

KEY INFORMATION

Ward Tay Bridges

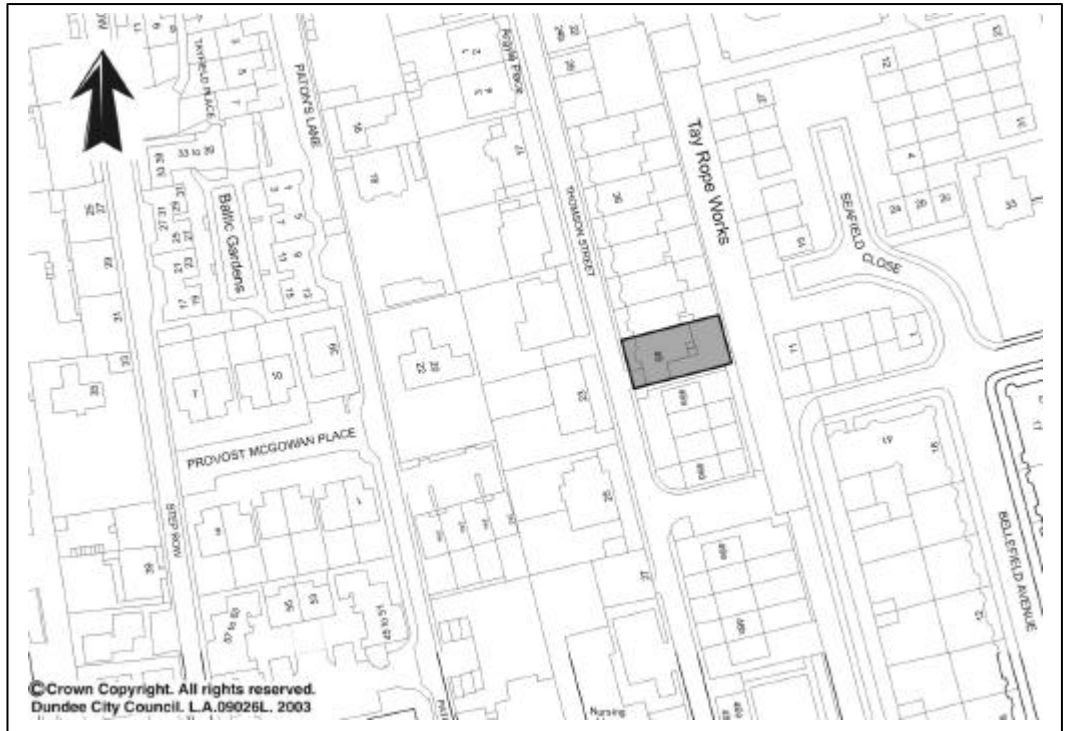
Proposal

Change of use from 5 bed to 7 bed HMO

Address46 Thomson Street
Dundee
DD1 4LG**Applicant**Jamal Property World
South Tay Street
Dundee**Agent**G D Architectural Services
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Monifieth

Registered 17 Aug 2006

Case Officer E Jones



Proposal to Enlarge HMO in Thomson Street

A change of use from 5 bed to 7 bed HMO is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

A previous Enforcement Notice against use by 8 people was dismissed on appeal on grounds including parking. The proposal does not comply with Policy 1 and Policy 11. Two letters of objection are supported. Accordingly the application is Recommended for **REFUSAL**

SUMMARY OF REPORT

- Planning permissions is sought for change of use to house in multiple occupancy for 7 residents. The property is located on the east side of Thomson Street, at the southern end of a terrace of traditional three - storey, stone built villas. It has 7 bedrooms, a communal lounge/kitchen, a sitting room/study and 2 bathrooms.
- Dundee Local Plan Review 2005: Policy 1 - Vibrant and Sustainable Communities and Policy 11 - Houses in Multiple Occupation are relevant.
- Two letters of objection re: increases in parking and traffic circulation problems, refuse storage leading to untidy appearance and concentration of such uses in this area are supported.
- Change of use of this house to HMO for 8 persons was refused by Committee on 28 September 2004. An Enforcement Notice was served which was dismissed on appeal on the grounds of lack of satisfactory refuse storage and the pressures of HMO use on parking which did not accord with the relevant provisions of the development plan.
- A garage has since been removed but it is considered that the revised driveway provides only two car parking spaces, one more that was available when the site was considered by the Reporter and the appeal was dismissed. The proposal is still considered to be contrary to the policies in the Development Plan.

DESCRIPTION OF PROPOSAL

Change of use from House (class 9) to House in multiple occupancy (sui generis). The proposal is for 7 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 7.

SITE DESCRIPTION

The property is located at the southern end of a terrace of traditional three - storey, stone built villas. It has 7 bedrooms, a communal lounge/kitchen, a sitting room/study and 2 bathrooms. It has a driveway to the side which gives access to the gardens to the rear of approximately 100 square metres. The garage has been demolished but the front wall of the garage remains. 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 Review 2005

The following policies are of relevance:

Policy 1 - Vibrant and Sustainable Communities

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.

SUSTAINABILITY ISSUES

The application raises no issues in terms of the Council's sustainability policies.



SITE HISTORY

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

04/00637/COU - Change of use from house to HMO to for 8 persons. This application was refused by Committee on 28 September 2004.

An Enforcement Notice was served on 1 November 2004. The Enforcement Notice was the subject of an appeal ref: 04/00018/ENF which was dismissed.

05/00056/FUL - Planning permission was granted, subject to conditions, for the demolition of the garage, the formation of a hardstanding and the erection of a 1800 high fence.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification.

Two letters of objection have been received. The main issues arising are impact on surrounding residential amenity through increases in parking and traffic circulation problems, refuse storage leading to untidy appearance and concentration of such uses in this area.

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 1: Vibrant and Sustainable Communities

The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Thomson Street is a narrow road, where there is a high level of on street parking. The applicant has indicated in the application form that the site has 4 parking spaces and has submitted a parking layout to demonstrate the capacity of the site. As noted above, the garage has been demolished but the front wall of it is retained to support the high stone boundary wall. This effectively reduces the width of the drive to one car. The rear boundary fence which was approved as part of the planning permission ref 05/00056/FUL has not been erected. It is considered that the driveway can barely accommodate two cars with enough space for driver/passengers to get out of the car let alone the four cars

shown on the submitted plans. In addition, as they are tandem parked, the last vehicle in will have to be moved to allow the inner vehicle to leave. Given the narrowness of the road, the high density of parking and the high wall to the south of the driveway, there are issues of pedestrian safety and safety in relation to other vehicles during such manoeuvres. Therefore, the development does not provide sufficient parking spaces for the number of residents, is likely to add to on-street parking and exacerbate existing problems of vehicular movement and parking.

Policy 11: Houses In Multiple Occupation

Proposals for multiple occupation of a dwelling that require planning permission will only be supported where:

- a it does not involve the change of use of a tenement flat or other form of flat with a common stair or a shared entrance, unless within the City Centre; 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. In this regard each proposal must provide adequate refuse storage space, garden ground and car parking. Where dedicated car parking cannot be provided the proposal must not exacerbate existing parking problems in the local area; and
- d it will not result in an excessive concentration of such uses to the detriment of the character of the local area.

As detailed above, the development as proposed fails to comply with b) as insufficient parking space is provided for the number of residents and this is likely to add to on street parking and exacerbate problems of vehicular movement and parking.

Although the policy does not state what the parking requirements are for an HMO, criteria c) seeks "adequate parking" which infers that it should be related to the occupancy of the property. The house is proposed to accommodate 7 persons. The proposal, as submitted, provides only 2 spaces. It is considered that the

proposal is contrary to this part of criteria c).

In relation to refuse collection and garden ground, there is direct access to the rear garden via the driveway and there is space within the driveway for the storage of refuse bins when two cars are parked although there is no specified refuse storage noted on the plans. There is a garden of approximately 100 square metres to the rear of the property which is considered to be adequate for amenity and drying purposes.

The 5 houses immediately to the north of this property are all HMO's. It is clear that the proposal does not comply with criteria d) of the policy which seeks to avoid an excessive concentration of such uses to the detriment of the character of the local area. It is considered that the use of the house for 7 people will be detrimental to the character of the area by reason of the pressure on parking and traffic circulation and will fail to meet this criteria.

In conclusion the proposal does not satisfy three of the criteria in Policy 11 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:

Planning History

04/00026/UNUSE - The site was the subject of an Enforcement Enquiry regarding possible HMO use in April 2004. Following this enquiry a planning application, 04/00637/COU for change of use from house to HMO to for 8 persons was submitted. This application was refused by Committee on 28 September 2004. An Enforcement Notice in respect of the unauthorised change of use of the site from house to house in multiple occupancy was served on 1 November 2004. The Enforcement Notice was the subject of an appeal, ref: 04/00011/ENF which was dismissed by the Reporter on the grounds of lack of satisfactory refuse storage and the pressures of HMO use on parking which did not accord with the relevant provisions of the development plan. The Council subsequently granted planning permission and Conservation Area consent for the demolition of the

garage and its replacement by a hardstanding with a 1.8 metre fence to screen the garden. This work has been carried out but the fence has not been erected.

The Reporter was unable to take into account any proposed works which could be carried out on the site. In addition, the previously unsatisfactory internal layout has been amended to change the former kitchen from a bedroom into a sitting room/study which reinstates the direct access from the house to the rear garden. However, the revised site provides only two car parking spaces, one more that was available when the site was considered by the Reporter and the appeal was dismissed. The proposal is still considered to be contrary to the policies in the Development Plan.

Objections

Two letters of objection have been received. The issues arising have been considered in the Observations above and the objections are supported.

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 1 and Policy 11 of the Dundee Local Plan Review 2005 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 reasons:-

- 1 The proposed change of use is contrary to Policy 1 - Vibrant and Sustainable Communities of the Dundee Local Plan Review 2005 as the development does not accord with other policies in the Plan and does not minimise the affect on the environmental quality enjoyed by local residents

by virtue of parking and traffic movement issues. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the terms of the policy.

- 2 The proposed change of use is contrary to Policy 11 - Houses in Multiple Occupation of the Dundee Local Plan Review 2005 as the development does not comply with criteria b) and c) relating to the impact of increased parking pressures on traffic or pedestrian safety and residential amenity or with criteria d) with regard to the resulting 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 terms of the policy.