

KEY INFORMATION

Ward Tay Bridges

Proposal

Change of use from house (Class 9) to house in multiple occupancy (Sui Generis)

Address

46 Thomson Street
Dundee
DD1 4LG

Applicant

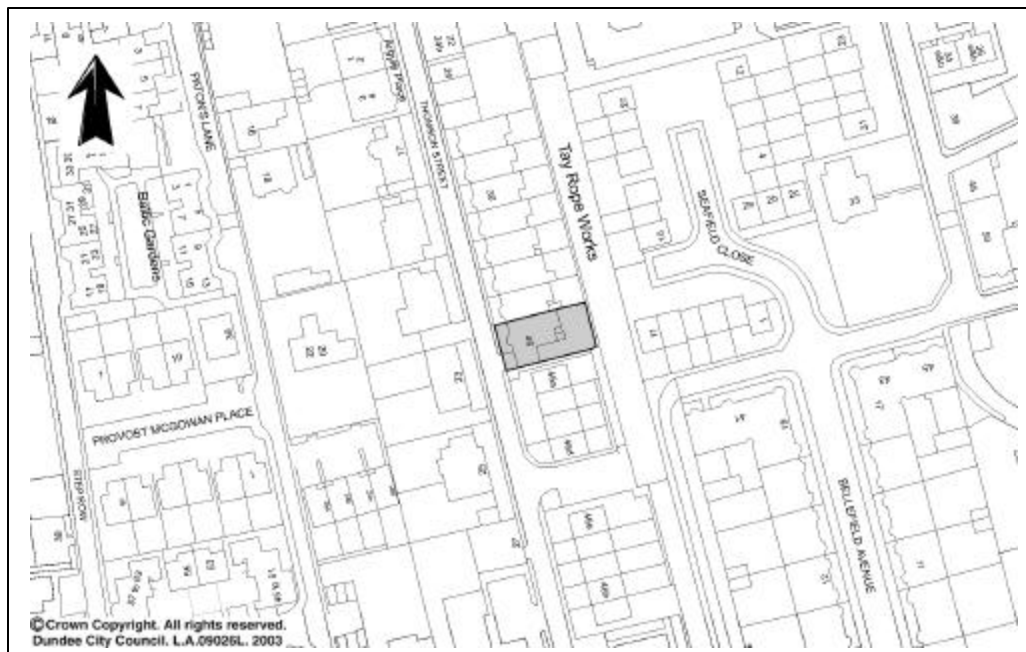
Mr I Jamal (Jamal Property World Ltd)
The Knoll
Strathern Road, Broughty
Ferry, Dundee

Agent

G D Architectural Services
101 Brook Street
Monifieth

Registered 23 July 2004

Case Officer Eve Jones



RETROSPECTIVE PERMISSION SOUGHT FOR HMO IN THOMSON STREET

A Change of use from a house to a house in multiple occupancy is **RECOMMENDED FOR REFUSAL**.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposed change of use is contrary to the relevant policies in the Dundee Local Plan and the Finalised Dundee Local Plan Review. The objections are supported. There are no material considerations in support of the application. The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought to change a dwelling house to a house in multiple occupancy to accommodate 8 persons. This is a traditional stone built three storey end terraced house. It has 8 bedrooms, a communal lounge/kitchen and two bathrooms. There is a single garage and rear garden.
- Policies H1 and H14 of the Dundee Local Plan 1998 and Policy 11 of the Finalised Dundee Local Plan Review identify criteria for such uses in respect of design, layout, parking and traffic movement, access to bin stores and amenity ground, noise and concentration of similar uses. The application does not comply with the criteria.
- The site has parking for 1 car in the garage, there is no direct access to the rear garden other than via the front door and through the garage, there are 5 HMO's in the adjoining houses and 14 in the street.
- There have been 7 objections on the grounds of loss of amenity due to noise, lack of parking, storage of refuse to the front of the house and the concentration of similar uses nearby. Objections on legal grounds relating to title are not a planning issue.

DESCRIPTION OF PROPOSAL

Change of use from House (class 9) to House in multiple occupancy (sui generis). The proposal is for 8 residents. The occupation of a house by up to 5 unrelated persons does not require planning permission. Planning permission is required in this case as the applicant seeks accommodation for 8.

SITE DESCRIPTION

The property is located at the southern end of a terrace of traditional three - storey, stone built villas. It has 8 bedrooms, a communal lounge/kitchen and 2 bathrooms. It has a single garage to the south. The gardens to the rear of approximately 100 square metres are accessed through the garage. The house is located on the eastern side of Thomson Street. It is surrounded on all sides by residential properties, modern terraced properties to the south, large villas to the west and the vacant ground which previously comprises the Tay Rope works to the east. The property falls within the West End Lanes Conservation Area.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

The following policies are of relevance:

Policy H1 - Existing Residential Areas

Policy H14 - Houses In Multiple Occupancy

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 11 - Houses in Multiple Occupation

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of

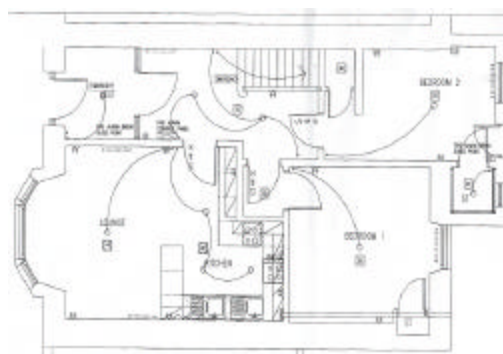
this application.

Non - Statutory Statements of Council Policy

There are no relevant statements.

LOCAL AGENDA 21

Key Theme 7 promotes access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all. It is considered because of the potential impact on surrounding residential amenity the proposal could be contrary to this key theme.



SITE HISTORY

04/00026/UNUSE - The site was the subject of an Enforcement Enquiry regarding possible HMO use in April 2004 which resulted in the submission of this application.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as contrary to the Development Plan.

Seven letters of Objection have been received. The main issues arising are impact on surrounding residential amenity through increases in noise, concentration of such uses in this area, parking problems and the untidy appearance of the area. Objectors also advised of restrictions on multiple use in the title to the property, but this is a

legal matter. These issues will be assessed in greater detail in the Observations section of this report. Copies of the letters are available in Members' lounges.

CONSULTATIONS

No adverse comments have been received.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- whether the proposals are consistent with the provisions of the development plan; and if not
- whether an exception to the provisions of the development plan is justified by other material considerations

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

Policy H1 - Existing Residential Areas - This policy is intended to ensure that in areas of predominantly residential uses new development does not adversely affect residential amenity by reasons of design, layout, parking and traffic movement issues, noise or smell.

The property has no direct access from the house to the garden other than via the front door and through the garage. This appears to have resulted in refuse being stored in the front garden to the detriment of the amenity of the area.

In terms of parking, there is space for one car within the garage and two if the doors are left open. The applicant has indicated that if required, the garage can be removed and four spaces provided. Thomson Street is a narrow road, where there is a high level of on street parking. The development as proposed does not provide sufficient parking spaces for the number of residents and is likely to add to on-street parking and exacerbate existing problems of vehicular movement and parking.

Local residents have advised that they are regularly disturbed by noise from the property at very late hours.

It is considered that this development will be likely to result in a reduction in the residential amenity enjoyed by neighbouring residential properties. Accordingly it is considered that the proposal is contrary to Policy H1.

Policy H14 - Houses of Multiple Occupation - The criteria used to assess the acceptability of proposed HMO's are; additional parking, access to drying greens and refuse collection and the concentration of HMO's within 250m of the proposed property.

As detailed above, development as proposed does not provide sufficient parking spaces for the number of residents and is likely to add to on street parking and exacerbate problems of vehicular movement and parking. Although Policy 14 does not state what the parking requirements are for an HMO the policy seeks "additional parking" which infers that it should be at a greater level than for a normal house. The Local Plan standards indicate that in the inner city, houses with three bedrooms or more require off street parking levels of 2 spaces per dwelling (including 1 visitor space). This is especially critical where there is on street parking problems. The proposal, as submitted, provides only 1 space. The required standards of increased parking cannot be met and the proposal is contrary to this aspect of the policy.

In relation to refuse collection and drying areas, the criteria requires direct access to these areas. There is a garden of approximately 100 square metres to the rear of the property which is accessed through the front door and the garage. This does not comply with the requirement for direct access from the house and objections from neighbours indicate that refuse is being deposited in the front garden.

There are 14 known HMO's (licenced and unlicenced) in Thomson Street. The 5 houses immediately to the north are all HMO's. It is clear that the proposal does not comply with this element of the policy.

In conclusion the proposal does not satisfy the criteria in Policy H14 and is therefore contrary to it.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

Finalised Dundee Local Plan Review

Policy 11 - Houses in Multiple Occupation - proposals will only be supported where: it will not be detrimental to traffic and pedestrian safety on account of increased parking pressures; it will not have a detrimental impact on residential amenity by virtue of increased pressure on parking, refuse areas, or due to noise or nuisance; and will not result in an excessive concentration of such uses to the detriment of the character of the local area. As detailed above, it is considered that the proposal fails to comply with these criteria and is contrary to Policy 11.

Objections

Environmental Health and Trading Standards does not record of complaints regarding noise from residential properties. However, all of the neighbours are consistent in their objections on the grounds of loss of amenity due to noise. The other issues raised by the objectors have been addressed in the Observations above. The title restrictions are not a planning matter. The objections on planning grounds are supported.

The occupation of a house by up to 5 unrelated persons does not require planning permission. Planning permission is required in this case as the applicant seeks accommodation for 8. It is considered that the additional 3 persons results in the creation of two bedrooms on the ground floor, blocking any rear access to the garden via communal rooms. In addition, the lounge and kitchen are all in the one room to the front elevation. The 3 extra persons would also increase the existing pressure on the provision of parking.

It is concluded from the foregoing that the material considerations justify the refusal of planning permission in accordance with the provisions of the development plan.

Design

Design is not an issue in considering this application.

CONCLUSION

It is considered that the proposed change of use from a house to a house of multiple occupation is contrary to policy H1 and H14 of the Dundee Local Plan 1997 and Policy 11 of the Finalised Dundee Local Plan Review 2003 and there are no material considerations, which outweigh policy in this case. Accordingly refusal of the application is recommended.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason(s):-

Reason

- 1 The proposed change of use is contrary to Policy H1 of the Dundee Local Plan 1998 by reason of the wholly adverse impact on the environmental quality enjoyed by local residents by virtue of the cumulative effect of; the poor layout of the house relative to the bin stores and rear garden; the lack of sufficient off street parking and the noise resulting from the large number of residents. There are no material considerations of sufficient strength to support the granting of planning permission contrary to this policy.
- 2 The proposed change of use is contrary to Policy H14 of the Dundee Local Plan 1998 by reason of the wholly adverse impact on the environmental quality enjoyed by local residents by virtue of the cumulative effect of; the lack of sufficient additional parking; the lack of direct access to the bin stores and rear garden and the concentration of other HMO uses in the immediate vicinity within 250 metres. There are no material considerations of sufficient strength to support the granting of planning permission contrary to this policy.
- 3 The proposed change of use is contrary to Policy 11 of the Finalised Dundee Local Plan review 2003 by reason of the cumulative impact of; the detrimental impact on traffic and pedestrian safety by reason of the lack of sufficient parking; the

detrimental impact on residential amenity by reason of the increase pressure on parking, the lack of direct access to the refuse area and the increased noise and nuisance from the residents; and detrimental impact on the character of the local area by reason of the excess concentration of other HMO uses in the immediate vicinity.