

# Formation of HMO

## KEY INFORMATION

**Ward** West End

**Address**

20A Thomson Street  
Dundee  
DD1 4LE

**Applicant**

Mr John Kerr  
20A Thomson Street  
Dundee  
DD1 4LE

**Agent**

**Registered** 20 Nov 2015

**Case Officer** Craig Swankie



## SUMMARY OF REPORT

- The application proposes a change of use from 4 bedroom flat to 4 person HMO. There are no physical alterations proposed to the interior or exterior of the building.
- The application was the subject of statutory neighbour notification and in response two letters of objection were received.
- The application is being referred to the Development Management Committee at the request of a local member.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=NPON2KGC0AX00>.

## RECOMMENDATION

The proposed development complies with the relevant policies of the development plan. There are no material considerations that would justify the refusal of this application. The application is therefore recommended for APPROVAL.

## 1 DESCRIPTION OF PROPOSAL

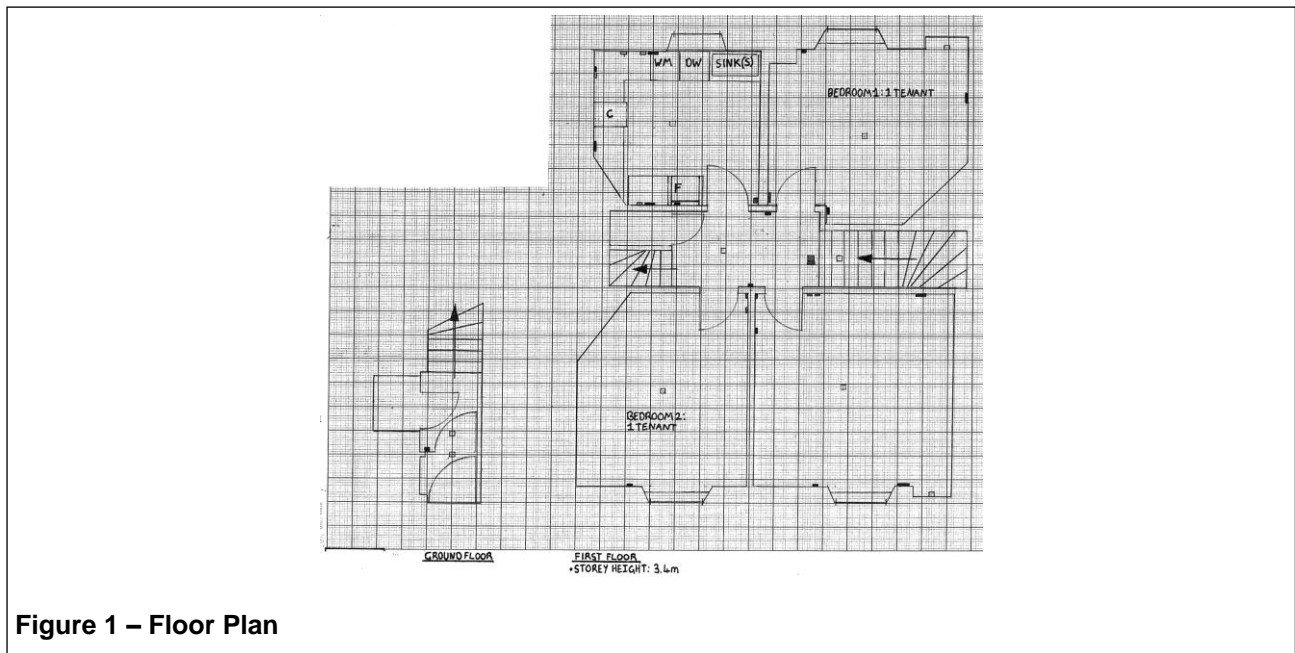


Figure 1 – Floor Plan

- 1.1 The application seeks planning permission for the change of use of an existing four bedroom flat to a four person flatted HMO property. There are no physical alterations proposed to the interior or exterior of the building. In accordance with the Council's Scheme of Delegation this application is being referred to the Development Management Committee at the request of a local member.

## 2 SITE DESCRIPTION

- 2.1 The property occupies a first and second floor flat within a traditional three storey terrace of flats on the east side of Thomson Street, with communal gardens to the rear. The flat is accessed via a private access door on Thomson Street. Thomson Street is a narrow, south sloping residential street connecting Perth Road to the north with Magdalene Green. Nearby properties generally comprise of a range of traditional flats, terraced houses and villas.
- 2.2 The site is within the West End Lanes Conservation Area.



Figure 2 – Photograph of Front Elevation from the North



Figure 3 – Photograph of Front Elevation from the South

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### 3 POLICY BACKGROUND

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3.1 The following plans and policies are considered to be of direct relevance:

**DUNDEE LOCAL DEVELOPMENT PLAN**

Policy 15: Houses in Multiple Occupation

Policy 50: Development in Conservation Areas

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

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### 4 SITE HISTORY

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4.1 There was no site history of relevance to this application.

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### 5 PUBLIC PARTICIPATION

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5.1 The application was the subject of neighbour notification and in response two letters of objection were received. The following valid concerns were raised:

- 1 a further HMO residence in Thomson Street would be detrimental to the area and the street; and
- 2 a HMO would increase traffic and there is insufficient parking for the current accommodation, approval would be detrimental to the availability of parking for residents.

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### 6 CONSULTATIONS

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6.1 No consultations were received.

## 7 DETERMINING ISSUES

7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

#### THE DEVELOPMENT PLAN

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.

#### DUNDEE LOCAL DEVELOPMENT PLAN

7.2 **Policy 15: Houses of Multiple Occupation** - is supportive of proposals that do not adversely affect the level of amenity afforded to neighbouring residents. The policy is supportive of proposals that involve the conversion of tenement or other flats with a common stair or shared entrance so long as they are within the city centre. The policy requires that there should be no detrimental effect to traffic or pedestrian safety on account of increased

parking pressures, the HMO must provide adequate refuse storage space, garden ground, car parking and bike storage space.

- 7.3 In this instance, the property is out with the city centre and does not involve the change of use of a flat or a property with a shared access. The proposals therefore comply with this requirement.
- 7.4 The site fronts onto Thomson Street, where availability of on street parking can be limited.
- 7.5 The applicant has confirmed the property will benefit from two parking permits, allowing residents to use a car park immediately at the rear of the property on Seafield Lane. The car park's owner Home Group, has confirmed that two permits can be made available at the address should planning permission be granted for a HMO. However, there is no mechanism available to ensure that the existing car parking arrangements will be available to the application site indefinitely. Members should note that the application site is located within walking distance of the Universities and the city centre, and also benefits from frequent bus services on Perth Road. The application site is therefore accessible by different modes of transport other than the private car.
- 7.6 In this instance, the accessibility of the application site overcomes the need to provide off street parking facilities given that the proposed HMO will not generate a parking demand beyond that of the existing 4 bedroom flat. Therefore, the proposed HMO will not exacerbate existing parking pressures in the area surrounding the application site.
- 7.7 In terms of residential amenity, as stated above the application site benefits from rear communal garden ground and will not exacerbate existing parking pressures on Thomson Street. The proposed HMO will utilise existing arrangements for refuse storage within the rear garden ground, and there is sufficient space for cycle storage. The use of the property as a HMO will not lead to any increase in noise levels, beyond those already associated with a residential dwelling. The proposals will not impact upon residential amenity
- 7.8 It is further required by Policy 15 that the approval of a planning application for an HMO would not result in the proportion of licensed HMOs in any Census Output Area (excluding the city centre) exceeding 12.5% of the total residential stock. The present proportion of HMOs in this census area is 2.56%; therefore the proposals comply with this requirement.
- 7.9 **The proposal satisfies the requirements of Policy 15.**
- 7.10 **Policy 50: Development in Conservation Areas** - expects that all development proposals will preserve or enhance the character of the surrounding area, retaining all features that contribute to the character and appearance of the conservation area.
- 7.11 As no alterations are proposed to the building, the character and appearance of the conservation area would be preserved, thereby complying with the terms of Policy 50.
- 7.12 **The proposal satisfies the requirements of Policy 50.**
- 7.13 **It is concluded from the foregoing that the proposal is contrary to the provisions of the Development Plan.**

#### **STATUTORY DUTY**

- 7.14 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that with respect to any buildings or other land in a conservation area, special

attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 7.15 For the reasons set out above the proposals comply with national planning guidance with regard to development affecting a conservation area, the proposals would preserve the Conservation Area and the statutory duty set out in Section 64 of the Act would therefore be satisfied.

## **OTHER MATERIAL CONSIDERATIONS**

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

### **A - VIEWS OF OBJECTORS**

- 7.17 Two objections were received, raising concerns related to:

- 1 Comment: a further HMO residence in Thomson Street would be detrimental to the area. There is insufficient parking for the current accommodation, approval of an HMO would be detrimental to the availability of parking for residents.
- 2 Response: the site is located within a census output area where 2 HMO properties are currently licensed out of a maximum 9. The approval of this application will not create an unacceptable number of HMOs on Thomson Street, nor will it have any detrimental impacts on the surrounding area as demonstrated through compliance with the development plan. The 4 person HMO will benefit from two off street parking spaces, and is accessible by different modes of traffic other than the car. Therefore the proposals will not generate a level of traffic that is detrimental to pedestrian safety or parking provision on Thomson Street.

- 7.18 **The concerns of the objectors are not supported.**

- 7.19 **It is concluded from the foregoing that there are no material considerations that would justify refusal of the application.**

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## **8 CONCLUSION**

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- 8.1 The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted.

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## **9 RECOMMENDATION**

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

- 1 No conditions attached to this consent.

### **REASON**

- 1 No reasons attached to this consent.