

**6 PLANNING APPEAL DECISION - INVERELLEN, 204 ELLEN STREET, DUNDEE
APPLICATION FOR CHANGE OF USE FROM RESIDENTIAL HOME TO HOUSE IN
MULTIPLE OCCUPANCY (HMO) (AN217-2004)**

Reference is made to Article VII(o) of the minute of meeting of the Development Quality Committee of 30th June, 2003, wherein the above proposal was refused planning permission. The Council considered that the proposal contravened Policy H14 of the Adopted Dundee Local Plan 1998 in terms of its proximity to nearby HMO's and the number of residents being in excess of twelve and that this would have a detrimental affect on the residential amenity of the surrounding area due to noise and disturbance. It also considered that the proposal contravened Policy 11 of the Finalised Dundee Local Plan Review in terms of the detrimental impact on residential amenity due to noise and disturbance and the concentration of HMO's in the area.

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 14th April, 2004. A copy of the decision letter can be found in the members' lounges.

The Reporter concluded that a change of use was involved at the premises, that the proposed HMO use involved a very intensive use of the property and that the elevated levels of activity would likely cause disturbance to the surrounding residential area and to change its character in an unacceptable way.

He considered that the concentration of HMO's in the locality were likely to exacerbate problems of disturbance in the area. He considered that the number of occupants coupled with the lack of parking would lead to a conflict with several of the requirements of Policy H14 of the Adopted Local Plan and Policy 11 of the Finalised Dundee Local Plan Review. He added that concerns with the type and behaviour of occupants of the premises was not a matter which could be controlled under planning legislation and did not take this into account.

Accordingly, the appeal was **DISMISSED**.