

Planning Permission For Erection of Buildings For Use as Short-term Let Accommodation and as Domestic Storage

KEY INFORMATION

Ward West End

Address

10B West Grove Avenue
Dundee

Applicant

Mr Andrew Brunton

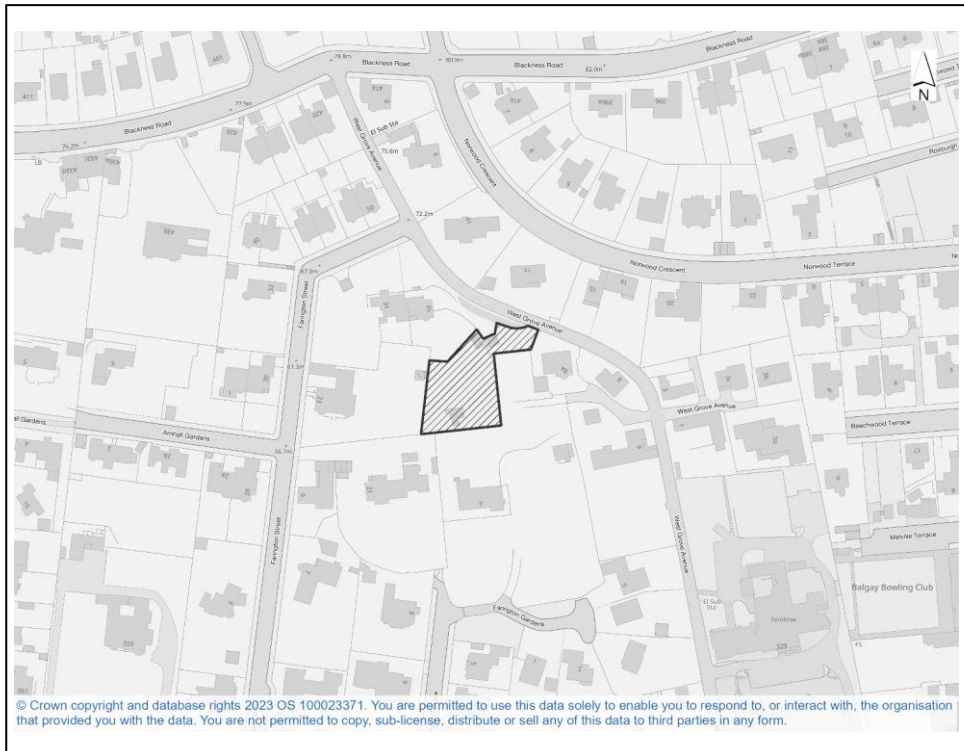
Agent

N/A

Registered 12 Sep 2022

**Report by Head of
Planning & Economic
Development**

Contact: Craig Swankie



SUMMARY OF REPORT

- Retrospective planning permission is sought for the erection of four buildings. Two of these are proposed to be used as one bedroom short-term let accommodation units. The other two are small domestic garden sheds to be used for storage. Planning permission is also sought for the use of an existing garage building as one bedroom short-term let accommodation.
- The application accords with the requirements of the Development Plan.
- The statutory neighbour notification process was undertaken. In total, six letters were received objecting to the proposal. The letters of objection raise concerns in relation to the design of the short-term let accommodation and detrimental impacts on the amenity of neighbours including noise disturbance.
- The applicant has submitted a location plan, floor plans, images and supporting statement with the application.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as six valid objections have been received and the application is recommended for approval.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=RFB4SFGCKVA00>

RECOMMENDATION

The proposal complies with the Development Plan. There are no material considerations of sufficient weight to justify refusal of planning permission. It is therefore recommended that planning permission be APPROVED subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Retrospective planning permission is sought for the erection of four buildings within garden ground. Two of the buildings are sheds being used for domestic storage, and two of the buildings are proposed to be used as one bedroom short-term let accommodation units. Planning permission is also sought for the conversion of a garage within the north-east of the site to use as a one bedroom short-term let accommodation unit. The location of each building is identified on the submitted site plan.

Short-term Let Accommodation

- 1.2 Within the south of the site, a timber cabin (A) has been erected without planning permission which measures 3.3 metres wide by 5.5 metres long with sloping roof 3.1 metres high. The cabin is finished in sage green paint, with an access door and window on the north elevation. Internally, the cabin includes an open lounge/kitchen area, office space, bedroom and bathroom with shower. This would be used as short-term let accommodation.
- 1.3 Within the north-east of the site, a second timber cabin (B) has been erected without planning permission. This measures 3.5 metres wide by 5.5 metres long, with flat roof 2.8 metres high. The cabin is finished in dark blue paint, with an access door and windows on the south-west elevation. Internally, the cabin includes an open lounge/kitchen area, bedroom and bathroom with shower. This would be used as short-term let accommodation.
- 1.4 Within the east of the site is an existing garage (C). The applicant proposes to convert this to short-term let accommodation. Internally, the garage would include an open lounge/kitchen area, bedroom, bathroom and shower room.

Domestic Sheds

- 1.5 Within the south-east of the site, two small storage sheds have been erected without planning permission. The shed (D) measures 2.2 metres wide by 2.3 metres long and is finished in timber painted green. The second shed (E) measures 1.0 metres wide by 1.7 metres long and is finished in cream and brown cladding. These sheds are being used for domestic storage. The sheds are of a scale that would be permitted development. However, as the site is within a conservation area planning permission is required.
- 1.6 Separate to the planning system, the operator of the short-term lets requires to obtain a licence through Dundee City Council's short-term let licensing scheme. The Council's Licencing Policy Statement includes several standards that operators are required to meet and these include matters covering space standards, safety, security, anti-social behaviour, and excessive noise. Should the property obtain a short-term lets licence, it will be subject to random inspections and enforcement during the lifetime of the licence to ensure the Council's Licencing Policy Statement is adhered to. Further information on the licensing scheme and standards can be found via <https://www.dundee.gov.uk/service-area/neighbourhood-services/communities-safety-and-protection/dundee-city-councils-short-term-lets-licensing>.

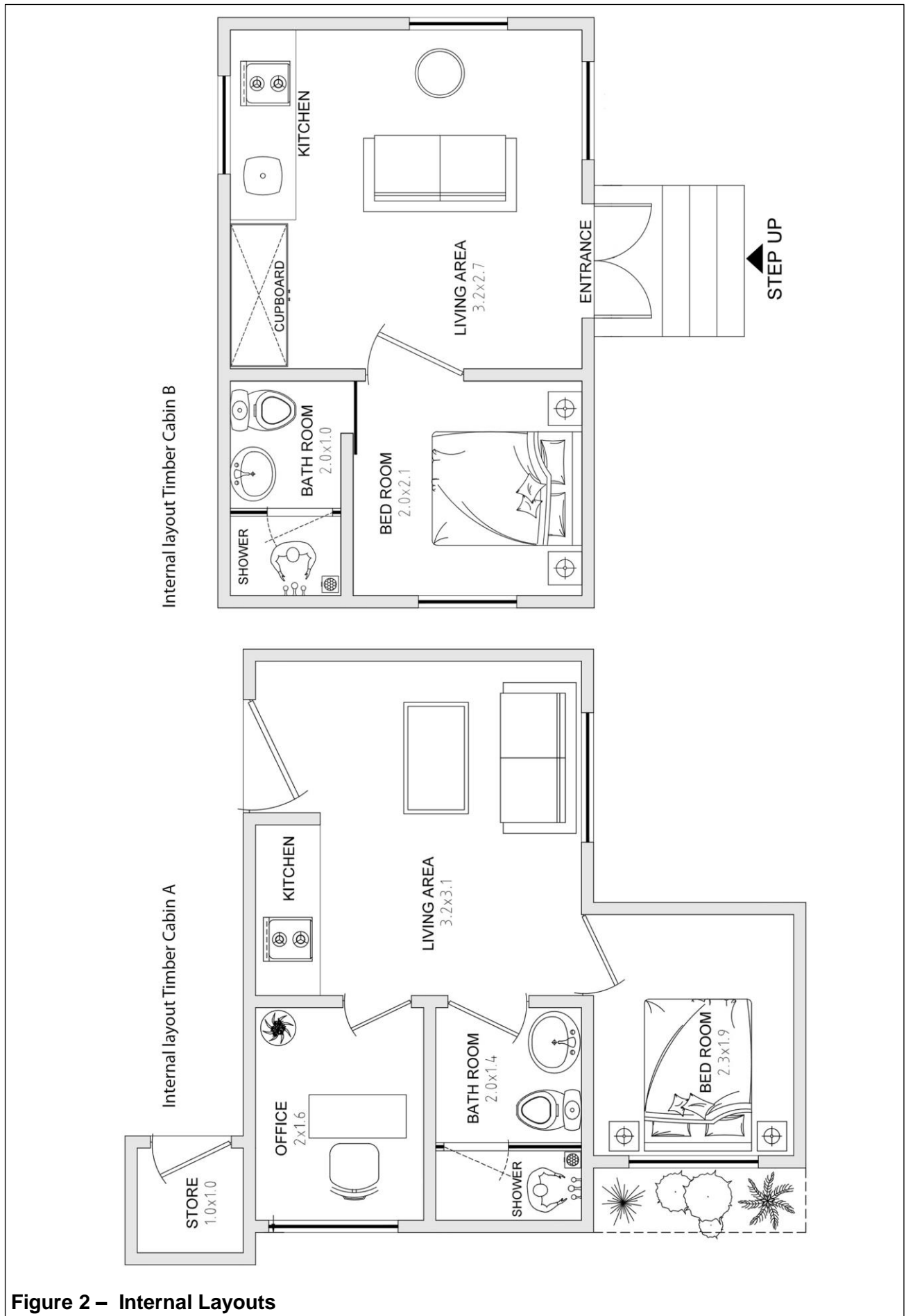


Figure 2 – Internal Layouts

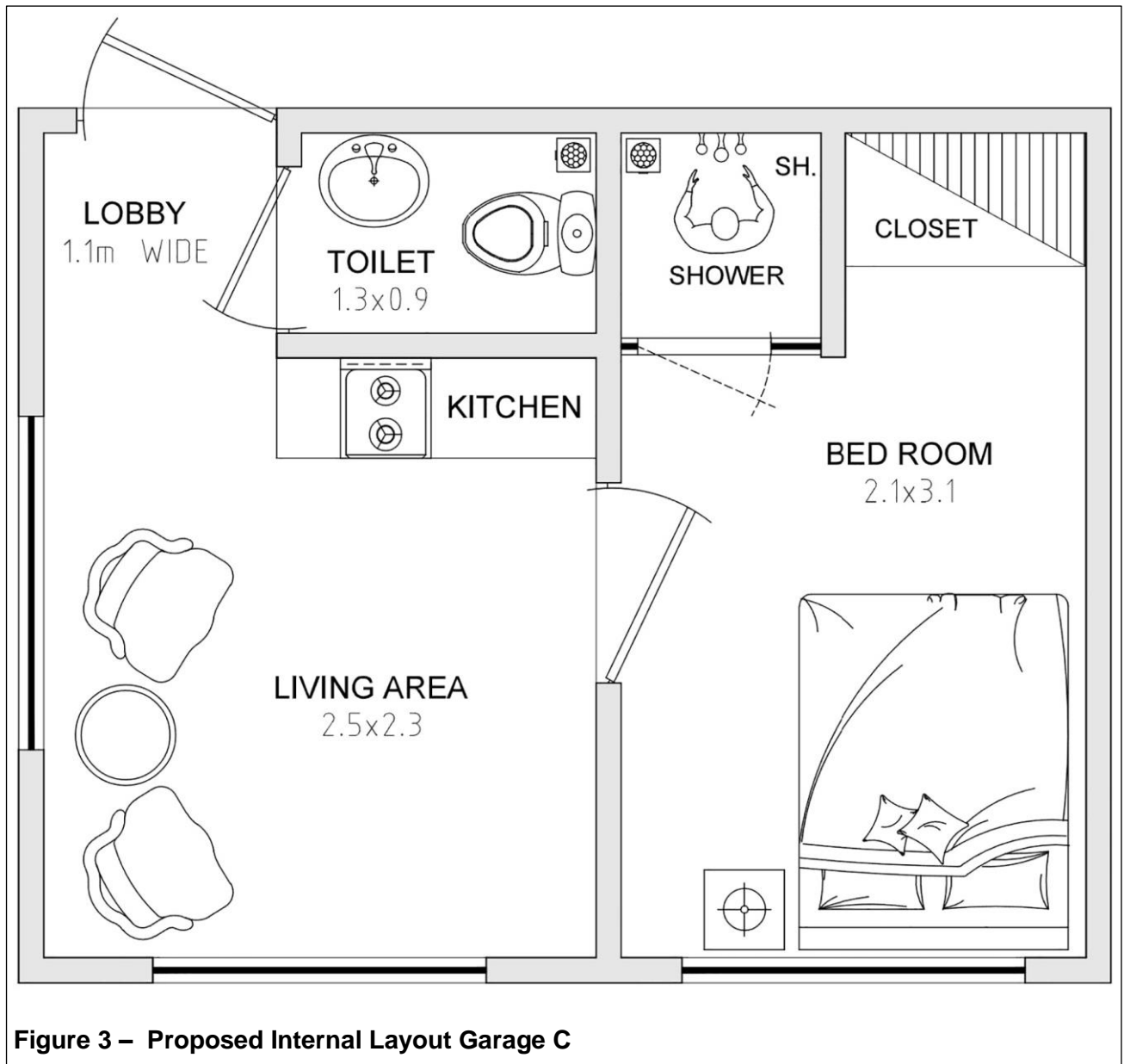


Figure 3 – Proposed Internal Layout Garage C

2 SITE DESCRIPTION

- 2.1 The application site is garden ground associated with a new build dwelling on West Grove Avenue.
- 2.2 The site contains garden ground and a driveway associated with the new build dwelling which is located within the west of the site. The garden ground is sloping and enclosed in nature, with the main boundary treatments comprising stone walls and planting. The site is not readily visible from West Grove Avenue as it is screened by higher-level garden ground, a stone boundary wall and trees.
- 2.3 An existing gap within a stone wall to the north east of the site has been utilised to form a driveway. The west boundary is formed by a stone wall and the gardens to the west are landscaped. The property to the south, which also has part of its garden bounding this site to the east, occupies a very large mature garden which largely screens this site from view.
- 2.4 The mature trees within the site are the subject of Tree Preservation Order 03/2006 and the site is contained within West End Suburbs Conservation Area.



Figure 4 – Timber Cabin A



Figure 5 – Timber Cabin B



Figure 6 – Existing Garage C



Figure 7 – Storage Sheds D and E

3 POLICY BACKGROUND

3.1 The following plans and policies are considered to be of direct relevance:

NATIONAL PLANNING FRAMEWORK 4

Policy 7: Historic Assets and Place

Policy 12: Zero Waste

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Place

Policy 16: Quality Homes

Policy 23: Health and Safety

Policy 30: Tourism

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 8: Visitor Accommodation

Policy 11: Householder Development

Policy 39: Environmental Protection

Policy 44: Waste Management Requirements for Development

Policy 51: Development in Conservation Areas

Policy 54: Safe and Sustainable Transport

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

4.1 There following planning history is of relevance:

4.2 Planning application 21/00671/FULL for the erection of a house with integrated granny annex (amendment of 19/00376/FULL) was approved in March 2022.

4.3 Planning application 20/00152/FULL for the demolition of a garage and erection of a house in garden ground was approved in September 2020.

4.4 Planning application 19/00376/FULL for the erection of a house with integrated granny annex (renewal of application 16/00314/FULL) was approved in July 2019.

4.5 Planning application 16/00314/FULL for the erection of a house with integrated granny annex was approved in June 2016.

5 PUBLIC PARTICIPATION

5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.

5.2 In total six letters of objection were received, raising the following material considerations:

- the buildings are of a design and form which has a detrimental impact on the character of the application site and wider conservation area. The development raises concerns in

relation to overlooking and impact on the amenity of neighbouring residents due to the proximity to the site boundary;

- the proposed change of use to holiday lets will result in significant disturbance to existing residents by virtue of noise and additional footfall. There will also be additional pressures on existing parking and waste provision; and
- the site is not suitable for use as short-term let residences, and there are concerns with the provision of amenities including electricity and bathroom facilities.

5.3 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

6.1 No consultation responses were received.

7 DETERMINING ISSUES

7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission (other than for a national development) shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

The provisions of the Development Plan relevant to the determination of this application are specified in the Policy Background section above.

NATIONAL PLANNING FRAMEWORK 4

7.2 **Historic Assets and Places Policy 7d and e** - seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Part d) states that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area is preserved or enhanced, relevant considerations include the:

- i architectural and historic character of the area;
- ii existing density, built form and layout; and
- iii context and siting, quality of design and suitable materials.

Part e) states that development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area are retained. These features include structures, boundary walls, railings, trees and hedges.

7.3 The application site is located within the West End Suburbs Conservation Area and the proposals relate to the erection of four outbuildings within the application site. Two of the buildings are small sheds, and two are timber cabins which are being used as short-term let accommodation.

- 7.4 The outbuildings are of a design and finish which is appropriate within private garden ground. The scale and form of the buildings is of a quality which does not detract from the character of the site and would be in keeping with the established residential nature of West Grove Avenue. The outbuildings are positioned towards the site boundaries, and the footprints of the buildings do not significantly reduce the area of useable garden ground impact on existing mature trees towards the site boundary. The form and layout of the garden would remain as existing, and the use of two of the outbuildings and the garage as habitable accommodation is not detrimental to the character of the site. The buildings are located in areas which are not clearly visible from the surrounding area, and finishes are of a suitable quality.
- 7.5 The outbuildings are of a small scale and sited upon areas of existing garden ground. Features of merit including the stone boundary walls and mature trees are not affected by the development. The provision of short-term let accommodation within the site would be in keeping with the residential nature of West Grove Avenue, and would not detract from the high-quality character of the conservation area.
- 7.6 As views of the application site are restricted from the street scene by high boundary walls and planting, and as access is via a private driveway from West Grove Avenue, the development would not have any significant impact on the character or appearance of the conservation area.
- 7.7 **The proposal is in accordance with Policy 7d and e.**
- 7.8 **Zero Waste Policy 12 c** – seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy. Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
- i provision to maximise waste reduction and waste separation at source, and
 - ii measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
- 7.9 The existing dwelling has waste bins located within the north east of the site. Further bins would be required to serve the proposed short-term let units. There is space within the north-east of the site for bins to be stored in a location which is accessible to visitors and would have no detrimental impact on the character of the site. The bin storage area is large enough to accommodate bins for waste separation including recycling and household waste. The proposed holiday lets would be provided with appropriate waste provision that supports waste separation and recycling.
- 7.10 **The proposal is in accordance with Policy 12 c.**
- 7.11 **Sustainable Transport Policy 13 b** - states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
- i provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
 - ii will be accessible by public transport, ideally supporting the use of existing services;
 - iii integrate transport modes;

- iv provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
 - v supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
 - vi are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
 - vii have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
 - viii adequately mitigate any impact on local public access routes.
- 7.12 As the proposal relates to short-term let which will generate footfall, this policy is relevant to the assessment of the application.
- 7.13 With regard to Criteria i–iii, the site is connected to the surrounding road and footpath network, including West Grove Avenue which leads to Perth Road and Blackness Road. The proposed short-term lets would be located within an accessible location, that can be accessed by modes of sustainable transport and active travel that help minimise the need to travel by private car. The site is connected to surrounding public transport links including bus stops on Perth Road and Blackness Road which are served by frequent services. Buses that serve these stops would support integrated journeys and provide access to Dundee city centre, bus station and railway station. The site provides connections to a range of transport modes including walking/cycling, road or rail.
- 7.14 In relation to Criterion iv, the existing dwelling within the site benefits from three car parking spaces to the east of the house. The applicant has provided a drawing showing the location of three parking spaces within the east of the site for use by the short-term lets. There is currently no provision for electric vehicle or cycle charging. The policy refers to provision being made in alignment with building standards. Given the siting and layout of the site it is considered that there is scope for charging points to be provided in safe and convenient locations should these be required by building standards. The proposal is considered to meet the requirements of this policy criteria. In any case the site is within proximity of a range of publicly accessible electric vehicle charging points, including chargers at Greenmarket and Gellatly Street Car park. This provision would ensure visitors to the short term let have access to electric vehicle charging points.
- 7.15 With regard to Criterion v, the site contains a single cycle stand towards the centre of the site. However, there is no secure, covered cycle storage provision within the site. There is scope for cycle parking to be provided in an accessible location for use by the short-term lets and this can be controlled by condition.
- 7.16 With regard to Criteria vi, vii and viii, the development is connected to the existing road network which provides safe and convenient connections to the surrounding area. Direct access is provided onto West Grove Avenue. Whilst there is not a footpath on West Grove Avenue, the road is lit and safe for pedestrian use. Streets in the vicinity of the development including Perth Road are suitable for use by pedestrians: being lit and having footways contiguous to the carriageway. There are roads surrounding the site and pedestrianised streets which are suitable for cycling. The site is linked by roads and paths to signed cycle routes including the Dundee Green Circular at Riverside Drive. The use of two outbuildings and a garage as one bedroom short-term let accommodation units would have no detrimental effect on the capacity or safe functioning of the existing road network.

- 7.17 **The proposal is in accordance with Policy 13 b, subject to conditions.**
- 7.18 **Design Quality and Place Policy 14 a** – states development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Criterion c states development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.
- 7.19 The application seeks retrospective planning permission for four outbuildings, including two that are being used as short-term let accommodation units and two that are being used as storage sheds.
- 7.20 The outbuildings are of a design and finish appropriate within private garden ground. The position of the buildings towards site boundaries, and scale of the development ensures there is no significant impact on the character of the application site or surrounding area. The use of two of the outbuildings as habitable short-term let accommodation would maintain the established residential nature of West Grove Avenue.
- 7.21 The form and appearance of the outbuildings is appropriate within this large area of private garden ground and would not result in any significant loss of useable garden ground. Existing boundary walls are to be retained and there is no impact on mature trees within the site. The buildings are located in areas which are not clearly visible from the surrounding area, and finishes are of a suitable quality.
- 7.22 The outbuildings would not detract from the traditional, wooded character of West Grove Avenue, and maintain the enclosed nature of the site. The proposal would form a distinctive development, which is connected to the surrounding area.
- 7.23 **The proposal is in accordance with Policy 14 a.**
- 7.24 **Quality Homes Policy 16 g** - states householder development proposals will be supported where they:
- i do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
 - ii do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- 7.25 As householder development, only the two storage sheds are considered under this policy. With regard to criteria i, the proposed sheds are located within the south-east corner of an enclosed area of private garden ground. The buildings are located towards the site boundaries and do not appear incongruous or exposed in their setting. The design and size of the sheds ensures they are subservient in scale to the main dwelling within the west of the site. The finish materials and colour of each shed is appropriate. The sheds are not readily visible from surrounding streets and overall, would not have a detrimental impact on the character or environmental quality of the house and surrounding area by virtue of size, design and materials.
- 7.26 In response to criterion ii, the two sheds are being used for storage. The sheds are of a small scale and sit within the existing garden ground. The size and siting of the sheds ensures there is no physical or overshadowing impacts on neighbouring property, and the use of the sheds for storage would not result in any overlooking of neighbouring property or impact on privacy.
- 7.27 **The proposal is in accordance with Policy 16 g.**

- 7.28 **Health and Safety Policy 23 e** - states that development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.
- 7.29 The site is within an established residential development that includes a mixture of detached houses and flatted dwellings with garden ground.
- 7.30 The proposed short-term lets would provide one bedroom accommodation within garden ground associated with a residential dwelling. The use of the site, existing access road and garden ground by visitors would be in keeping with the established residential nature of West Grove Avenue. Noise from residents within the property would be in keeping with that of a residential development and have no significant impact on the amenity of existing residents.
- 7.31 Matters related to behavioural noise and sound transmission between properties, is considered under Dundee City Council's short-term lets licensing policy. To operate holiday accommodation, the applicant will require to meet the criteria of the Council's Licensing Policy Statement. Should the property obtain a short-term lets licence, it will be subject of random inspections and enforcement during the lifetime of the licence to ensure the Council's Licensing Policy Statement is adhered to.
- 7.32 The proposed short-term lets would maintain the residential nature of the development and not result in any unsatisfactory level of disturbance on the surrounding area.
- 7.33 **The proposal is in accordance with Policy 23 e.**
- 7.34 **Tourism Policy 30 b** - states proposals for tourism related development will take into account:
- i the contribution made to the local economy;
 - ii compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
 - iii impacts on communities, for example by hindering the provision of homes and services for local people;
 - iv opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
 - v accessibility for disabled people;
 - vi measures taken to minimise carbon emissions; and
 - vii opportunities to provide access to the natural environment.
- 7.35 The development proposals for the erection of two outbuildings and their use as short-term let accommodation, and the use of the existing garage building for short-term let accommodation are assessed against the above criteria:
- i the provision of a range of visitor accommodation types within the city is important to supporting tourism and the local economy. The proposals provide three, one-bedroom short-term let units that will contribute to the range of accommodation within the city;
 - ii the one-bedroom short-term let units are of a small scale, and are accommodated within the grounds of an existing residential development. West Grove Avenue is an established

residential area. The proposed use of outbuildings as short-term lets would be in keeping with this. The scale of development is appropriate in this setting. The one-bedroom short-term lets would not generate a significant number of visitors. The site is accessed from West Grove Avenue, an existing public road to the east of the site. The proposals would not generate a significant level of footfall and there would be no significant impacts on neighbouring dwellings by virtue of additional activity or visitors attending the site;

- iii the proposals relate to the use of outbuildings within garden ground of an existing dwelling house. The proposals would not result in the conversion or loss of any existing dwellings or reduce the availability of housing in the local area;
- iv the applicant has submitted details of parking provision within the site, and the location of cycle storage. There is scope for each resident to be provided with secure cycle storage provision, and it is recommended the details of the location and form of the storage be controlled by condition. There is space within the site for each one-bedroom short-term let to be provided with a parking space. The site is within walking distance of bus stops on Perth Road and Blackness Road where frequent bus services provide access to the city centre and surrounding area. The site is in an accessible location, and is served by sustainable transport options;
- v the site would be generally accessible to disabled people, with access from West Grove Avenue to each short-term let;
- vi the short-term lets are of a small scale and powered by electricity and gas. The proposals would not generate any significant carbon emissions and support for the use of sustainable transport options will be provided; and
- vii the application site includes a small number of mature trees, and open lawn area which provides open space. The site is connected to the surrounding area by existing road and footpath networks, including footpaths on Perth Road and Riverside Drive which link the site to Dundee Green Circular. This provide links to a range of open and natural spaces within the city.

7.36 The proposal would satisfy Policy 30b.

7.37 Tourism Policy 30 e - states that development proposals for the reuse of existing buildings for short-term holiday letting will not be supported where the proposal will result in:

- i an unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

7.38 The applicant proposes the change of use of an existing garage to short-term let accommodation.

7.39 With regard to criteria i, the proposed short-term let would provide one-bedroom accommodation within the curtilage of existing residential development on West Grove Avenue. The proposed use of the garage as short-term let accommodation would result in footfall associated with guests attending the property. However, the accommodation is of a small scale and not generate a significant number of visitors. The use of the garage as short-term let accommodation would retain the residential nature of the site and not result in any significant increase in visitors to West Grove Avenue or use of the garden ground. Overall, the character and amenity of the existing residential development would not be significantly impacted by the proposed change of use.

- 7.40 The three units would operate from within the curtilage of the main dwelling. If the three units were disposed of separately to the main dwelling then this change in the way they operate could result in harm to the residential amenity of the main dwelling. It is therefore proposed that a planning condition is used to prevent the units from being disposed of separately to the main dwelling.
- 7.41 In relation to criteria ii, the proposed change of use relates to a garage. There would be no loss of existing residential accommodation. The proposed change of use would not have any impact on the availability of residential accommodation in the local area. The provision of a range of type, form and scale of tourist accommodation is important to ensuring the City provides accommodation that meets the varying needs and expectations of leisure and business visitors. There are demonstrable economic benefits to the provision of small-scale holiday let accommodation in locations that provide access to the range of tourist attractions within the city. The site is within walking distance of bus stops which provide connections to the city centre and a range of tourist attractions. The proposed change of use would provide tourist accommodation in an accessible location, with links to sustainable modes of transport and tourist attractions.
- 7.42 **The proposal would satisfy Policy 30.**

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- 7.43 **Policy 1: High Quality Design and Placemaking** - requires all development proposals to follow a design-led approach to sustainable and high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, creating a sense of community and identity, and enhancing connectivity, with creative approaches to urban design, landscaping and green infrastructure. New development is required to meet the six qualities of successful place, in accordance with Appendix 1, creating development which would be distinctive, safe and pleasant, easy to move around and beyond, welcoming, adaptable, and resource efficient.
- 7.44 The design of the outbuildings which form short-term let accommodation is considered under Policy 14 of National Planning Framework 4. The design of the outbuildings is appropriate to the residential nature of the application site, and the buildings are of a size and form subservient to the main dwelling within the site. The proposed finish materials are appropriate to the application site and would have no detrimental impact on the character of the surrounding area. The proposal dwelling would have no significant impact on the density of development on West Grove Avenue. The position of the outbuildings towards the site boundaries minimises the visual impacts of the development and the nature of the timber structures ensures there is no damage to protected trees.
- 7.45 **The proposal would satisfy Policy 1.**
- 7.46 **Policy 8: Visitor Accommodation** - the provision of a range of high-quality visitor accommodation within the City Centre is supported. Additional visitor accommodation that is complementary to the existing townscape, will be supported within the Central Broughty Ferry area to further enhance its attractiveness as a location for smaller scale tourism.

Visitor accommodation, with the exception of small-scale B&B and guesthouse style accommodation, will not be supported outwith the City Centre or Central Broughty Ferry except where these involve enhancements to existing facilities. Any development in the City Centre should not have an adverse effect, either alone or in combination with other proposals or projects, on the integrity of any Natura site.

- 7.47 The proposal relates to the formation of three, one-bedroom short-term let units which are contained within two outbuildings and a garage. The proposed accommodation is small-scale accommodation within the grounds of the operators house. It is akin to guesthouse accommodation which is supported outwith the city centre. The proposal would support the provision of a range of visitor accommodation within the city for smaller scale tourism.
- 7.48 **The proposal is in accordance with Policy 8.**
- 7.49 **Policy 11: Householder Development** - states householder development will be supported where it:
- 1 does not have a detrimental impact on the character or environmental quality of the house and the surrounding area by virtue of size, design and materials;
 - 2 does not result in a significant loss of private/useable garden ground;
 - 3 does not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking; and
 - 4 does not have a detrimental impact on the existing level of parking provision.
- 7.50 As householder development, only the two storage sheds are considered under this policy.
- 7.51 As considered under Policy 16g of National Planning Framework 4, the two storage sheds are within an established residential development. The sheds are of a small scale and located towards the site boundaries. The existing large garden is of a scale which can accommodate the sheds whilst retaining the character of the site. The sheds are of a scale, form and finish which is appropriate to the application site and is in keeping with the established character of the application site and surrounding area.
- 7.52 The scale and form of the buildings does not result in any significant loss of useable garden ground.
- 7.53 The position and form of the sheds, being of small scale and fronting into the site ensures there are no significant impacts on neighbouring properties in terms of overlooking or overshadowing.
- 7.54 The existing parking provision at 10B West Grove Avenue would be retained as existing, with capacity for three vehicles.
- 7.55 **The proposal is in accordance with Policy 11.**
- 7.56 **Policy 39: Environmental Protection** – all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. New development or an extension to an existing development in close proximity to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.
- 7.57 As considered under Health and Safety Policy 23 e of National Planning Framework 4, the site is within an established residential development.
- 7.58 The proposals would not result in any significant increase of footfall compared with the existing situation, and would maintain the established residential nature of the site property.

- 7.59 Matters related to behaviour noise are considered under Dundee City Council's short-term lets licensing policy. To operate holiday accommodation the applicant will require to meet the criteria of the Council's Licensing Policy Statement. Should the property obtain a short-term lets licence, it will be subject of random inspections and enforcement during the lifetime of the licence to ensure the Council's Licencing Policy Statement is adhered to.
- 7.60 The proposals would maintain the residential nature of the development and not result in any unsatisfactory level of disturbance on the surrounding area.
- 7.61 **The proposal is in accordance with Policy 39.**
- 7.62 **Policy 44: Waste Management Requirements for Development** - development proposals should demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012. The policy also requires site waste management plans be prepared and used during the construction of major developments.
- 7.63 A bin storage area is provided within the site for the existing dwelling. There is space within the north-east of the site for a bin storage area to be provided in a location which is accessible to visitors of the proposed short-term lets. There is sufficient space for the provision of recycling and household waste bins, to be collected by Dundee City Council. The provision of a bin storage area would ensure appropriate waste provision is provided which supports waste separation and recycling.
- 7.64 **The proposal is in accordance with Policy 44.**
- 7.65 **Policy 51: Development in Conservation Areas** - requires development proposals to preserve or enhance the character of conservation areas.
- 7.66 As considered under Policy 7d and e of National Planning Framework 4, the outbuildings are of a design and finish which is appropriate within private garden ground. The scale and form of the buildings is of a quality which does not detract from the character of the site and would be in keeping with the established residential nature of West Grove Avenue. The outbuildings are positioned towards the site boundaries, and the footprint of the buildings does not significantly reduce the area of useable garden ground nor does it impact on existing mature trees towards the site boundary. The form and layout of the garden would remain as existing, and the use of two of the outbuildings and garage as habitable accommodation is achieved without detriment to the character of the site. The buildings are located in areas which are not clearly visible from the surrounding area, and finishes are of a suitable quality.
- 7.67 The development maintains the established character of the site and does not result in any significant increase in density of development. The proposals preserve the character of the West End Suburbs Conservation Area.
- 7.68 **The proposal is in accordance with Policy 51.**
- 7.69 **Policy 54: Safe and Sustainable Transport** - all development proposals that generate travel should be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services.
- 7.70 Development proposals will be required to:
- 1 minimise the need to travel by private car;

- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
- 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 7 be supported by a travel plan to mitigate transport impacts and improve the accessibility of developments where the Council considers that the development will generate significant travel.

Walking and cycling routes should be fully useable prior to the first occupation of a new development.

7.71 In respect of the above Criteria 1 - 7:

- 1 The application site contains garden ground associated with an existing dwelling, within an established residential area. The site can be accessed by the surrounding road network, which provides connections to Perth Road and Blackness Road. Bus stops within walking distance of the site provide access to the city centre, Dundee Bus Station and Railway Station. The provision of secure, covered cycle storage within the site can be controlled by condition. The proposed short-term lets would be located within an accessible location, that can be accessed by modes of sustainable transport and active travel that help to minimise the need to travel by private car.
- 2 The development is connected to the existing road and footpath network which provides safe and convenient connections to the surrounding area. Direct pedestrian access is provided onto West Grove Avenue and the provision of a cycle storage area is to be controlled by condition. Streets in the vicinity of the development including Perth Road and Blackness Road are suitable for use by pedestrians, being lit and having footways contiguous to the carriageway. There are roads surrounding the site and pedestrianised streets that are suitable for cycling. The site is linked by roads and paths to signed cycle routes including the Dundee Green Circular.
- 3 The site is connected to footpaths and roads which provide access to the bus and rail network. Local bus services provide access to the city centre and Dundee Bus Station, which supports connections to local and long-distance bus services. Dundee railway station can also be accessed by public transport.
- 4 The form and layout of the existing residential development would be retained as existing. The use of the three outbuildings as one-bedroom short-term lets would have no detrimental effect on the capacity or safe functioning of the existing road network.

- 5 The proposal would utilise existing parking and road access arrangements. There would be no requirement for alterations to the existing access into the site, and no large vehicles or HGVs would require regular access to the site.
- 6 No variations are proposed to the surrounding road network.
- 7 The proposed holiday let would be occupied by tourists who may be unfamiliar with local public and sustainable transport options. In support of the use of sustainable transport options, it is recommended the provision of a detailed Travel Plan to guests of the short-term let is controlled by condition.

7.72 **The proposal is in accordance with Policy 54, subject to conditions.**

7.73 **It is concluded that the proposal fully accords with the Development Plan.**

Statutory Duty

- 7.74 Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
- 7.75 Section 64 of the Act requires that the Council have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.
- 7.76 These matters have already been considered in the assessment of the proposed development against the requirements of National Planning Framework 4 and the Dundee Local Development Plan. The proposed outbuildings and short-term let accommodation maintain the established residential character of the site and do no impact on the appearance or amenity of the West End Suburbs Central Conservation Area.

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

7.78 In total six letters were received objecting to the proposal. The objections raised the following valid material grounds:

7.79 The grounds of objection are considered and assessed as follows:

- the buildings are of a design and form which has a detrimental impact on the character of the application site and wider conservation area. The development raises concerns in relation to overlooking and impact on the amenity of neighbouring residents due to the proximity to the site boundary;
- the proposed change of use to holiday let will result in significant disturbance to existing residents by virtue of noise and additional footfall. There will also be additional pressures on existing parking and waste provision; and
- the site is not suitable for use as short-term let residences, and there are concerns with the provision of amenities including electricity and bathroom facilities.

7.80 The grounds of objection are considered and assessed as follows:

- 7.81 **Objection** – the buildings are of a design and form which has a detrimental impact on the character of the application site and wider conservation area. The development raises concerns in relation to overlooking of neighbouring property due to the proximity to the site boundary.
- 7.82 **Response** – the design of the outbuildings is considered within the main body of this report. They are of a scale and form that is appropriate within garden ground and would have no significant impact on the character of the Conservation Area due their design and the enclosed nature of the site. The buildings are not clearly visible from the surrounding area and are of a construction that would allow removal in future without any impact on features of merit such as boundary walls and mature trees. The buildings within the north and east of the site would afford views of the applicant’s garden ground and driveway only. A window within the south elevation of Cabin A, that would contain short-term let accommodation does afford views towards the south. However, existing boundary treatments restrict views of neighbouring garden ground and ensure there is no direct overlooking.
- 7.83 **Objection** – the proposed change of use to holiday let will result in significant disturbance to existing residents by virtue of noise and additional footfall. There will also be additional pressures on existing parking and waste provision.
- 7.84 **Response** – the three, one-bedroom short-term let units would generate footfall to the site. However, the level of footfall would not be significant, and would be at a level which is in keeping with established residential character of the surrounding area. Similarly, noise associated with use of the site and garden ground would be in keeping with the residential character of the area. Matters related to behavioural noise and letting of the outbuildings would be considered and addressed through the short-term let licence process.
- 7.85 There is sufficient space within the site for vehicles associated with visitors to the site, and the site is within walking distance of sustainable transport options such as bus stops on Perth Road and Blackness Road. Towards the site entrance where existing bins are stored there is space for an extended bin storage area to be provided. The provision of details of the bin storage area can be controlled by condition. The proposed short-term let units would retain the residential nature of the site and would have no significant impact on the character or amenity of the existing or neighbouring residential dwellings.
- 7.86 **Objection** - the site is not suitable for use as short-term let residences, and there are concerns with the provision of amenities including electricity and bathroom facilities.
- 7.87 **Response** - short-term let accommodation is of a residential nature, and in keeping with the established character of the application site. The proposed form of accommodation would contribute to the range, type and scale of visitor accommodation within the city, and is in an accessible location. Matters related to services and provision within the accommodation, including safety and amenities provided to visitors would be considered as part of any request for a Short-term Let Licence.
- 7.88 **It is concluded that there are no material considerations of sufficient weight which would justify refusal of planning permission.**

8 CONCLUSION

- 8.1 The application for the erection of outbuildings and a change of use to short-term let accommodation accords with the Development Plan. It is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

9.1 It is recommended that planning permission be GRANTED subject to the following conditions:

- 1 **Condition** - the development hereby permitted shall be commenced within 3 years of the date of this permission.

Reason - to ensure the timeous commencement of development and in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

- 2 **Condition** - within 3 months of the date of this planning permission, full details of the secure cycle storage and bin storage provision shall be submitted to the Council for written approval. Thereafter, the storage provision shall be implemented in accordance with the approved details within 3 months of the date of the written approval.

Reason - in the interest of sustainable transport measures and visual amenity.

- 3 **Condition** – within 3 months of the date of this planning permission, a Travel Plan that sets out proposals for reducing dependency on the private car and encouraging use of sustainable transport shall be submitted to and approved in writing by Dundee City Council. The Plan shall include details of when it will be reviewed and updated, and how it will be distributed to visitors. Thereafter, the agreed Travel Plan shall be published and distributed in accordance with the approved details.

Reason - in the interests of promoting sustainable transport to all visitors.

- 4 **Condition** – the short term let accommodation hereby approved shall operate in conjunction with the main dwelling at 10B West Grove Avenue, Dundee. At no time shall the short term let accommodation or the main dwelling be disposed of as separate units of accommodation and the short term let accommodation shall not be used for any other purpose.

Reason – to retain control over the use of the site in the interests of residential amenity.