

KEY INFORMATION

Ward Maryfield

Proposal

Change of use from 3 bedroom flat to 4 bedroom house of multiple occupancy

Address

Flat G/0
91 Arbroath Road
Dundee

Applicant

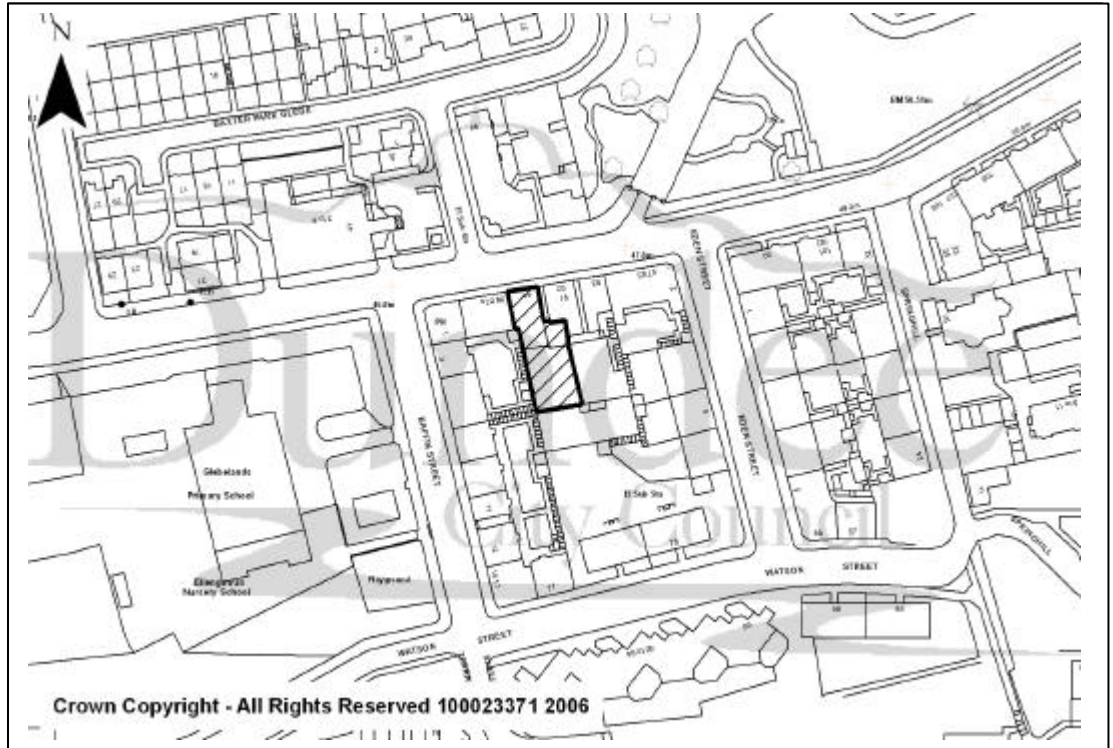
Mr D Hodge
c/o Leadingham, Jameson,
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18 South Tay Street
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Agent

Leadingham, Jameson,
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18 South Tay Street
Dundee

Registered 19 Mar 2007

Case Officer W Ferry



Proposal for HMO in Arbroath Road

A change of use from 3 bedroom flat to 4 bedroom house of multiple occupancy is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The application is contrary to Policy 11 and Supplementary Planning Guidance Policy HMO3. One letter of objection is supported. Accordingly the application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the change of use of a 3 bedroom flat to a 4 bedroom house of multiple occupancy at G/0, 91 Arbroath Road, Dundee.
- Policy 11: Houses in Multiple Occupation of The Dundee Local Plan Review 2005 and Supplementary Planning Guidance Policy HMO3 (Houses in Multiple Occupation) are relevant to the determination of the application.
- One letter of objection was received from a neighbouring property on the grounds of insufficient refuse storage. This objection was raised regarding refuse facilities.
- It is considered that the proposal is contrary to Policy 11 of the Dundee Local Plan Review 2005 and SPPG HMO3. There are no material considerations that would justify the approval of the application.

DESCRIPTION OF PROPOSAL

Planning Permission is sought for consent for the change of use of a 3 bedroom flat to a 4 bedroom house of multiple occupancy. This application is retrospective and the works have been carried out and completed and the flat is occupied as a 4 bed HMO.

SITE DESCRIPTION

The application site is located to the south side of Arbroath Road, Dundee. It forms the ground floor of a 5 storey tenement block. There is a mutual entrance.

There is no off street parking and no on street parking to the front of the property as there is a pedestrian crossing. There is limited parking to side streets close to the application site. This is a heavily trafficked road.

This is a mixed use area, with residential and commercial properties predominating. There is a new build flatted development adjacent to the site and there is a primary school close by.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 2005

The following policies are of relevance:

Policy 11: Houses In Multiple Occupation - proposals for multiple occupation of a dwelling that require planning permission will only be supported where:

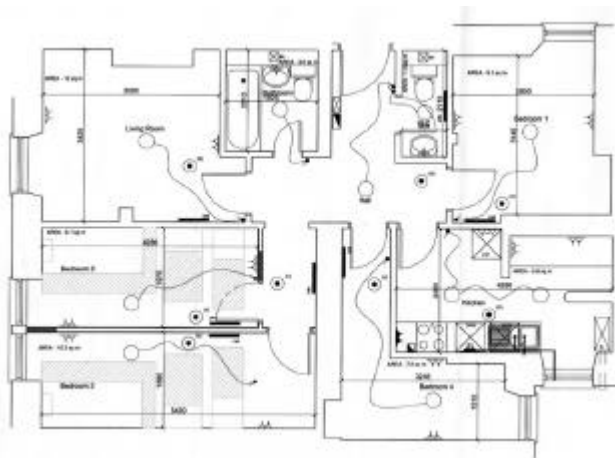
- a it does not involve the change of use of a tenement flat or other form of flat with a common stair or a shared entrance, unless within the City Centre; and
- b it will not be detrimental to traffic or pedestrian safety on account of increased parking pressures; and
- c it will not have a detrimental impact on residential amenity. In this regard each proposal must provide adequate refuse storage space, garden ground and car

parking. Where dedicated car parking cannot be provided the proposal must not exacerbate existing parking problems in the local area; and

- d it will not result in an excessive concentration of such uses to the detriment of the character of the local area.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application



Non Statutory Statements of Council Policy

Supplementary Planning Policy Guidance to the Dundee Local Plan Review 2005 was introduced for Houses in Multiple Occupation in November 2006.

HMO1 of this Policy Guidance states that Planning permission is required for the occupation of a flat by 4 or more unrelated people.

Policy HMO3 to the Dundee Local Plan Review 2005 is similar to that of Policy 1 of the Dundee Local Plan Review 2005, and states:

Proposals for multiple occupation of a dwelling that requires planning permission will only be supported where:

- a it does not involve the change of use of a tenement flat or other form of flat with a common stair or a shared entrance, unless within the city centre;

- b it will not be detrimental to traffic or pedestrian safety on account of increased parking pressures; and
- c it will not have a detrimental impact on residential amenity. In this regard, each proposal must provide adequate refuse storage space, garden ground and car parking.

Where dedicated car parking cannot be provided the proposal must not exacerbate existing parking problems in the local area.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

There is no relevant site history.

PUBLIC PARTICIPATION

The application was the subject of Statutory Neighbour Notification and was also advertised as a development contrary to the Development Plan. There was one letter of objection on the grounds of

insufficient refuse storage, maintenance of the boiler, cleaning of the shared close, and works already undertaken.

A copy of this letter is available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

No adverse comments have been received.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

Policy 11 identifies criteria which must be met before applications will be supported:

- a This criterion states that the property must not involve a tenement flat or property with a common stair or shared entrance unless within the City Centre. This application involves a tenement flat and common stair and is located outwith the City Centre.
- b This criterion states that the proposal will not be detrimental to traffic or pedestrian safety on account of increased parking pressures. The site provides no off street parking. In addition there is no on street parking outside the dwelling as there are double yellow lines on either side of the road. There is also only limited parking available on the side streets close to the development. Whilst the proposal would result in additional pressure on parking in the surrounding area it is considered that this would not have a significant impact in terms of traffic and pedestrian safety.
- c This criterion states that the proposal will not have a detrimental impact on residential amenity, that there must be sufficient refuse storage space, garden ground and car parking. It is considered that there will be an impact on residential amenity due to insufficient refuse storage space and garden ground. There is also an issue of the lack of available parking in the surrounding area as indicated in (b) above and although this is a potential problem because of increased parking pressures it is not considered to be detrimental to traffic and pedestrian safety.
- d In terms of this criterion it is considered that the proposal will not result in an excessive concentration of Houses of Multiple Occupation to the detriment of the character of the local area.

It is concluded from the foregoing that the proposal does not comply with the provisions of Policy 11 of the Development Plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

Supplementary Planning Policy Guidance (Houses in Multiple Occupation):

The criteria of SPPG HMO3 reflects that of Policy 11. It is considered that the proposal is not in accordance with criteria a and c of HMO3 for the reasons set out against Policy 11.

Objections

One letter of objection was received in respect of this application. The main issue relating to refuse storage has been discussed and discharged in the Observations section above. There were other issues relating to maintenance of the gas boiler and cleaning of the close. These issues are not valid planning considerations.

Quality of Accommodation

It is considered that the proposal will result in a poor level of accommodation in terms of space standard. The application involves one room being sub divided to create two bedrooms. This will result in two very small bedrooms. It is also considered that one existing bedroom is of an extremely small size. The standard of accommodation is poor in terms of space standard. Although it cannot be related to any Policy of the Dundee Local Plan Review 2005 to give reason for refusal of this application, this is considered to be a concern.

It is concluded from the foregoing that there are no material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

Design

There are no design issues in relation to this application.

CONCLUSION

It is considered that the application is contrary to Policy 11 of the Dundee Local Plan Review 2005 and Policy HMO3 of the Supplementary Planning

Guidance. Therefore the application is recommended for REFUSAL.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:

Reasons

- 1 The proposed change of use is contrary to criteria a and c of Policy 11 - (Houses in Multiple Occupation) of the Dundee Local Plan Review 2005 because it is a flat with a shared entrance, outwith the City Centre and will have a detrimental impact on residential amenity. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the terms of this policy.
- 2 The proposed change of use is contrary to Policy HMO3 of the Supplementary Planning Guidance to the Dundee Local Plan Review 2005, as the development does not comply with criteria a and c. This is because it is a flat with a shared entrance, outwith the City Centre and will have a detrimental impact on residential amenity. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the terms of this policy.