

**KEY INFORMATION**

Ward West End

**Proposal**

Change of use from 3 bedroom flat to 4 bedroom HMO

**Address**

23B Step Row  
Dundee  
DD2 1AH

**Applicant**

Steven Reid  
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Dundee  
DD1 1PD

**Agent**

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Registered 30 July 2007

Case Officer Eve Jones



## Proposed HMO in Step Row

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

**RECOMMENDATION**

It is concluded that the proposed change of use from a 3 bedroom flat to a 4 bedroom HMO is contrary to Policy 11 Houses in Multiple Occupancy in the Dundee Local Plan Review 2005 and fails to meet Policy HMO3 of the Supplementary Planning Policy Guidance on Houses in Multiple Occupation. The objection is supported in respect of over concentration of HMO uses in this area and the application is therefore recommended for REFUSAL.

**SUMMARY OF REPORT**

- Planning permission is sought to change a 3 bedroom flat in a traditional tenement to a 4 bedroom HMO by changing a bedroom into a lounge and dividing the existing lounge to form 2 small bedrooms.
- The site is on the west side of Step Row, part of a terrace of 7 tenements in the middle part of the street. There is very little off street parking in the area and this narrow street is heavily parked for the majority of the day.
- Dundee Local Plan 2005: Policy 11 - Houses in Multiple Occupation and Non Statutory Council Policy "Houses in Multiple Occupation" are both relevant.
- One objection was received on the ground that there are too many HMOs in the West End.
- The proposal does not meet the criteria in Policy 11, is in an area where there are existing parking problems and will result in an excessive concentration of HMO use to the detriment of the character of the local area. It fails to meet the non-statutory Policies HMO2 and HMO3 due to lack of parking and over-concentration, and no supporting justification was submitted by the applicant. The objection is supported in respect of HMO use in this particular area.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of an existing 3 bedroom flat to a 4 bedroom HMO. The alterations comprise changing a bedroom into a lounge and dividing the existing lounge to form 2 bedrooms, one 7.9m<sup>2</sup>, the other 8m<sup>2</sup> in floor area. The Enforcement Officer was alerted to the proposed development when a license application for a 4 bed HMO was lodged.

## SITE DESCRIPTION

The site is on the ground floor of a traditional 4 storey tenement on the west side of Step Row which runs north/south linking Perth Road with Magdalen Yard Road. The building forms part of a terrace of 7 tenements in the middle part of the street. There are later houses and flats on the east side. There is very little off street parking in the area and this narrow street is heavily parked for the majority of the day.

## 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 - 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

The following policy statements are of relevance:

"Houses in Multiple Occupation".

## SUSTAINABILITY ISSUES

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

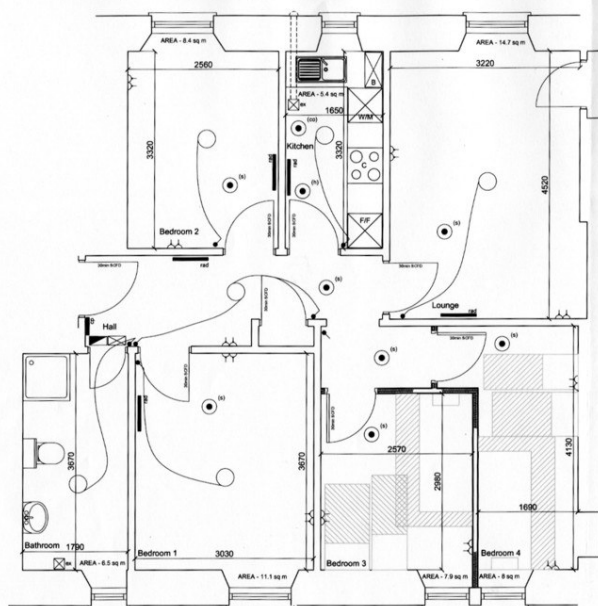
## SITE HISTORY

There is no planning history of relevance to this property.

## PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a development contrary to the Development Plan. One objection was received on the ground that there are too many HMOs in the West End. Copies of the objection are available in Members' lounges and the issue raised will be considered in the Observations below.

Flat G-R, 23 Step Row, Dundee



## 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:

- 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 11: Houses In Multiple Occupation - "Proposals for multiple occupation of a dwelling that require planning permission will only be supported where:

- 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
- it will not be detrimental to traffic or pedestrian safety on account of increased parking pressures; and
- 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
- it will not result in an excessive concentration of such uses to the detriment of the character of the local area."

The proposal does involve a flat with a common stair and shared entrance.

There is very limited car parking available in the area of the proposed site and the proposed change of use to an HMO will add further to the current parking deficit. In the interests of road and traffic safety, the proposal is not supported.

The flat has shared refuse storage space in the shared rear garden; shared amenity space/drying areas but has no car parking. As noted, it is considered that the proposal will exacerbate existing parking problems in the area.

In order to administer the assessment of concentrations of HMO's the Census Output Areas (COA) are used as a measurable planning unit. The site is within a COA which has 12.7% of HMOs, which exceeds the 12.5% limit in the "Houses in Multiple Occupation" Supplementary Planning Policy Guidance. Approval of this

proposal would increase the percentage to 14.2% and it is considered that this will result in an excessive concentration of such uses to the detriment of the character of the local area.

It is concluded from the foregoing that the proposal does not comply with a, b and c in Policy 11 and therefore 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:

"Houses in Multiple Occupation" is the Supplementary Planning Policy Guidance approved by the City Council. It notes that Houses in Multiple Occupation provide an important supply of housing for some groups of people. HMO's are subject to both licensing and planning regulation.

Policy HMO1 of the Guidance advises that planning permission is required for the occupation of a flat by 4 or more unrelated persons. Thus the existing flat, which has 3 bedrooms, a lounge, kitchen and bathroom can be used as an HMO without the need for planning permission. The current proposal which relocates the lounge and subdivides the original lounge to create 2 bedrooms requires permission under the Guidance. Having established the need for planning permission, the Guidance then goes on to set the criteria against which such applications will be considered.

Policy HMO2: Avoiding Excessive Concentration of HMOs states that within the Central Dundee Housing Investment Focus Area as identified in the Dundee Local Plan Review 2005, applications which would result in the proportion of HMOs in any Census Output Area exceeding 12.5% will not be supported unless there are clear material considerations which would justify permission being granted.

As noted above, the application site lies within a COA which currently has 12.7% HMO concentration and the current application will increase the concentration to 14.2%. The application fails to meet the policy requirement and no justification has been submitted.

Policy HMO3: Assessing HMO Proposals states that applications 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;
- 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.

As noted above, the proposal fails to comply with all the criteria and it is considered that the proposal will exacerbate the existing parking problems in the area.

It is therefore considered that the proposed change of use fails to meet Policies HMO2 and HMO3 of the Supplementary Planning Policy Guidance for Houses in Multiple Occupation.

### Objection

One objection from a resident of the West End is on the grounds that there are too many HMOs in the area already. According to the way the concentration of HMOs is measured, the site is in a COA where there is already an over concentration which exceeds the approved limit of 12.5%. Approval of this proposal would increase the percentage to 14.2%. The objection is supported in respect of over-concentration of use in this area.

### Justification

The agent for the applicant was advised that the proposal failed to meet the relevant policies and was invited to submit any justification in support of the proposal. No justification has been received.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the granting 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 as the proposal does not propose any external changes to the property.

### CONCLUSION

It is concluded that the proposed change of use from a 3 bedroom flat to a 4 bedroom HMO is contrary to Policy 11 Houses in Multiple Occupation in the Dundee Local Plan Review 2005 and fails to meet Policies HMO2 and HMO3 of the Supplementary Planning Policy Guidance on Houses in Multiple Occupation. The objection is supported in respect of over concentration of HMO uses in this area.

### RECOMMENDATION

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

### Reasons

- 1 The proposed development is contrary to Policy 11 Houses in Multiple Occupation of the Dundee Local Plan Review 2005 as it fails to comply with all of the criteria. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the policy.
- 2 The proposed development is contrary to Policy HMO2 of the Council's Non-Statutory Planning Policy Guidance "Houses in Multiple Occupation" as it will result in a concentration of HMO use in the Census Output Area of more than 12.5% and no justification for granting permission has been submitted.
- 3 The proposed development is contrary to Policy HMO3 of the Council's Non-Statutory Planning Policy Guidance "Houses in Multiple Occupation" as it fails to comply with criteria a) in respect of being in a tenement, b) detrimental to traffic safety due to increased parking pressure and c) detrimental to residential amenity due to lack of car parking.