

Report to: PLANNING COMMITTEE **Date of Meeting:** 16th February 2022

Subject: [DC/2021/02819](#)
[50 Elm Road Seaforth Liverpool L21 1BL](#)

Proposal: Change of Use from dwellinghouse (Class C3) into a House in Multiple Occupation (HMO) (Sui Generis) (7 persons) (Alternative to DC/2021/02343 refused 26/11/21)

Applicant: Mr A Rolfe **Agent:** Mr Andrew Cunningham
Andrew Cunningham Building
Design Ltd

Ward: Linacre Ward **Type:** Full Application

Reason for Committee Determination: Called in by Councillor Friel

Summary

This application seeks planning permission to change the use of a single dwelling to a House in Multiple Occupation (HMO).

The main issues to consider are the principle of the proposal and its impact on the character of the area, its visual impacts and impacts on the living conditions of nearby residents and future occupiers and on highway safety.

It is concluded the proposal will not cause significant harm and complies with policies in the Sefton Local Plan and with relevant planning guidance. In the absence of any other material considerations, the proposal is recommended for approval subject to conditions.

Recommendation: Approve with conditions

Case Officer Diane Humphreys

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Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R3KZL6NWFrx00>

Site Location Plan



Sefton Council



Reference: Map reference
Date: 31/01/2022
Scale: Scale: 1:1250
Created by: Initials

The Site

The site comprises 50 Elm Road, a terraced house situated on the north side of Elm Road within a residential setting.

History

DC/2021/02343 Change of Use from dwellinghouse (Class C3) into a House in Multiple Occupation (HMO) (Sui Generis)(7 persons). Refused 26 November 2021.

Consultations

Local Plans Manager

There appears to be only one existing HMO within 50m of the proposal site (31 Cecil Road). Therefore, this proposal would not cause an over-concentration of HMOs locally (i.e. defined at 10% of the properties within 50m of a proposal).

Highways Manager

No objections subject to a condition for cycle parking.

Environmental Health Manager

No objection subject to conditions for increased sound insulation.

Housing Standards Manager

The proposal will require an HMO licence and comments provided on room sizes, facilities and licence requirements.

Neighbour Representations

The application has been 'called-in' by Councillor Friel to be determined by Planning Committee. The call-in requests the application to be refused on the following grounds:

- Contrary to planning policies
- Harmful to residential amenity
- Poor design quality
- Impact on quality of life of future occupants
- Density of HMO in area
- High occupancy of property

Individual written objections have been received from 7 residents of Elm Road as well as 6 residents from elsewhere in south Sefton. The grounds of objection include:

Character of the Area

- Too many HMOs in the area
- Property has been neglected
- Need for family homes for working people
- Residents are transient and negatively impact on the street's sense of community
- Unsightly bin area at the front
- Potential airbnb use

Living Conditions

- Noise and disturbance
- Shared living unsuitable
- Lack of communal living space for future residents
- Adverse effect on neighbouring residents' quality of life and mental health
- Anti-social behaviour

Highway Safety

- Parking problems with insufficient parking in the area

Other Issues

- Loss of property values
- Residents often need health and social services which are already stretched
- First time buyers pushed out of market by greedy developers
- Concerned about fire safety and possible reduction in water pressure

Policy Context

The application site lies within an area designated as primarily residential in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

This application follows the recent refusal of planning permission (reference DC/2021/02343) to convert the dwelling to a 7 person house in multiple occupation (HMO). The refusal was based on the proposal's failure to provide acceptable living conditions for future residents due to the inadequate size of three rooms and the lack of any communal dining or living area. The current proposal seeks to overcome these concerns.

The main issues to consider are the principle of the proposal and its impact on the character of the area, its visual impacts and impacts on the living conditions of nearby residents and future occupiers and on highway safety.

Principle

The site lies within an area designated as a Primarily Residential Area in the adopted Sefton Local Plan and the principle of the development is acceptable under the terms of policy HC3, subject to compliance with the details of policy HC4 and the associated 'Flats and Houses in Multiple Occupation' Supplementary Planning Document (SPD).

Local Plan policy HC4.2 states that 'development involving the conversion of buildings to Houses in Multiple Occupation or flats will be permitted where it will not cause significant harm to the character of the area or the living conditions for either the occupiers of the property or for neighbouring properties'. These issues are discussed below.

Character of the Area

Local residents are concerned about the proposal's impact on the character of the area.

It appears from the Council's records that there is one other house in multiple occupation or HMO (31 Cecil Road) within a 50-metre radius of the application site. Therefore, this proposal would not cause an over-concentration of HMOs locally, defined in the 'Flats and Houses in Multiple Occupation' SPD at 10% of the properties within 50m of a proposal. Planning permission was granted in July 2021 (reference DC/2021/00690) to use 66 Elm Road as a 3 unit HMO however this property sits outside the 50 metre radius.

The proposal will not have a material impact on housing stock available within the wider area. The use of the property by a single family could generate a similar amount of activity in and around it, and it is not necessarily the case that parking demand will be greater either, particularly given the sustainable location of the development.

The proposal's impact on the character of the area is considered acceptable and any potential harm would not be significant enough to justify refusal of planning permission on this ground alone.

Visual Impact

The proposal involves some minor changes to the fenestration on the ground floor at the rear of the property. These amount to changing the rear windows to doors with window openings and inserting a small additional window in the shared kitchen. These changes are acceptable in visual terms.

With regards to bin storage, the plans indicate that bins would be kept in the front garden which is a common feature with terraced properties. The properties have low front boundary walls and the Design and Access Statement adds that 'a low bin screen will be erected to improve visual amenity'. The details of this screen and its implementation can be secured by condition.

Living Conditions

Impacts on Neighbouring Properties

The fenestration changes proposed to the rear are at ground floor level only and would not increase the potential for overlooking to properties on Cecil Road.

As the property is terraced it is considered appropriate for a scheme of sound insulation to be provided to protect neighbouring properties as recommended by the Environmental Health Manager. This can be secured by condition.

Future occupiers

The proposal has been assessed against the standards set out in the Council's 'Flats and Houses in Multiple Occupation' Supplementary Planning Document (SPD). This provides guidance in respect of room sizes and facilities provided for future occupiers as well as requiring an area of outdoor amenity space.

The current proposal involves the provision of two HMO rooms, a shared kitchen/dining area and a shared bathroom on the ground floor, two HMO rooms, a shared kitchen/dining area, shared bathroom and shared WC on the first floor and two HMO rooms on the second floor. The second floor rooms are in the rear half of the property which has a higher eaves level with windows in its rear elevation. All HMO rooms are for 1 person with the exception of the larger ground floor room which is for 2 people.

All room sizes and the facilities provided for future residents satisfy the SPD standards. All habitable rooms will have a reasonable outlook. In line with advice from the Environmental Health Manager, a condition can be imposed to secure a scheme of sound insulation to minimise noise impacts where HMO rooms are adjacent to communal areas including one of the second floor HMO rooms which is above a communal kitchen/dining area.

The SPD requires an area of private outdoor amenity space available for all residents to use. The current proposal would require a minimum area of 50 square metres for the 6 bedsits proposed. The proposal includes an area of outdoor amenity space at the rear of the property amounting to 98 square metres. This would be private and accessible to all residents in the property via the ground floor shared kitchen/dining room. An acceptable standard of outdoor space is therefore achieved.

Highway Safety

No off-street car parking is proposed and the applicant has submitted a Minimum Accessibility Standard Assessment (MASA) that reviews the accessibility of the site. The MASA concludes that

the site is accessible to public transport with bus services providing access to local and more distant destinations. The Highways Manager has reviewed the application and raised no objections on this basis.

Cycle parking will need to be provided in accordance with Sefton's 'Sustainable Travel and Development' Supplementary Planning Document and this can be secured by condition as recommended by the Highways Manager.

Other Issues

It is considered that the concerns of residents have been addressed above. Matters relating to property values are not material planning considerations and so cannot be taken account of in making the decision on an application.

It is confirmed that, so far as it is possible to do so, this report and the recommendations contained in it are to be read as being compatible and compliant with such of the provisions of the Environment Act 2021 as are in force at the date of this report.

Planning Balance and Conclusion

The proposal is considered acceptable in principle and in respect of its impact on the character of the area. Concerns relating to visual impact, impacts on living conditions and on highway safety can be addressed by planning conditions.

The proposal will not cause significant harm and complies with relevant planning policy and guidance. In the absence of any other material considerations, the proposal is recommended for approval subject to conditions

Recommendation - Approve with Conditions

Time Limit for Commencement

1) The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

2) The development shall be carried out in accordance with the following approved plans and documents:

Drawing No. 100 rev A Existing Location Plan
Drawing No. 103 rev C Proposed GA Plans and Elevations
Drawing No. 104 rev A Proposed Site Plan

Reason: For the avoidance of doubt.

Before the Development is Occupied

3) The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and they shall be retained in perpetuity thereafter.

Reason: To ensure that enough cycle parking is provided for the development in the interest of promoting non-car based modes of travel.

4) The development shall not be occupied until a bin storage screen has been provided in accordance with details to be submitted to and approved in writing by the local planning authority and the approved screen shall be retained in perpetuity thereafter.

Reason: To safeguard the appearance of the area.

5) Prior to the occupation of the development hereby permitted a scheme of sound insulation that protects the living conditions of neighbouring properties from the proposed use and protects the living conditions of future residents of HMO room 5 from the below communal kitchen/dining area and any HMO bedroom that shares a separating structure with any communal area such as halls, stairs, landings etc. The sound insulation works shall be completed as approved before the use of the building begins and thereafter retained in perpetuity.

Reason: To safeguard the living conditions of neighbouring/adjacent occupiers and land users.

Ongoing Conditions

6) The maximum number of residents occupying the premises shall not exceed 7 (seven) people.

Reason: To avoid an over-concentration of people living in the property.

Informatives

1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4195 or E-Mail snn@sefton.gov.uk to apply for a street name/property number.