

**KEY INFORMATION**

**Ward** West End

**Proposal**

Change of use from 3 bed flat to 4 bed house of multiple occupancy

**Address**

Flat 4  
14 Thomson Street  
Dundee

**Applicant**

GRPL Ltd  
c/o 18 South Tay Street  
Dundee

**Agent**

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

**Registered** 18 July 2007

**Case Officer** Eve Jones



## HMO Proposed for Thomson Street

The change of use from 3 bed flat to 4 bed house of multiple occupancy is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

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 objections are supported in respect of the lack of parking. The application is therefore recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the change of use of an existing 3 bedroom flat to a 4 bedroom HMO. The change comprises the incorporation of the kitchen into the lounge and the change of the kitchen into an additional bedroom. The flat has no off street parking.
- The site is a top floor flat in a traditional three storey terrace of flats on the east side of Thomson Street, off Perth Road. The street is heavily congested with on street parking along its eastern side.
- Dundee Local Plan 2005 Policy 11 - Houses in Multiple Occupation.
- Non Statutory Statements of Council Policy "Houses in Multiple Occupation"
- The proposal fails to meet the criteria in these policies as it involves a flat with a common stair and shared entrance and has no parking provision in an area of severe parking pressures.
- Two objections were received from local residents on grounds of; too many HMOs in street; lack of parking; noise and refuse disposal problems. The objections on grounds of lack of parking are supported.
- The existing flat, which has 3 bedrooms, a lounge, kitchen and bathroom can be used as an HMO without the need for planning permission.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of an existing 3 bedroom flat to a 4 bedroom HMO. The change comprises the incorporation of the kitchen into the lounge and the change of the kitchen into an additional bedroom. The flat has no off street parking. A building warrant has been granted for the works and 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 a top floor flat in a traditional three storey terrace of flats on the east side of Thomson Street. The upper floor flats are accessed via stair towers at the rear which have a common access. Thomson Street is a narrow residential street connecting Perth Road to the north with Magdalene Green. It is heavily congested with on street parking along its eastern side. The properties generally comprise a range of traditional flats, terraced houses and villas, some of which have been divided into flats with newer flats to the north and terraced houses lower down the street.

## 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".

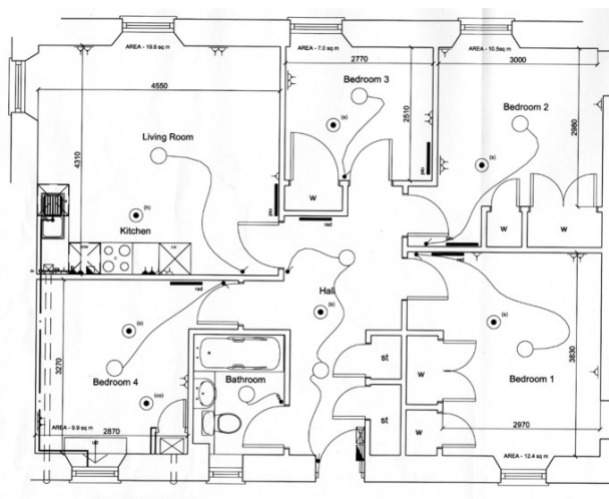
## SUSTAINABILITY ISSUES

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

## SITE HISTORY

## PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a development contrary to the Development Plan. Two objections were received from local residents on grounds of; too



many HMOs in street; lack of parking; noise and refuse disposal problems. Copies of the objections are available in Members' lounges and the issues raised 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:

- 1 whether the proposals are consistent with the provisions of the development plan; and if not

- 2 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:

- 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."

- a The proposal does involve a flat with a common stair and shared entrance.
- b 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.
- c The flat has shared refuse storage space in the shared rear garden; shared amenity space/frying areas but has no car parking. As noted, it is considered that the proposal will exacerbate existing parking problems in the area.

d In order to administer the assessment of concentrations of HMO's the Census Output Areas (COA ) are used as a measurable planning unit. This site forms part of the COA which includes adjacent flats and houses to the north and north east and the figures show that there is only 1 other HMO in a total of 77 residential units ie 1.3% of the total. The remainder of Thomson Street to the west and south is in a different COA which has 13.16% of HMOs which exceeds the 12% limit in the "Houses in Multiple Occupation" Supplementary Planning Policy Guidance. However, it should be noted that the site is located on and relates directly to Thomson Street and the proposal would result in another HMO in a street which predominantly exceeds the current recommended maximum concentration of such uses.

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 incorporates the kitchen into the lounge to enable a 4th bedroom to be created 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 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 Policy HMO3 of the Supplementary Planning Policy Guidance for Houses in Multiple Occupation.

## Objections

The two objections from local residents raise issues of; too many HMOs in street; lack of parking; noise and refuse disposal problems. The lack of parking has been considered above and is supported. According to the way the concentration of HMOs is measured, the proposal does not result in over concentration within the COA although the adjoining COA which covers the majority of Thomson Street exceeds the approved limit of 12.5%. Bin storage is available in this particular site. In respect of noise, the Council controls anti-social behaviour under separate legislation. The objections on grounds of lack of parking are supported.

## 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 Policy HMO3 of the Supplementary Planning Policy Guidance on Houses in Multiple Occupation. The objections are supported in respect of the lack of parking.

## 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 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 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 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 as a result of this the development would have a detrimental impact on residential amenity.