

8 PLANNING APPEAL DECISIONS (AN69-2008)

(a) LAND TO NORTH OF KINLOCH PARK - ERECTION OF FOUR DWELLINGHOUSES

Reference is made to Article I(f) of the Minutes of the Development Quality Committee of 17th September, 2007 wherein the above proposal was refused planning permission because members considered that the proposals breached Policies 4 and 72 of the Dundee Local Plan Review 2005 (layout and design of new housing and tree protection).

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 28th March, 2008. Copies of the decision notice have already been circulated to Members by email.

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

In reaching his decision the Reporter recognised that the existing trees which are protected by a Tree Preservation Order are of important local amenity value and judging by their condition were considered to have a reasonable lifespan. Removal of the trees proposed would be likely to lead to calls for the removal of some or all of the remainder as a result of windblow. The proposed compensatory tree planting was not accepted in mitigation for the loss. The retention of the trees would also assist in providing a wildlife corridor in support of red squirrels reported to exist locally. Policy 72 of the Dundee Local Plan Review was therefore contravened.

The Reporter also agreed with the Council that Policy 4 of the Plan was breached in respect of garden ground and parking standards.

(b) FLAT G/O, 91 ARBROATH ROAD - CHANGE OF USE FROM 3 BEDROOM FLAT TO A 4 BEDROOM MULTIPLE OCCUPANCY

Reference is made to Article I(r) of the Minutes of the Development Quality Committee of 18th June, 2007 wherein the above proposal was refused planning permission because the Council considered that the proposal was in breach of criteria a and c of Policy 11 of the Dundee Local Plan Review 2005 and Supplementary Planning Guidance Policy HM03 (flat with a shared entrance outwith the city centre prejudicial to residential amenity).

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 28th March, 2008. Copies of the decision notice have already been circulated to Members by email.

The Reporter **UPHELD** the appeal and granted planning permission.

In reaching his decision the Reporter found that local plan Policy 11 "would only be offended in a strict sense and in a limited way". Pragmatism was called for in the circumstances of this case. The refuse bins lay at the back of the close where space is not a problem; the underused garden was generous; side streets would provide parking opportunities; the upper flats would not experience additional pedestrian movements as a result of the proposals; and the level of occupation would be no greater than it would otherwise have been if occupied by a family unit.

The Reporter had a minor concern about the small size of the two new rooms (a matter to which the Council drew specific attention in considering the application).

(c) 79 ALBERT STREET, DUNDEE - CHANGE OF USE FROM DWELLING HOUSE TO A HOUSE IN MULTIPLE OCCUPANCY

Reference is made to the decision of the Council on 22 October 2007, under powers delegated to the Director of Planning and Transportation, to refuse planning permission because the Council considered that the proposal was contrary to the provisions of Policy 11 of the Dundee Local Plan

Review 2005 and Supplementary Planning Guidance Policy HM03 which set out criteria to be satisfied by such proposals.

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 28th March, 2008. Copies of the decision notice have already been circulated to Members by email.

The Reporter **UPHELD** the appeal and granted planning permission with a condition relating to the submission of details of refuse storage arrangements.

In reaching his decision the Reporter acknowledged that "there was a certain level of conflict with policy 22" (viz no on-site parking; the property lies within the Albert Street district centre, outwith the city centre; and only has a narrow unattractive and cramped back yard available as an open space). However, he did not consider that the contravention of the local plan was serious. The Reporter was of the opinion that "any impact on the amenity of neighbouring dwellings seems more likely to be attributable to the lifestyles of multiple occupancy residents as opposed to those in mainstream housing". The Reporter considered that generous parking was available both on and off street in adjacent Craigie Street and in summary found that the property would be better suited to multiple occupancy (in this case a six bedroom HMO) than to single family occupation.