

6 PLANNING APPEAL DECISIONS (AN175-2008)

(a) FLAT G/R, 23B STEP ROW, DUNDEE, DD2 1AH - CHANGE OF USE FROM 3 BEDROOM FLAT TO 4 BEDROOM HMO

Reference is made to Article 1(m) of the minute of meeting of this Committee of 15 October 2007 wherein the above proposal was refused planning permission because the Council considered the proposal to be contrary to Policy 11 of the Dundee Local Plan 2005 (flat with a common stair; limited car parking in the area) and to the Council's non-statutory supplementary planning policy guidance in relation to the location of HMOs (the limit on numbers of HMOs in the Census Output Area exceeded).

The decision was appealed by the applicant under the provisions of Section 47 and Schedule 4 of the Town and Country Planning (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 13 August 2008. Copies of the decision notice have already been circulated to Members by e-mail.

The Reporter **DISMISSED** the appeal and refused planning permission.

In reaching his decision the Reporter concluded that the location of the flat within a common close and the increase in the concentration of HMOs in the area would be likely to adversely affect the residential amenity of the block and the wider area, contrary to Policy 11 of the local plan review. The Reporter accepted that the current concentration of HMOs in the output area was 12.7% and that if the proposal was allowed this proportion would rise to 14.2%. However, the Reporter did not consider that the proposal was likely to lead to a noticeable increase in parking demand in the area.

(b) 86 MONIFIETH ROAD, DUNDEE - CONSERVATORY EXTENSION

Reference is made to Article 1(f) of the minute of meeting of this Quality Committee of 17 December 2007 wherein the above proposal was refused planning permission because the Council considered that the proposal would interrupt a safe means of escape from the apartment above and would make the cleaning of the apartment's windows difficult to achieve (Policy 1 of the Dundee Local Plan Review 2005); and that the materials to be used in the construction of the conservatory were inappropriate to the Reres Hill Conservation Area contrary to Policy 61 of the Plan.

The decision was taken contrary to recommendation.

The decision was appealed by the applicant under the provisions of Section 47 and Schedule 4 of the Town and Country Planning (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 15 August 2008. Copies of the decision notice have already been circulated to Members by e-mail.

The Reporter **UPHELD** the appeal and granted planning permission subject to a condition that the conservatory will be obscurely glazed and retained in perpetuity as such. This was in order that the privacy of occupiers and neighbours was respected.

In reaching his decision the Reporter considered that the conservatory would be located below the bedroom window of the apartment above and there would be no direct view or overlooking from below. In fact any loss of privacy would likely be to the occupiers of the conservatory who could be directly overlooked from the bedrooms above. This concern could be overcome by an appropriately worded condition which also respected the Council's concerns about privacy issues relative to the sides of the conservatory. The Reporter considered that access issues were non-planning matters between neighbours and that the materials proposed to be used were satisfactory within a conservation area.