

#### 4 PLANNING APPEAL DECISION – PLANNING APPLICATION 23-00204-FULL - 26 THORTER ROW (AN5-2024)

Planning application 23/00204/FULL sought planning permission to change the use of a flat into a short term let. The application was refused by the Planning Committee, at its meeting on 14th August, 2023 for the following reason:

the application is contrary to Policy 30(e) of National Planning Framework 4 as the proposed short-term let would have an unacceptable impact on the amenity of the area and would result in the loss of residential accommodation where such loss is not outweighed by demonstrable economic benefits. There are no material considerations of sufficient weight to justify approval of the application.

Planning appeal reference PPA-180-2071 was submitted and the Reporter appointed by Scottish Ministers issued a decision on 10th January, 2024. The Reporter's decision was to **DISMISS the appeal and REFUSE** planning permission.

The full appeal decision can be accessed via:

<https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?keyVal=RSLAQEGCIZZ00&activeTab=summary>.

The determining issues in the appeal were the effects of the development on residential amenity, safety and security.

The Reporter considered that the proposal would give rise to unacceptable effects on the amenity and sense of security of neighbouring properties in a shared stairwell that is not overly spacious, particularly the other property sharing the first floor, and to some extent, residents sharing the communal courtyard. This was found to be contrary to NPF4 policy 30(e)(i).

In reaching that conclusion the Reporter noted that the comings and goings of groups of up to 6 unrelated individuals would, when compared to occupation of the current flat by a couple or 2 unrelated individuals, create some disturbance for neighbouring residents. Similarly, the existing sense of security and privacy in the communal courtyard could feel compromised by the use of it by those unknown to the existing residents.

When considering the loss of residential accommodation the Reporter did not find that there is currently a proliferation of short term lets in this area, nor is there any evidence that this is having an adverse effect on the supply of housing at present.

The Reporter noted that allowing a short term let at the appeal site could set a precedent for other short term lets that are similarly located which could lead to further loss of residential properties and a change in the character of the area. While the proposed use would be used by visitors to the city who may use facilities and businesses during their stay, the Reporter concluded that economic benefits from this small scale proposal are likely to be negligible and not of a demonstrable benefit. These points were found to be contrary to NPF policy 30e(ii).

Although Local Development Plan 2019 Policy 8: Tourism Accommodation was not a reason for refusal the Reporter did consider the proposal under this policy. That policy restricts new tourism accommodation to the City Centre or Central Broughty Ferry areas only with exceptions for small scale B&B and guesthouse accommodation. The Reporter noted that these exceptions are facilities where the property or business owner is present on the site providing services to guests, rather than self-catering facilities such as the proposed use. Therefore, the proposed use is not classed as an exception to the policy and is not in line with Local Development Plan 2019 Policy 8.