

**3 PLANNING APPEAL DECISION, 32 TAIT'S LANE, DUNDEE (AN76-2004)
APPLICATION FOR CHANGE OF USE FROM DWELLINGHOUSE TO HOUSE IN
MULTIPLE OCCUPANCY (HMO)**

The above proposal was refused planning permission under delegated powers on 4 April 2003 because the proposal failed to comply with Policies H1 and H14 of the Adopted Dundee Local Plan 1998 and Policy 11 of the Finalised Dundee Local Plan Review in that it did not demonstrate that satisfactory parking provision and refuse collection arrangements could be achieved, to the detriment of surrounding residential amenities.

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

The appeal was determined by written representations and the decision was received by the Council on 12 January 2004. A copy of the decision letter can be found in the members lounges.

The Reporter considered that the determining issues were whether the proposal was consistent with the provisions of the Development Plan and, if not, whether an exception to this provision is justified by material considerations. In terms of Policies H1 and H14, the Reporter considered that as refuse vehicles already used Tait's Lane, the use of an additional room in the appeal property for letting purposes would have no effect whatsoever on the refuse collection service. On the issue of parking, he concluded that car ownership levels were likely to be lower in areas of high HMO use than in other flatted areas where family sized homes predominate. He noted that only a minority of properties served by Tait's Lane had dedicated parking, with most making use of communal parking facilities. Whilst noting the Council's concerns regarding parking demand, he considered that these were not backed up by any documentary evidence. He dismissed the requirement in the Adopted Local Plan for one space per letting room on the basis that no justification had been put forward for that standard. He concluded that one additional letting bedroom in the appeal property would have an imperceptible impact on the existing parking provision.

Accordingly, the appeal was **SUSTAINED**.

This is an unusual decision in that the Reporter appears to ignore the parking requirements for HMOs set out in the Adopted Dundee Local Plan 1998 on the basis that this requirement was not substantiated within the Plan. This Plan represents the objective of the Council and has been tested at a public inquiry. Concerns about parking problems associated with HMOs in the West End are shared by the Council, the local members and local residents and their Community Council.