



Appeals Received and Decisions Made

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Appeal Decisions

The Doric 146 Rawson Road Seaforth Liverpool L21 1HR

Reference: DC/2021/02531 (APP/M4320/W/22/3290162)
Change of use from Public House (A4) to a House in Multiple Occupation (HMO) (Sui Generis) (12 Units) after demolition of existing attached outbuildings to the rear

Procedure: Written Representations

Start Date: 06/04/2022

Decision: Allowed

Decision Date: 27/09/2022

26 Elsworth Close Formby Liverpool L37 2YS

Reference: DC/2021/01677 (APP/M4320/D/22/3301602)
Erection of a part two storey, part first floor extension to the front incorporating a porch, first floor extension to the side incorporating a Juliette balcony to the rear, a single storey extension to the rear and the raising of the ridge height of the dwelling.

Procedure: Householder Appeal

Start Date: 02/08/2022

Decision: Allowed

Decision Date: 21/09/2022

New Appeals

18 Tailors Lane Maghull L31 3HD

Reference: DC/2021/02928 (APP/TPO/M4320/9232)
Tree Preservation Order application to fell 2 No. Horse Chestnut Trees (lies within TPO210).

Procedure: Written Representations

Start Date: 18/10/2022

Decision:

Decision Date:

162-162A Liverpool Road North Maghull Liverpool L31 2HP

Reference: DC/2022/00954 (APP/M4320/Z/22/3306467)
Advertisement consent for the display of a wall-mounted 3 x 6 metre digital LED advertising panel on the side elevation

Procedure: Householder Appeal

Start Date: 20/10/2022

Decision:

Decision Date:



Appeal Decision

Site visit made on 26 July 2022

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2022

Appeal Ref: APP/M4320/W/22/3290162

146 Rawson Road, Seaforth L21 1HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Tonik Rok Ltd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/02531, dated 26 October 2021, was refused by notice dated 17 December 2021.
 - The development proposed is described as change of use from public house to 12-bedroom house of multiple occupancy.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use from public house to 12-bedroom house of multiple occupancy, at 146, Rawson Road, Seaforth L21 1HR, in accordance with the terms of the application Ref DC/2021/02513, dated 26 October 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: E2326/01A, E2326/02A, E2326/03A, E2326/04A, E2326/05A and E2326/06A.
 - 3) Prior to commencement of the development hereby approved, a noise report shall have been submitted to and approved in writing by the Local Planning Authority. The report shall show the enhancement of all walls and ceilings within the application site by a minimum of 10db above the standard shown in table 0.1a of Approved Document E of the Building Regulations. The approved details shall be fully implemented prior to the approved development being first occupied and retained thereafter for the lifetime of the development.
 - 4) Prior to commencement of the development hereby approved, a detailed scheme of highway works comprising the reinstatement of the vehicular crossing to the rear of the application site on Doric Street to a footway, together with a programme for their completion, shall have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the highway works have been constructed in accordance with the approved details.
 - 5) Prior to the development hereby approved being first occupied, details of a Tenancy Management Plan (TMP) shall be submitted to and approved in writing by the Local Planning Authority. The TMP shall include, at

minimum, details of the use of the laundry room shown on the approved plan E2326/05A.

- 6) Prior to the development hereby approved being first occupied, the secure cycle parking shown on approved plan E2326/04A shall be installed and made available for use. The facilities shall be retained thereafter, without impediment to the intended use, for the lifetime of the development.
- 7) Prior to the development hereby approved being first occupied, the secure refuse store shown on approved plan E2326/04A shall be installed and made available for use. The facilities shall be retained thereafter, without impediment to the intended use, for the lifetime of the development.

Preliminary Matters

2. The description of development given on the Council's Decision Notice differs to that provided on the planning application form. As I have not been provided with any evidence that the appellant agreed to the change, I have used the description originally provided, which is satisfactory, given that it is clear from the submitted plans that the proposal includes some demolition work to the rear of the building.

Main Issue

3. The main issue is whether the proposal would provide satisfactory living conditions for future occupiers, with specific regard to noise disturbance due to the potential extent of use of the building and the internal layout; in particular, the locations of the multi-use kitchen/dining/living rooms and the laundry room.

Reasons

4. Policy HC4 of A Local Plan for Sefton, 2017, (LP), permits development involving the conversion of buildings to Houses in Multiple Occupation (HMO) or flats, providing satisfactory living conditions for future occupiers are provided, and it does not cause significant harm to the living conditions of occupiers of neighbouring properties.
5. Paragraph 130 of the National Planning Policy Framework (the Framework) advises, among other things, that planning decisions should ensure developments create places which promote health and well-being and provide a high standard of living conditions for future occupiers.
6. The Council's Flats and Houses in Multiple Occupation Supplementary Planning Document 2018, (SPD), is consistent with Policy HC4 in this regard, whilst also providing more detailed guidance on a range of matters, including recommending all residents in HMOs have access to communal areas, so they do not have to spend their time in one room.¹
7. The guidance recognises that communal rooms may not be required if, for example, the residents' rooms provided meet the recommended space standards for a bedsit in accommodation that does not have a communal dining

¹ Paragraph 47 of the SPD.

- room or lounge area, ie 15 sqm floor area for a single room without kitchen facilities and 19.5 sqm for a single room with kitchen facilities.²
8. The recommended minimum floor area for a single room bedsit without kitchen facilities in accommodation that has a communal living/lounge area is 10 sqm, and the recommended minimum floor area for a single room bedsit with integral kitchen facilities in accommodation that has a communal living/lounge area is 13 sqm.³
 9. Paragraph 50 of the SPD recommends that shared kitchens (and bathrooms) "...should be no more than one floor up or down from the bedsit units they are intended for."⁴
 10. Paragraph 51 of the SPD states that: *"Shared facilities, where residents may be expected to socialise..., such as a communal lounge or dining room..., should be located to minimise the impact on bedrooms, both within the building and adjoining properties. These typically may be located on the ground floor."*⁵
 11. Paragraph 52 of the SPD recommends multi use communal areas, eg kitchen/dining room or kitchen/lounge, have a minimum floor area of 14 sqm.
 12. I note that the Officer Report (OR) states that *"the multi-use room within the roof space has no windows and will be a dark unwelcoming space to cook/dine/relax in."* Having reached this conclusion, the OR concludes that *"The residents would therefore be likely to share the multi-use rooms on the ground and first floor but with 21 residents....it appears there will be considerable congestion at main breakfast/evening mealtimes with 12 separate householders attempting to cook and others trying to relax."*
 13. However, the Council Officer's appraisal is incorrect. As noted by the appellant in their statement, the multi-use room in the roof space would have windows, ie a dormer and a rooflight. The Council has not responded in its statement to the appellant's observation regarding this matter.
 14. As the proposed multi-use room on the second floor would have windows, it would not be a *"dark unwelcoming space"* as concluded by the Council. As such, the residents on the second floor would not be likely to resort to using the multi-use facilities on the ground and first floors. This being the case, there would not be 12 people in each of the proposed multi-use rooms on the ground and first floors at breakfast and evening mealtimes, as suggested in the OR. Therefore, there would not be the congestion in these rooms that is suggested by the Council.
 15. I accept the Council's understanding regarding the number of double and single rooms shown on the plans, and I note the appellant's final comments suggesting that all the rooms will be single rooms. However, given that the double rooms shown on the plans would readily be able to accommodate 2 people in each of them, I conclude, as the Council does, that the proposal would be able to accommodate 21 people when fully occupied. I also note the consultation response from the Housing Standards Team, which suggests that a Mandatory HMO licence would likely restrict occupancy to a maximum of 15

² Paragraph 47 of the SPD.

³ Paragraph 45 of the SPD.

⁴ My underlining for emphasis.

⁵ My underlining for emphasis.

- persons. However, the licensing regime is separate to the planning system, and my assessment is based on planning legislation and the planning merits of the case.
16. For clarification, the proposal would provide 5 bedsit rooms on the ground floor (which could accommodate up to 8 people), 5 on the first floor (which could accommodate up to 9 people), and 2 on the second floor (which could accommodate up to 4 people). All the bedsit rooms would have a floor area larger than that recommended in the SPD, with some of the double rooms being considerably larger. There would be multi-use kitchen/dining/living rooms, which the SPD allows for, on each of the 3 floors. All the proposed multi-use rooms would be considerably larger than the areas recommended in the SPD, ie 26.7 sqm, 24.0 sqm and 27.2 sqm compared to the 14 sqm recommended.
 17. If future occupiers used the multi-use rooms on the floor of their bedsit room the ground floor multi-use room would have a max. of 8 people in it at any time, the first floor multi-use room would have a max. of 9 people in it at any time, and the second floor multi-use room would have a max. of 4 people in it at any time. It is possible, given that the multi-use room on the second floor would be the largest, whilst the number of occupants on the second floor rooms would be the least, that some occupants on the first floor (only one floor below) may also use the multi-use room on the second floor; this may be combined, for example, with a visit to the laundry room. For the reasons outlined, I consider the multi-use rooms would likely not be congested most of the time.
 18. With regard to the locations of the 3 multi-use rooms and the laundry room, I acknowledge that 2 of the multi-use rooms and the laundry room would be directly above bedsit rooms. However, in a building with more than 2 floor levels, it would not be possible to satisfy various recommendations in the SPD simultaneously, ie locating communal rooms on the ground floor and requiring shared rooms to be no more than one floor up or down from the bedsit rooms they are intended to serve.
 19. I note that the Environmental Health Officer did not object to the proposal, and although the Officer expressed some concerns regarding the layout, the Officer suggested that the applicant may wish to consider the proposed layout or enhance the sound insulation where potentially noisy rooms would be above bedsit rooms and/or share party walls with bedsit rooms.
 20. Also, given that the multi-use rooms on the ground and first floors would likely not be congested most of the time, and the multi-use room on the second floor is mainly aimed at serving up to 4 occupants, I consider the noise levels potentially created in these rooms would not be as high as suggested in the OR (as the conclusions reached in the OR were based on errors in the appraisal). Additionally, as suggested by the Environmental Health Officer, and indicated in the suggested conditions from the Council, enhanced insulation could overcome the concern that unacceptable noise levels could be harmful to future occupiers in particular bedsit rooms.
 21. Furthermore, as noted, the proposed multi-use rooms would be much larger than recommended in the SPD. Also, some of the bedsit rooms are large enough to accommodate kitchen facilities, which would potentially reduce the number of future occupants using the shared kitchen facilities. However, I

consider the health and well-being of future occupants would be better served by having access to, and using, shared facilities, rather than spending more time in their individual bedsit room.

22. Additionally, if the proposal adhered to the recommendation in the SPD that shared rooms should be no more than one floor up or down from the bedsit units they are intended for, the multi-use room on the first floor could be removed to satisfy this requirement (and alter the layout). However, I consider the living conditions of future occupiers of the proposed HMO would be enhanced by larger and more multi-use rooms than the SPD recommends, subject to enhanced sound insulation.
23. Similarly, although there is no requirement for a laundry room to be provided, I consider the living conditions of future occupiers of the proposed HMO would be enhanced by the provision of such a facility, rather than not having a laundry room. In addition to enhanced sound insulation, the noise impact of such a facility in the location proposed could be satisfactorily managed, as indicated by the appellant, with appropriate tenancy management in place.
24. The Council has referred me to a couple of appeal decisions. In one, Ref: APP/M4320/W/18/3194739, (3194739), the Inspector concluded that shared rooms, such as living areas, are important for the well-being of occupants; and the location of the lounge in that case would not provide satisfactory living conditions for future occupiers. In the other, Ref: APP/D1590/W/18/3214190, the Inspector concluded that, due to the size of some bedsit rooms, the proposal could accommodate more people than the appellant suggested.
25. I have found that the proposal could accommodate up to 21 people. With regard to appeal ref 3194739, I agree with the conclusion that shared rooms, such as living areas, are important for the well-being of occupants of HMOs. Although I have not been presented with all the details of the proposal referred to, I am aware of the case as I dealt with a subsequent appeal on the same site. My recollection is that the proposal referred to is not directly comparable to the proposal before me. Regardless, I have concluded that the proposal before me, in respect of the location of the proposed shared multi-use rooms, would provide satisfactory living conditions for future occupiers.
26. For the reasons outlined above, I conclude that, although the proposal would provide accommodation for up to 21 people, subject to enhanced sound insulation, a tenancy management plan regarding the use of the laundry room, and other conditions as outlined above, the proposal would provide satisfactory living conditions for future occupiers, with particular regard to noise disturbance and the layout/location of the proposed multi-use and laundry rooms. As such, the proposal accords with Policy H4 of the LP and paragraph 130 of the Framework.

Conditions

27. I have taken account of the conditions suggested by the Council and comments received from the appellant. I have attached a condition requiring the development to be carried out in accordance with the approved plans, to provide confirmation of the approved works.

28. I have attached a condition requiring a noise report to be submitted and approved, to ensure enhanced sound insulation is provided.
29. I have attached a condition requiring details of highway works to be submitted and approved, in the interests of highway safety.
30. I have attached a condition requiring details of a TMP to be submitted and approved, to ensure the use of the laundry room is used in a manner that does not significantly impact on the living conditions of any future occupants.
31. I have attached conditions requiring the secure cycle storage and refuse facilities to be provided prior to the approved development being occupied, to promote the use of more sustainable modes of transport and in the interest of public health.

Other Matters

32. In addition to the matters discussed above, concerns have been raised with regard, broadly, to the following matters: highways (eg parking and safety); demand on local infrastructure and services; living conditions of occupiers of existing neighbouring properties (due to eg overlooking and noise disturbance); extent of outdoor space; fire safety; the amount of profit the developer may achieve; the extent of other HMOs in the area; crime, and maintenance of the site.
33. As noted by the Local Highway Authority, which did not object to the proposal, the site is within proximity of public transport options and the proposal includes secure cycle parking, (which is to be secured by condition), to encourage use of cycling as a mode of transport. Consequently, the number of parking spaces required by future residents would not equate to the number of occupants. Furthermore, the existing lawful use of the site as a public house would generate a degree of off-site car parking. Additionally, to prevent vehicles parking at the side of the property and obstructing pedestrians, a condition is attached to reinstate the footway. I have not been provided with any substantive evidence that the proposal would have either a severe impact on the surrounding highway network or would cause an unacceptable highway safety issue.
34. I have not been provided with any substantive evidence that the proposal would place an unacceptable demand on any local services or infrastructure.
35. The proposal would not introduce any habitable rooms on the first and second floors (where there could be the potential for overlooking) where there isn't a habitable room already. Furthermore, there would be less habitable rooms with windows on the rear elevation than there currently is. For these reasons, I consider there would be no detrimental change with regard to privacy of neighbouring properties.
36. The proposal includes a private outdoor space for future occupants (which satisfies the size recommended in the Council's SPD), which would be within proximity of residential gardens of some neighbouring properties. However, given that the lawful use of the site allows the outdoor space to be used as a beer garden, I consider that the proposal would not result in a detrimental change with regard to noise and neighbouring properties.
37. Fire safety would be covered by building regulations.

38. The amount of profit the appellant may gain from the development is not a factor that weighs against the proposal or a reason for withholding planning permission.
39. The Council's Local Plans Team was consulted on the application and confirmed that there are no existing HMOs within 100 m of the site, and therefore the proposal would not lead to a concentration of HMOs in the area. I have not been provided with any substantive evidence to the contrary.
40. I am not persuaded by the suggestion that the proposed change of use would result in the building being a target for crime.
41. I have not been provided with any substantive evidence that the property would not be maintained to a satisfactory standard.

Conclusion

42. For the reasons outlined, I conclude that the appeal is allowed.

J Williamson

INSPECTOR



Appeal Decision

Site visit made on 24 August 2022

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 21st September 2022

Appeal Ref: APP/M4320/D/22/3301602

26 Elsworth Close, Formby, Liverpool, L37 2YS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dodd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/01677, dated 28 June 2021, was refused by notice dated 14 April 2022.
 - The development proposed is front and rear extensions, internal and external remodelling - to existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for front and rear extensions, internal and external remodelling - to existing dwelling at 26 Elsworth Close, Formby, Liverpool, L37 2YS in accordance with the terms of the application, Ref DC/2021/01677, dated 28 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Ref 12000.04 Rev A – Proposed floor plans; Ref 12000.05 Rev A – Proposed elevations; Ref 12000.06 Rev A – proposed sections and roof plan; Ref 12000.07 – location plan; Ref 12000.08 – Proposed site plan; Ref 12000.09 – Existing and proposed street elevations.
 - 3) Prior to the first occupation of the development hereby permitted, the first floor window to the side elevation serving bedroom 1 shall be fitted with obscured glazing to a specification of no less than level 3 of the Pilkington Glass Scale, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The window shall be retained in that condition thereafter.

Applications for costs

2. An application for an award of costs was made by Mr Dodd against Sefton Metropolitan Borough Council. That application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. No 26 is a 2 storey detached dwelling on the east side of Elsworth Close, close to the end of a residential cul-de-sac. It is part of a short row of non-matching properties that includes modest single and large 2 storey detached dwellings, the latter with prominent front garages. The varied sizes and styles of buildings and brick and render finishes results in a mixed character and appearance on the east side of the road. In contrast, the west side of the road is coherent with substantially matching 2 storey detached brick dwellings with front gable features and side garage extensions some of which have been built over. Properties are set back behind open frontages of varied depths.
5. The proposal would comprise a part 2 storey and part first floor extension to the front, a first floor side extension with a Juliet balcony to the rear, a single storey rear extension and an increase in the ridge height. The 2 storey frontage would have a wide pitched roof with 2 protruding roof gable features. The dwelling would be finished in render.
6. While it would be taller than the existing property, there are single storey properties to one side and 2 storey properties of varying heights to the other. Properties in the row vary in terms of their roof sizes and styles. Neither the increase in height nor roof alterations would disrupt a coherent roof scape. Similarly, while there would be a marked increase in the size and scale of the dwelling, the surrounding built environment is characterised by large 2 storey detached dwellings some of which have been extended. In this context, it is the neighbouring single storey properties that are anomalous in terms of scale. The proposal would not be disproportionately large, out of scale or overly prominent in the street scene or the area.
7. The street scene and the wider townscape are characterised by properties in a mixed palette of external materials, including brick, render and timber. Entirely rendered properties are uncommon. Nevertheless, taking into account the somewhat secluded cul-de-sac location, and the mixed surrounding built environment, I find that the rendered finish would not be unsympathetic or incongruous. The proposal would not be detrimental to nor would it diminish local character or distinctiveness.
8. The proposal would be visibly different from the existing brick and render dwelling with its asymmetric front gable feature. However, there is little evidence that No 26 is of particular architectural merit. Moreover, while the Council has concerns in relation to size, scale and materials, the proposal was not refused on grounds relating to its design. As such, while the proposal would alter the appearance of the original dwelling, I find no harm in this regard.
9. Therefore, I conclude that the proposal would not harm the character and appearance of the appeal property or the area. It would not conflict with Policy HC4(b) of A Local Plan for Sefton Adopted April 2017 or Policy ESD2 of Formby and Little Altcar Neighbourhood Development Plan 2012 to 2030 Adopted November 2019. These require, among other things, that proposals make a positive contribution to local character and that the size, scale and materials of development is in keeping with the original dwelling and the surrounding area.
10. In reaching this conclusion I am aware that not all of the alterations to nearby No 22 are in accordance with the planning permission (Ref DC/2015/00320).

Nevertheless, the evidence is that No 22 is now lawful development and it forms part of the street scene and the visual context for the proposal.

Other Matters

11. The proposal would be to the north of No 24 and it would not overshadow the neighbours. The oblique views from the Juliet balcony would not result in overlooking or loss of privacy. There would be no loss of outlook from the side facing window of No 24, this being an obscurely glazed secondary bedroom window. The side facing first floor window in the proposal would have potential to overlook No 24. However, this secondary bedroom window could be obscurely glazed to protect the neighbours' privacy without detriment to the living conditions of the occupiers.
12. The increase in the height of the roof and the conversion to a side gable end would increase the height and the extent of 2 storey wall close to the facing single storey side elevation of No 28. However, this would not adversely impact neighbouring habitable room windows. The 2 storey eaves height at the rear of the appeal property would be similar to existing with the bulk of the increase in height further forward on the side elevation. Consequently, any increased or different overshadowing to part of the rear garden of No 28 later in the day would not be detrimental to the neighbours.
13. Therefore, while I have taken into account the concerns of the neighbours, I agree with the Council that there would be no harm to residential amenity. Concerns about the location of the surface water drain are not a matter for the appeal. The concerns in relation to the accuracy of illustrated vegetation and finishes on the street scene plan do not alter my finding on the main issue.

Conditions

14. The Council has suggested planning conditions in the event the appeal was allowed. I have considered these against the relevant requirements of the National Planning Policy Framework. In addition to the standard condition limiting the lifespan of the planning permission, I have specified the approved plans in the interests of certainty. A condition requiring obscure glazing to the first floor side window is necessary to protect the privacy and the living conditions of the neighbouring residential occupiers.

Conclusion

15. For the reasons set out above, I conclude that the appeal is therefore allowed and planning permission is granted, subject to conditions.

Sarah Manchester

INSPECTOR