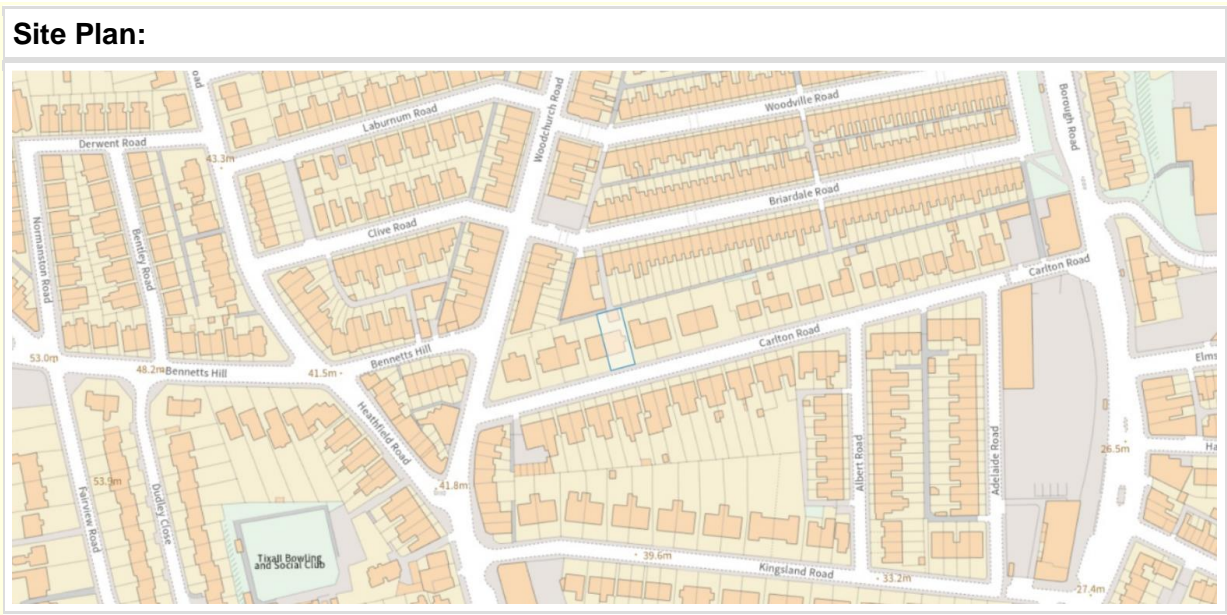


Planning Committee	20 July 2023
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Reference:	Area Team:	Case Officer:	Ward:
APP/22/02189	DM	Mr C Heather	Birkenhead & Tranmere

Location:	38 Carlton Road, Oxton, Birkenhead, Wirral, CH42 9NQ
Proposal:	Use of the property as an 8 bed HMO and the installation of an automatic opening vent rooflight on the rear roof to replace existing rooflight.
Applicant:	Mr Leo Suarez (Boyaca Ltd)
Agent :	Mr Peter Hamilton (pHpc)

Qualifying Petition	Yes – This requires the application to be heard at Planning Committee
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Development Plan designation:	Primarily Residential Area
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Planning History:	Applications LDP/22/00668
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	Lawful Development Certificate for a Change of use from house (Class C3) to house in multiple occupation (Class C4); installation of three roof lights – Granted (27 May 2022)
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Summary Of Representations and Consultations Received:

<p>1. Ward Member Comments</p>	<p>Comments received from Councillor highlighting several issues to be considered:</p> <ul style="list-style-type: none"> • Living conditions for future residents; • Amenity impact on the wider neighbourhood; • Bin storage; • Cycle storage; • Impact on parking.
<p>2. Summary of Representations</p>	<p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement 22 notifications were sent to adjoining properties. At the time of writing this report 1 representation has been received. This raised concerns over the existing parking in Carlton Road and Albert Road, and the proposal would add more vehicles without adding to parking.</p> <p>In addition, a qualifying petition of objection has been received, containing 84 signatures. The grounds of objection are:</p> <ul style="list-style-type: none"> • Over development of the site. • The proposal would add to other similar nearby developments and contribute to a change in the character of the street. • Potential impact on parking pressure in the area which is already acute.

	<p>Consultations</p> <p>Traffic and Transportation / Highways – No objection subject to satisfactory cycle storage being provided.</p> <p>Environment Agency – No comment received (and the consultation was sent mistakenly).</p> <p>Environmental Health – No objection.</p> <p>Housing Strategy – No objections raised.</p>
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<p>3.1 Site and Surroundings</p>	<p>The site was an 8-bedroom house consisting of basement, ground floor and two further floors above. The house has been converted to a 6 person House of Multiple Occupation (HMO) in accordance with the Lawful Development Certificate (ref: LDP/22/00668) granted in May 2022.</p>
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	<p>The building is on the northern side of Carlton Road in Oxton near to the junction with Woodchurch Road. Carlton Road is residential in character, as are the roads immediately to the north and south. Borough Road to the east and Woodchurch Road to the west are more mixed use with some commercial uses alongside residential.</p> <p>The building is identified as being within a Primarily Residential Area.</p>
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<p>3.2 Proposed Development</p>	<p>The proposal seeks to change the use of the property to an 8-bedroom HMO. The entrance would be from the side of the property, as it is now. The ground floor would contain 3 bedrooms (all with an ensuite), a communal WC and a laundry. There is a staircase down to the basement which is proposed as storage.</p> <p>At first floor level would be a further two bedrooms at the back of the property, one of which has an ensuite. There is a separate bathroom which would be for the use of the other bedroom. A communal living room and kitchen / dining room is shown at the front of the property.</p> <p>At second floor level there would be a further three bedrooms. One would have an ensuite and a small kitchen. One would have an ensuite. The third would not have an ensuite but would have access to a separate bathroom.</p> <p>On the rear roof slope an existing rooflight would be removed and a larger opening vent rooflight would be inserted.</p> <p>There is a rear yard which is accessible via the ground floor and the side passageway to the house. Bin storage, cycle storage is proposed in the rear yard, alongside a small existing storage area and some landscaping.</p>
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<p>3.3 Development Plan</p>	<p>The adopted development plan (as is relevant to this proposal) is the Wirral Unitary Development Plan (2000) (hereafter referred to as the 'UDP'). Relevant policies are:</p> <ul style="list-style-type: none"> • HS4 Criteria for New Housing Development • HS14 – Houses in Multiple Occupation • GR7 Trees and New Development • TR9 Requirements for Off-Street Parking • TR12 Requirements for Cycle Parking • PO3 Noise • PO4 Noise Sensitive Development <p>The Joint Waste Local Plan for Merseyside and Halton. Relevant policies are:</p> <ul style="list-style-type: none"> • WM9 Sustainable Waste Management Design and Layout for New Development
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3.4 Other Material Planning Considerations

The National Planning Policy Framework (2021). Relevant sections are:

- Achieving sustainable development
- Decision-making
- Delivering a strong supply of homes
- Promoting sustainable transport
- Making effective use of land

The National Planning Policy Framework Consultation Draft (2022)

Supplementary Planning Document 4: Parking Standards

Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.

On the 21 March 2022 full council approved publication of the Draft Local Plan under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The Local Plan was submitted to the Secretary of State on the 26th of October 2022. The Local Plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam

As the Wirral Local Plan has been submitted for examination it (and the supporting evidence base) is a material consideration and can be afforded weight in the decision making process. In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

The following policies are considered to be relevant to this proposal:

- WS 7.2 – Privacy and Amenity
- WS 7.4 – Parking
- WS 9.2 – Accessibility and Sustainable Transport
- WD 7 – Houses in Multiple Occupation

At the present time, the Wirral Local Plan is a Material Consideration and can be afforded weight in the decision making process.

3.5 Assessment

Under the provisions of section 70(2) Town and Country Planning Act 1990, section 38 (6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF (paragraph 2) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Development Plan where the site is located, comprises the saved policies of the Wirral Unitary Development Plan (Adopted 2000) and the Joint Waste Local Plan for Merseyside and Halton (Adopted 2013)

The application has been assessed against development plan policies, national planning policy and guidance, and other material planning considerations and the advice of statutory consultees. The key planning issues raised by the proposal include:

- Principle of Development / Land Use
- Housing Quality
- Design
- Residential Amenity
- Highways and Transportation

3.6 Principle of Development / Land Use

The main issue is the acceptability of the proposed use as an 8-bedroom HMO. Whilst the property was historically used as a single dwellinghouse, the recently granted Lawful Development Certificate allowed for a change of use to a 6-bedroom HMO and based on a site visit on 10 May 2023 this is now the use of the property, even though it was not fully occupied.

An assessment against policy HS14 is still required, as permitted development rights exist for the site to revert to a single dwellinghouse. Policy HS14 includes several criteria to be considered before the change of use will be permitted.

The existing use of the property as a HMO is considered to be a credible fallback position, and the criteria need to be assessed in this context of an additional two bedrooms compared to what has already been found lawful.

i) The property being of sufficient size to accommodate the proposal and not of modern domestic scale;

The historic layout was an 8-bedroom house, which is considered larger than the majority of households require. The building is considered sufficiently large to accommodate an 8-bedroom HMO, based on the room sizes of the bedrooms and the ample communal facilities proposed. This acknowledges that the application for the Lawful Development Certificate showed the two rooms which are now proposed to be bedrooms to be games room or home office, neither of which are considered essential to the successful operation of a HMO.

ii) If the property is not detached then adjoining property is not in single family occupation;

Based on Council Tax records the adjoining property (number 40 Carlton Road) is in use as 3 flats, and so the criterion is met.

iii) The proposal not resulting in a private dwelling having an HMO on both sides;

Council Tax records show number 36 Carlton Road to have been divided into 5 flats, and so the criterion is met.

iv) The proposal not resulting in a change in the character of the surrounding area which would be detrimental;

Concerns have been raised about the change in character of Carlton Road due to HMOs. The Council's Housing Strategy Team has provided information on the licensed HMOs in Carlton Road. Numbers 30, 33 and 44 Carlton Road are licensed. The majority of properties on Carlton Road are self-contained residential properties with a mix of houses and flats. The end of this section includes a more detailed discussion on how policy HS14 can be used to interpret whether there is a concentration or not.

v) The proposal not resulting in a concentration of HMOs in a particular area such that the character of the area is adversely affected;

As for point iv.

vi) The proposal ensuring the privacy of neighbours and occupants, including the layout of car parking area, to prevent overlooking of habitable rooms;

The property is not proposed to be enlarged, and the existing position of windows ensures that the views out are to the front and rear across public highways. This is entirely characteristic of the other properties on Carlton Road. The proposed roof light would be at a high level and not afford opportunities for overlooking.

vii) Staircase access normally being provided within the main structure of the building. If external staircases have to be provided they must result in significant overlooking of neighbours' windows or private amenity space;

This is not applicable as there is no external staircase proposed.

viii) Any extensions required complying with Policy HS11;

This is not applicable as there are no extensions proposed.

ix) Any new windows required to serve habitable rooms, such as living rooms, kitchen and bedrooms, not overlooking adjoining properties to an unacceptable degree;

As noted above all but the new rooflight are existing windows, and the rooflight would not result in overlooking.

x) Any interior vertical partitions not cutting across windows and ceiling height reductions not being visible externally;

No new partitions are proposed and ceiling heights would not change.

xi) Adequate sound proofing being provided;

Details of acoustic treatments have been provided as part of the planning application, and no objection has been made to this information from Environmental Protection. There is also a requirement for licencing and building regulations approval so further ensuring that adequate sound proofing is provided.

xii) Any basement accommodation having windows with two-thirds of their height above the existing outside ground level giving sufficient daylight penetration, a reasonable outlook and not immediately adjacent to parking bays and vehicle accessways;

There is an existing basement which is proposed to be used as storage. A condition is suggested to ensure that the basement is not used as living space, such that this criterion is met.

xiii) Main living rooms having a reasonable outlook and not lit solely by roof lights, nor in close proximity to high boundary or gable walls;

The main living areas are at first floor level, at the front of the house. They would be lit by existing windows, which are considered ample to ensure sufficient light is received, and the outlook would be across Carlton Road.

xiv) Access to rear yards / gardens being provided for each flat;

The rear yard area is physically accessible to all residents, with the main access from the main hall. A condition would be imposed to reinforce this.

xv) Adequate visibility at entrance and exit points and turning space for vehicles; and

The existing access from the site to the public highway is historic and reflects the other properties on Carlton Road. The frontage is a reasonable size and there is potential for three cars to park on it.

With three cars it is unlikely that all could turn within the site, but with two cars this is considered realistic.

xvi) The proposal otherwise complying with policy HS4 and HS5.

Most of the criteria within HS4 are included in HS14, and some are relevant to new build rather than change of use. One criteria is about landscaping. No landscaping is proposed but that is because the frontage is currently utilised for car parking although there are small trees that are to remain to the front boundary, this is unchanged from the current use of the site and the rear yard is required for amenity, refuse and cycle storage. Space would remain in the rear for soft landscaping, but it is not considered appropriate to require this in this instance and the existing area can provide useful amenity space. Policy HS5 identifies densities for specific areas, which the site is not within and so the policy is not relevant to this proposal.

In addition, existing HMOs and valid planning permissions must not comprise more than 20% or more of the properties forming the street frontage within a street block. This is the fourth property on Carlton Road that would be in use as a HMO, but the policy specifies that when calculating this it is "...the properties forming the street frontage within a street block". The site is the third HMO on the northern side of Carlton Road, with numbers 20 and 44 being the other two. The frontage is made up of 29 properties, which includes one property on Woodchurch Road and another on Borough Road which have front doors opening on to Carlton Road. Given that some of the properties have been divided into flats the number of self-contained properties in the street is substantially more than this, and the policy is not specific on how to consider this scenario. Council Tax records show there to be 35 properties. Therefore, even based on 29 the percentage of HMOs would be 10.3% and this drops to 8.6% when 35 properties are considered. However, this is the case regardless of whether the proposal is approved or not given the fallback as a 6-bedroom HMO.

Reference has been had to draft policy WD7, which lists criteria for HMOs to meet. Most are the same or similar to those in HS14, but not all. WD7 seeks for HMOs to be in areas with access to local services and a choice of means of transport. There are shops and public transport options on Woodchurch Road and Borough Road, with more a short walk beyond. Cycle storage will be provided in the rear yard.

The maximum percentage of HMOs in a row of properties is proposed to be reduced to 10%. Given that this is not formally adopted, that some of the properties have been subdivided, and (crucially) that the site can lawfully be used as a HMO, it is considered that the proposal can be supported.

Policy WD7 seeks sufficient sunlight and daylight, and for habitable rooms to not be solely lit by roof lights, which they are not. Finally,

	<p>WD7 requires adequate management, including external maintenance. Having viewed the site and the work already done to change the use appears to be high quality. The applicant has submitted a Management Plan and there is no reason to consider that future operation and maintenance will not take place in an appropriate manner.</p>
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<p>3.7 Housing Quality</p>	<p>Planning policies regularly require a mix of housing to be developed, this is in the interest of meeting differing housing needs across society.</p> <p>The proposed HMO would provide accommodation that would be accessible to people who are likely to be at the start of their careers, and not yet in a position to access self-contained accommodation.</p> <p>Aside from the considerations in Section 3.6 above, the proposed accommodation would be good quality with rooms of reasonable sizes, each with either ensuite accommodation or access to a separate bathroom.</p> <p><i>The Technical housing standards – Nationally described space standard (NDSS) applies to new dwellings (which technically this is not) but reference has been had to the NDSS to assess the size of the bedrooms. Each bedroom is proposed as having single occupancy. The NDSS requires that single bedrooms are at least 7.5sqm, and double bedrooms are at least 11.5sqm. The smallest bedroom would be 8.1 sqm and the largest would be 27.75sqm (although this includes a kitchen area and sitting space). The other rooms are between 10.45sqm and 16.83sqm, and so all rooms are in excess of the size for single occupancy. A condition is proposed to restrict residency to 8 persons.</i></p> <p>There would be suitable communal floorspace, even though it is reduced from what was shown as part of the Lawful Development Certificate. It is noted that one of the units at second floor level includes a bathroom and some kitchen facilities. A condition would be imposed to prevent laundry facilities being provided within this unit so that it would not be self-contained. All rooms receive good light and have reasonable outlook. They would not be exposed to excessive noise given that this is a predominantly residential area.</p>
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<p>3.8 Design</p>	<p>The only proposed change is the removal of an existing rooflight and the insertion of an automatic opening vent rooflight. This is considered a very minor alteration to a building which is not subject to any heritage designations, with none nearby. The proposed change be visible from some private properties on Briardale Road but would not be detrimental to the building's appearance.</p>
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<p>3.9 Neighbouring Amenity</p>	<p>NPPF Paragraph 130 requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The relevant local policy in relation to this is HS4 and HS14 of the UDP.</p> <p>The impact on neighbours has been partly considered above. There is nothing inherent to HMOs that indicates that the granting of a HMO with an additional 2 bedrooms in this location would be disruptive to neighbours, and the evidence from the site visit was that the property is being well appointed. This should minimise the potential for anti-social behaviour which ultimately is possible at any residential property (HMO or otherwise).</p> <p>As the only alteration would be the introduction of a rooflight, there are no additional opportunities for overlooking of neighbouring properties.</p>
<p>3.10 Highways and Transportation</p>	<p>Concern has been raised by residents about the impact on parking. The former use was as a large house, and the current use is as a 6-bedroom HMO, and hence there is already a parking impact.</p> <p>The proposal does have the potential to generate vehicles but not to the extent that this is considered to be a problem when comparing 8 rooms to 6 rooms, or to a single family dwellinghouse. There is onsite parking for 3 vehicles, which is considered reasonable.</p> <p>Cycle provision will be secured through a condition which will maximise the potential for sustainable transport. There is a balance between maximising cycle provision and ensuring that the rear yard has some value as amenity space and as refuse storage, but there is considered sufficient space for 8 cycle spaces.</p> <p>The concerns of residents and the considerations raised by Councillor Cleary are noted. However, it is considered that the proposal's impact on highway and transport matters is not significant enough as to warrant the refusal of the application and given the conditions that are recommended to be appended to the decision notice.</p>
<p>3.11 Other Matters</p>	<p>Adequate space is available in the rear yard for refuse storage. A condition would ensure that this is provided and made available for use by residents.</p> <p>The proposal would not raise any issues of drainage or flood risk, given that the only physical change is to introduce a rooflight.</p>
<p>Summary of Decision (Planning Balance)</p>	<p>Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise</p>

	<p>Considering the individual merits of this application it is considered that the application is acceptable in planning terms having regards to the relevant Policies and Proposals in the Wirral UDP (Adopted February 2000), the Joint Waste Local Plan and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-</p> <p>The key consideration is that the site can lawfully be operated as a 6 person HMO, and so the difference in impact is in the two additional rooms that are now proposed.</p> <p>A full assessment of the proposal against policy HS14 has been undertaken and the proposal is considered to be meet this, and so the principle of development is considered acceptable. The quality of the accommodation would be appropriate and the impact on neighbouring amenity is considered acceptable. The introduction of a roof light would be minor in design terms.</p> <p>There is potential for additional vehicles when comparing 8 rooms with 6 rooms, but there is some onsite parking, and cycle provision proposed to encourage sustainable modes of transportation.</p> <p>The proposal is therefore considered to comply with the relevant Development Plan policy, principally formed by the Wirral Unitary Development Plan Policy and the Joint Waste Local Plan for Merseyside and Halton; as well as other material considerations, such as the draft Local Plan and the National Planning Policy Framework.</p>
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Recommended Decision:	Approval subject to the following conditions
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Recommended Conditions and Reasons:	
<p>1. The development hereby permitted shall begin not later than 3 years from the date of this decision.</p> <p>Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.</p> <p>2. Except where modified by the conditions attached to this planning permission, the development hereby approved relates to and shall be carried out in accordance with the following approved plans and documents:</p> <ul style="list-style-type: none"> • Proposed Ground Floor Plan (S-09) • Proposed First Floor Plan (S-10) • Proposed Second Floor Plan (S-11) • Proposed Roof Plan (S-12) 	

- Proposed Basement Floor Plan (S-13)
- Proposed Sections (S-14)
- Proposed Front and Side Elevations (S-15)
- Proposed Rear Elevation (S-16)
- HMO Management Plan
- Acoustic Report by Howell Acoustics

Reason: To ensure the development is carried out in accordance with the approved plans, in the interests of proper planning.

3. The basement floorspace shall be used for storage and not as a habitable room or rooms.

Reason: To ensure that the quality of the accommodation is high.

4. No laundry facilities shall be provided within bedroom 8, as shown on drawing S-11 hereby approved.

Reason: To ensure that there is an appropriate degree of shared facilities for each occupant of the property.

5. Prior to the first occupation of either bedroom 5 or bedroom 7, as shown on drawings S-10 and S-11 respectively, the refuse and cycling facilities shown in the rear yard on drawing S-09 hereby approved shall be provided and made available for use to all occupants, and the provision shall be maintained as such thereafter.

Reason: To ensure that the quality of the accommodation is high and that the impact on the public highway is acceptable.

6. The car parking shown on drawing S-09 hereby approved shall be retained in its existing form for the lifetime of the development.

Reason: To ensure that sufficient on-site parking is available for future occupiers of the proposed development.

7. Prior to the occupation of the bedrooms hereby approved the following communal facilities shall be provided and made available for use to all occupants, and the facilities shall be maintained as such thereafter:

- Ground Floor – WC, Laundry, door leading to Rear Yard (as shown on drawing S-09 hereby approved);
- First Floor – Living Room and Diner-Kitchen (as shown on drawing S-10 hereby approved).

Reason: To ensure that the quality of the accommodation is high and that there is an appropriate degree of shared facilities for each occupant of the property.

8. No more than eight persons shall be resident at the property.

Reason: To ensure that the impact on neighbouring amenity is acceptable, and the number of occupiers is proportionate to the size of the property

Last Comments By:	08-03-2023
Expiry Date:	28-June-2023