

KEY INFORMATION**Ward** West End**Proposal**

Partial Change of Use from
Flat to Bed and Breakfast
Accommodation

Address

Balgowan
510 Perth Road
Dundee
DD2 1LW

Applicant

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Agent**Registered** 19 Mar 2009**Case Officer** B Knox

Proposed Bed and Breakfast in Perth Road

A partial Change of Use from a Flat to Bed and Breakfast Accommodation is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation.

RECOMMENDATION

The application is considered to comply with Policy 1 of the Dundee Local Plan Review 2005 and there are no material considerations such as to justify a decision contrary to this. The application is therefore recommended for APPROVAL.

SUMMARY OF REPORT

- The application seeks full planning permission for the use of two bedrooms as bed and breakfast use in a large flatted property.
- The applicant undertook the statutory neighbour notification procedure and in total seven letters of objection were received.
- The application is considered to comply with Policy 1 of the Dundee Local Plan Review 2005 and there are no material considerations that would justify a decision contrary to this.
- The application is therefore recommended for APPROVAL.

DESCRIPTION OF PROPOSAL

The application seeks full planning permission for the use of two bedrooms as bed and breakfast use in a large flatted property. The remaining bedrooms within the property would remain in private use. The application also intends to utilise a large ground floor room for breakfasting facilities.

One of the bedrooms would have ensuite facilities and the other one would not. Parking would be provided in the same parking area as designated for the dwelling.

The use of two bedrooms in a dwelling of this size for bed and breakfast use would normally fall under the terms of Permitted Development and not require planning permission. However despite its large size, as it is a flatted property it does not benefit from these permitted development rights and a planning application is required.

The application is retrospective.

SITE DESCRIPTION

The property is one of the original large mansion houses on the south side of Perth Road, facing southwards over a large mature garden and the adjoining Botanic Gardens. It is a Category C(s) Listed, Arts and Crafts house built circa 1904 which retains many original interior features.

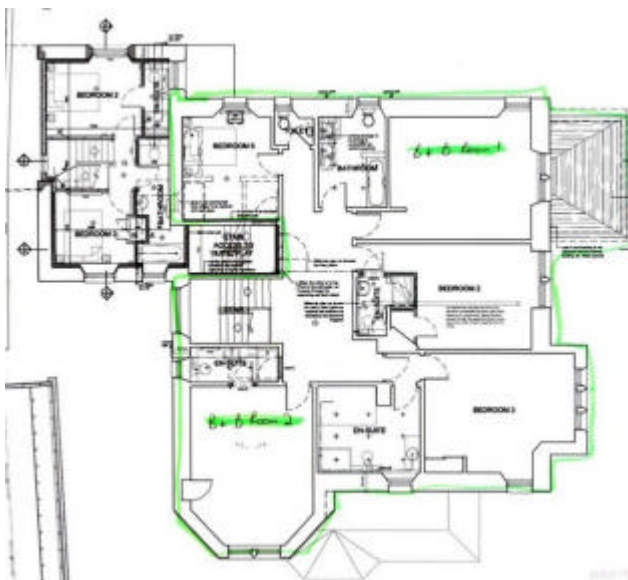
An extension in the 1970's resulted in a flat roofed garage with access on to Perth Road in addition to the original entrance gates and driveway. The house was recently sub divided into three flats. The application site refers to the largest of the properties which has a large lounge and kitchen area with a dining room to the ground floor and a total of five bedrooms at first floor level, some of which have ensuite facilities.

The site lies within the West End Lanes Conservation Area. There are some naturally seeded trees growing on site at the present time. The pedestrian footpath curves along the northern boundary 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 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.

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.

SUSTAINABILITY ISSUES

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

SITE HISTORY

An application for the subdivision of the property was approved on 16 January 2007 and the works have since been carried out.

PUBLIC PARTICIPATION

The applicant undertook the statutory neighbour notification procedure and in total seven letters of objection were received.

The following planning issues have been raised:

- 1 The use is not in keeping with the amenity of the area
- 2 It is intensification of the use of the property.
- 3 The parking would overspill causing a danger to pedestrians and other road users on Perth Road.
- 4 The applicant should show a fire certificate for the property
- 5 This will lead to the property becoming an House of Multiple Occupancy
- 6 This will result in noise pollution.

Members will already have had access to copies of the objection letters and the issues are discussed in the "Observations" section below.

CONSULTATIONS

No adverse comments have been received from any of the consultees.

OBSERVATIONS

Statutory Requirements

In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 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 1 of the Dundee Local Plan Review 2005 states that 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.

In terms of design, the application does not propose physical alterations to the property and as such there are no design issues to be considered in relation to this application. Similarly, since there is no new building proposed, there are no layout issues to be considered.

In terms of parking and traffic movement issues, it is proposed to provide parking within the grounds of the existing dwelling. Parking is designated between the three existing flats which form part of the main building and the application property benefits from an ample parking and turning area. It is considered that the use of two rooms for bed and breakfast purposes will not so significantly intensify the use such as to cause a

parking problem. It is therefore considered to be acceptable in this respect.

The use of two rooms for bed and breakfast purposes is of a small scale in relation to the overall size of the application property and will not significantly increase noise to an unacceptable level.

The use of the rooms as proposed will not have an impact upon the smell in the area.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.



Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Section 59 of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting. There are no works proposed that will effect the character or historic features of the property. It is also concluded from the foregoing that the statutory duty set out in Section 64 of the Act, to preserve or enhance the character or appearance of the Conservation Area would be satisfied by the approval of this proposal.

Other Material Considerations

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

Views of the Objectors

- 1 The use is not in keeping with the amenity of the area.

It is not unusual for large properties to be used on a small scale for bed and

breakfast purposes. The property will still retain a residential use and its character will remain as such. As discussed above, it is not considered that it will have a detrimental effect upon the amenity of nearby residential occupiers.

- 2 It is intensification of the use of the property.

The property benefits from five bedrooms on the first floor with several large reception rooms downstairs. The use of two rooms for bed and breakfast bedrooms and one room for breakfasting is of a small scale and is considered to be appropriate for the dwelling and surrounding area.

- 3 The parking would overspill causing a danger to pedestrians and other road users on Perth Road.

Matters relating to parking have been discussed in the Observations section above.

- 4 The applicant should show a fire certificate for the property

This is not a planning issue.

- 5 This will lead to the property becoming a House of Multiple Occupancy (HMO).

The application must be decided on the basis of what is being applied for and on its own merits. Planning permission is sought for the use of two bedrooms for B&B use only.

- 6 This will result in noise pollution.

This issue has been discussed and discharged in relation to Policy 1 of the Dundee Local Plan Review 2005 above.

Design

As discussed above, there are no physical alterations proposed to the property and as such there are no design issues to be taken into account in the determination of this application.

CONCLUSION

It is concluded from the foregoing that the application complies with Policy 1 of the Dundee Local Plan Review 2005 and the views of the objectors are not

supported. The application is therefore recommended for APPROVAL

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following condition:-

- 1 This approval relates to the use of the two indicated bedrooms and one breakfast room as shown on plan 06037-BW09 for bed and breakfast use. Any use of additional rooms shall require prior written approval of the Council.

Reason

- 1 In order to protect the amenity of the nearby residential occupiers.