

**KEY INFORMATION**

Ward Logie

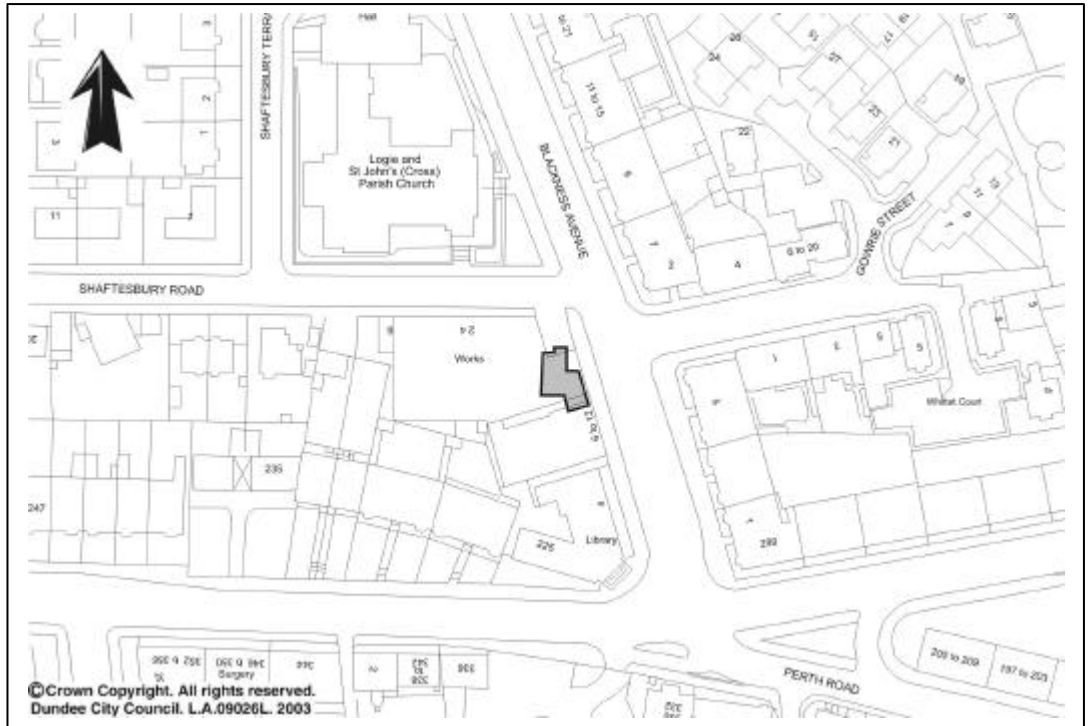
**Proposal**

Change of use from house to house in multiple occupancy

**Address**2A Shaftesbury Road  
Dundee  
DD2 1HL**Applicant**Francesco Jozeph Esposito  
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Registered 29 Nov 2005

Case Officer Eve Jones



# HMO Proposed for Shaftesbury Road

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

**RECOMMENDATION**

It is considered that the proposal is contrary to Policy 11 in the Dundee Local Plan Review 2005 and the objection is partly supported. There are no material considerations of sufficient strength to support approval of the application. Accordingly the application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the change of use of a dwelling house to a house in multiple occupation to accommodate 6 persons. The application is retrospective.
- The site is an end terrace, three storey townhouse which forms part of a recent development of 7 houses on the corner of Shaftesbury Road and Blackness Avenue. The property is larger than the adjacent 6 townhouses, having an additional ground floor lounge with a terrace above. In total, the property has 8 habitable rooms plus garage and one parking space.
- The application site could be occupied by 5 unrelated persons without the need for planning permission. Policy 11 of the Dundee Local Plan Review 2005 seeks to control the use of properties for multiple occupancy where they fall within the planning process. In this case, 5 of the 6 adjoining houses have applications for HMO licenses for occupation by up to 5 persons. The application does not meet the criteria for support of the application by reason of the concentration of HMOs and the lack of parking. No justification in support of the application has been submitted.
- An objection submitted by a resident is partly supported.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of a dwelling house to a house in multiple occupation to accommodate 6 persons. The application is retrospective as the property is currently occupied by 6 people.

## SITE DESCRIPTION

The site is an end terrace, three storey townhouse which forms part of a recent development of 7 houses on the corner of Shaftesbury Road and Blackness Avenue. The property is larger than the adjacent 6 townhouses, having an additional ground floor lounge with a terrace above. In total, the property has 8 habitable rooms plus garage, dining area, kitchen and utility, bathroom and two shower rooms. In addition to the garage, there is one parking space. There is another terrace at the second floor level and also a private garden to the rear.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 11 - Houses in Multiple Occupation.

The policy identifies criteria which must be met before applications will be supported.

### Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

### 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 non statutory Council policies relevant to the determination of this application

## LOCAL AGENDA 21

There are no relevant key themes.



## SITE HISTORY

Planning permission was granted, subject to conditions, for the erection of 7 townhouses on 24 February 2003 (02/00671/FUL). The partner permission for demolition of the existing building on the site was approved on 13 May 2003 (03/00109/CON).

Following an application for a licence for 6 persons to occupy the property under Part 2 of the Civic Government (Scotland) Act 1982, the use of the property was investigated by the Enforcement Officer and this application was submitted on behalf of the landlord.

## PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised in the local

newspaper as a development potentially contrary to Policy 11 of the Dundee Local Plan Review 2005. One objection was received, from a resident of the West End, on grounds of; the number of HMO's in the area; the lack of a policy to control and manage the number of HMO's; the house was built for single occupancy; the proposal is contrary to Policy 11. Copies of the objection letter are available in Members' lounges and it will be considered in the Observations below.

## CONSULTATIONS

There were no adverse comments from consultees.

## OBSERVATIONS

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

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b 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 11 - Houses in Multiple Occupation.

The policy identifies the following criteria which must be met before applications will be supported:

- a it does not involve a tenement flat or property with a common stair or entrance, and
- b it will not be detrimental to traffic or pedestrian safety on account of increased parking pressures, and
- c it will not have a detrimental impact on residential amenity. There must be sufficient refuse storage space, garden ground and car parking.

- d it will not result in an excessive concentration of such uses to the detriment of the character of the local area.
- a This application does not involve a tenement flat or common stair.
- b The site provides one garage and one parking space. This would not provide adequate parking for a house in multiple occupancy. There is limited parking available on the street adjacent to this development. Accordingly, it is considered that the proposal will be detrimental to traffic and pedestrian safety on account of increased parking pressures.
- c There is insufficient parking space.
- d Of the 7 townhouses in this new development, there are 6 applications for licenses for HMO's. The applications are at various stages in the process but none have yet been approved by Committee. The other rented houses have up to 5 unrelated persons living in them and they do not require planning permission for change of use. However such a concentration in a relatively compact development results in significant pressure on the car parking provision to the detriment of traffic and pedestrian safety. The houses were approved in accordance with the objectives of the Dundee Local Plan to provide houses rather than flats to seek to offset the existing over provision of flats in the City. These large townhouses would provide good accommodation for families in this popular Inner City location. It is considered that multiple occupation in this concentration, affects the character of the local area and does not comply with the requirements of the policy.

It is concluded that the proposal does not comply with the criteria and therefore does not comply with Policy 11.

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:

### Objection

One valid objection has been submitted by a local resident on grounds of; the number of HMO's in the area; the lack of a policy to control and manage the number of HMO's; the house was built for single occupancy; the proposal is contrary to Policy 11.

As detailed above, it is considered that there a number of HMO's in the area and the application does not comply with Policy 11 and accordingly this part of the objection is supported. There is a policy in the Dundee Local Plan Review to control HMO's which require planning permission, Policy 11. However, there are HMO's which do not require planning permission and they fall to be considered by the licensing regime operated under separate legislation. As noted from the current use of 5 of the neighbouring houses, the application property could be occupied by up to 5 unrelated persons without the need for planning permission.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

### Design

There are no design issues, the application is for a change of use only.

## CONCLUSION

As noted above, the application site could be occupied by 5 unrelated persons without the need for planning permission. Policy 11 of the Dundee Local Plan Review 2005 seeks to control the use of properties for multiple occupancy where they fall within the planning process. In this case, the proposal does not meet the criteria for support of the application. No justification in support of the application has been submitted. Part of the objection submitted by a resident is supported. It is considered that the proposal is contrary to the relevant policy in the Development Plan and there are no material considerations of sufficient strength to

support approval of the application. Accordingly the application is Recommended for REFUSAL.

## RECOMMENDATION

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

### Reasons

- 1 The proposed development is contrary to Policy 11: Houses in Multiple Occupancy by virtue of the lack of parking which will exacerbate existing parking problems in the area and the excessive concentration of such uses to the detriment of the character of the local area. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the policy of the development plan.