

**KEY INFORMATION****Ward** Maryfield**Proposal**

Change of use from 3 bedroom flat to 4 bedroom HMO

**Address**

A/O  
91 Arbroath Road  
Dundee

**Applicant**

Mr J Horsick  
c/o Leadingham Jameson  
Rogers & Hynd  
18 South Tay Street  
Dundee  
DD1 1PD

**Agent**

Leadingham Jameson  
Rogers & Hynd  
18 South Tay Street  
Dundee  
DD1 1PD

**Registered** 12 July 2007**Case Officer** C Walker

## Proposal to Establish an HMO

The change of use from 3 bedroom flat to 4 bedroom HMO is **RECOMMENDED FOR REFUSAL**.  
Report by Director of Planning and Transportation

**RECOMMENDATION**

It is considered that the application is contrary to Policy 11 of the Dundee Local Plan Review 2005 and Policy HMO3 of the Supplementary Planning Guidance and that there are no material considerations that would justify the approval of this application contrary to the Development Plan. Therefore the application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the change of use of a 3 bedroom flat to a 4 bedroom house of multiple occupancy at the top floor level at 91 Arbroath Road.
- Policy 11: Houses in Multiple Occupation of The Dundee Local Plan Review 2005 and Supplementary Planning Guidance Policy HMO3 (Houses in Multiple Occupation) are relevant to the determination of the application.
- A letter of objection was received from a neighbouring property on the grounds of parking problems, refuse storage and noise.
- It is considered that the proposal is contrary to Policy 11 of the Dundee Local Plan Review 2005 and SPPG HMO3. There are no material considerations that would justify the approval of the application.

## DESCRIPTION OF PROPOSAL

Planning Permission is sought to change the use of a 3 bedroom flat to a 4 bedroom house in multiple occupancy. The works are internal to the flat and involve the conversion of a kitchen at the rear of the flat to a fourth bedroom and the provision of a kitchen area within the living room.

A building warrant was granted to carry out the works to form the fourth bedroom and it is understood that the works have been carried out and completed. It was not possible to gain access to the flat to determine whether it is currently occupied as a 4 bed HMO.

## SITE DESCRIPTION

The application site is located to the south side of Arbroath Road. It forms the top floor of a 5 storey tenement block. The ground floor flat is operating as a HMO but planning permission has not been granted for that use.

There is no off street parking for these flats and there is no on street parking to the front of the property and along a significant stretch of the Arbroath Road on either side. Specific parking restrictions relate to the fact that there is a pedestrian crossing beside the site and a school to the west of the site. There is limited parking on side streets close to the application site, but this is very heavily used by the occupiers of flats in the surrounding area. Arbroath Road to the front of the site carries significant volumes of traffic.

The surrounding area is predominantly residential in traditional tenemental form but there are also a number of commercial properties occupying ground floor units. There is a primary school on the west side of Baffin Street and Baxter Park lies to the north east of the site.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

## Dundee Local Plan 2005

The following policies are of relevance:

Policy 11 on Houses in Multiple Occupation states that 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.

## 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

Supplementary Planning Policy Guidance to the Dundee Local Plan

Review 2005 was introduced for Houses in Multiple Occupation in November 2006.

Policy HMO1 of this Policy Guidance states that Planning permission is required for the occupation of a flat by 4 or more unrelated people.

Policy HMO3 is identical in wording to Policy 1 of the Local Plan except that it does not include the final section dealing with concentration of HMO's. Policy HM02 deals with concentration but only applies to the Central Dundee Housing Investment Focus Area and does not cover the application site.

## SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

## SITE HISTORY

Planning permission was recently refused in June 2007 for a change of use of the ground floor of this building from a 3 bedroom flat to a 4 bedroom HMO - application 07/00257/COU refers. That was a retrospective application and the flat continues to be occupied as a HMO.

## PUBLIC PARTICIPATION

The application was the subject of Statutory Neighbour Notification and was also advertised as a development contrary to the Development Plan. A letter of objection was received from an occupier of one of the flats in the building who is concerned about the lack of parking in the area which is affected by parking restrictions associated with the nearby school, problems with refuse disposal and noise from the increased level of occupants.

A copy of this letter is available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

## CONSULTATIONS

No adverse comments have been received from Statutory 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 identifies criteria which must be met before applications will be supported:

- a This criterion states that the property must not involve a tenement flat or property with a common stair or shared entrance unless within the City Centre. This application involves a tenement flat and common stair and is located outwith the City Centre.
- b This criterion states that the proposal should not be detrimental to traffic or pedestrian safety on account of increased parking pressures. The site provides no off street parking and there are serious pressures for on street parking in the neighbourhood. There is no on street parking outside the dwelling as there are double yellow lines on either side of the road and the limited parking on the side streets close to the development are heavily used by the occupiers of tenement flats in the area. The proposal would result in additional pressure on parking in the surrounding area to the detriment of traffic and pedestrian safety.
- c This criterion states that the proposal should not have a detrimental impact on residential amenity, that there must be sufficient refuse storage space, garden ground and car parking. It is considered that there will be an impact on residential amenity due to insufficient refuse storage space. The area for storing bins

is not particularly satisfactory as there is no bin enclosure with bins being left in the open close to the windows of a nearby ground floor flat. The garden ground sits below the ground floor level of the flats and is not maintained so that it is virtually unusable. It is considered that the increase in the number of adult occupants as a result of allowing an HMO at the top floor flat will put increase pressures on facilities which are already barely adequate. The issue of the lack of available parking in the surrounding area has already been considered in (b) above.

- d In terms of this criterion it is considered that the proposal will not result in an excessive concentration of Houses of Multiple Occupation to the detriment of the character of the local area.

The purpose of Policy 11 is to restrict HMO's in locations where this would put pressure on existing facilities and have a detrimental impact on the amenities of neighbours. In this case there are already serious parking problems in the area and the bin storage and garden ground facilities for this block are poor. A 4 bedroom HMO is likely to be occupied by 4 adults with the potential for 4 cars and increased pressures on refuse storage facilities and garden ground. It is considered that these additional pressures would have a detrimental impact on the amenities enjoyed by other occupiers in the area.

It is concluded from the foregoing that the proposal does not comply with the provisions of Policy 11 of the Development Plan.

### Other Material Considerations

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

Supplementary Planning Policy Guidance (Houses in Multiple Occupation)

The criteria of SPPG HMO3 reflect that of Policy 11. It is considered that the proposal is not in accordance with criteria a, b and c of HMO3 for the reasons set out against Policy 11.

### Objections

A letter of objection was received from an occupier of one of the flats in the

building who is concerned about the lack of parking in the area, problems with refuse disposal and noise from the increased level of occupants. The issues of parking and refuse disposal have already been considered in the assessment of the development against Policy 11 of the Plan and it has been concluded that there are problems in this regard. It is not considered that the increase in the number of occupants will lead to unacceptable noise levels such as to justify a refusal of permission.

It is concluded from the foregoing that there are no 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 in relation to this application.

## CONCLUSION

It is considered that the application is contrary to Policy 11 of the Dundee Local Plan Review 2005 and Policy HMO3 of the Supplementary Planning Guidance and that there are no material considerations that would justify the approval of this application contrary to the Development Plan. Therefore the application is recommended for REFUSAL.

## RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:

### Reasons

- 1 The proposed change of use is contrary to criteria a, b and c of Policy 11 - (Houses in Multiple Occupation) of the Dundee Local Plan Review 2005 because it is a flat with a shared entrance, outwith the City Centre where there are significant parking problems in the area and where bin storage and garden ground is inadequate and as a result of this the development would have a detrimental impact on residential amenity. 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 HMO3 of the Supplementary Planning Guidance, as the development does not comply with criteria a, b and c. This is because it is a flat with a shared entrance, outwith the City Centre where there are significant parking problems in the area and where bin storage and garden ground is inadequate and as a result of this the development would have a detrimental impact on residential amenity.