accord with LP policies H8 and UD1 which

seek to ensure that development respects the style of the dwelling, as well as local character and distinctiveness.

Conclusion

20. I have found that the development does not harm the living conditions of occupiers of nearby residential properties and, subject to a planning condition, would not harm the character and appearance of the host building or the area. However, this does not outweigh the harm arising from the loss of a family home, harm to the character and appearance of the area, and the unacceptable living conditions of the occupants that I have identified. The proposal therefore conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
21. I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR