

**KEY INFORMATION**

**Ward** Tay Bridges

**Proposal**

Change of use from single dwelling to HMO

**Address**

17 Osborne Place  
Dundee  
DD2 1BE

**Applicant**

Mr Kenneth I M Edwards  
The Lodge  
Six Kilgask Street  
Newport on Tay  
DD6 8DS

**Agent**

**Registered** 27 April 2004

**Case Officer** R Anderson



## Proposed HMO in Osborne Place

A change of use from a single dwelling to an HMO is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed change of use from dwellinghouse to House of Multiple Occupancy is contrary to Policies H14 and H1 of the Dundee Local Plan 1998 and Policy H11 of the Local Plan Review. There are no material considerations which outweigh policy in this case and therefore refusal of the application is recommended.

**SUMMARY OF REPORT**

- An application for a change of use of a dwellinghouse to a house of multiple occupancy at the above address has been received. The traditional end of terrace three-storey property has 6 bedrooms and is intended for 6 tenants. It is located in the West End Lanes Conservation Area.
- Four Letters of Objection have been received. The main issues arising relate to impact on surrounding residential amenity through increases in noise, concentration of such uses in this area, traffic, access and parking problems and the untidy appearance of the area.
- It is considered that the proposal fails to meet the criteria of policy H14 of the Dundee Local Plan as the development will be detrimental to traffic and road safety, lead to inappropriate refuse storage and represents an over concentration of such uses in this area of the city. As a result of these views it is considered that the proposal will be detrimental to the environmental quality enjoyed by surrounding residents and therefore is also contrary to policy H1 of the Dundee Local Plan. Accordingly refusal of the application is recommended.

## DESCRIPTION OF PROPOSAL

It is proposed to change the use of the above property from a dwellinghouse to a House of Multiple Occupancy. The accommodation will be on three levels and comprise 6 bedrooms, kitchen, TV room and a storage area. There is no private parking associated with the property, although the applicant has indicated that there are two private spaces that could be used approximately three minutes away from the property. No location has been given. The property has a private garden area of approximately 18m<sup>2</sup>.

## SITE DESCRIPTION

The property is located at the northern end of a terrace of four traditional three - storey, stone built villas. It is located on the eastern side of Osborne Place, some 150m from its junction with Magdalen Yard Road. It is surrounded on all sides by residential properties, in the case of the north, a flatted complex. The property falls within the West End Lanes Conservation Area.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan 1998

The following policies are of relevance:

Policy H1 - Existing Residential Areas.

Policy H14 - Houses In Multiple Occupancy.

### Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

### Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 11 - Houses in Multiple Occupation.

## Dundee City Council Development Quality Committee

## 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 Non - Statutory Statements of Council Policy are of relevance:

Tayside Regional Council Road Standards.



## LOCAL AGENDA 21

Key Theme 7 promotes access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all. It is considered because of the potential impact on surrounding residential amenity the proposal could be contrary to this key theme.

## SITE HISTORY

86/12175/D - Change Of Use From Bed sits To Six Flats - Refusal - 14 April 1987.

## PUBLIC PARTICIPATION

Four letters of Objection have been received regarding the proposal. The main issues arising are impact on surrounding residential amenity through increases in noise, concentration of such uses in this area, traffic, access and parking problems and the untidy appearance of the area. These issues will be assessed in greater detail in the Observations section of this report.

## CONSULTATIONS

No adverse comments have been received.

## 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 H14 - Houses of Multiple Occupation - This policy sets out the criteria in assessing the acceptability of proposed HMO's. The criteria set out relate to additional parking, access to drying greens and refuse collection and no other HMO's within 250m of the proposed property. In terms of parking, there is no off street parking associated with the property. The applicant has indicated that two spaces exist "no more than three minutes away" from the property. No plans have been produced indicating where these spaces are. However this is not considered to be a realistic useable option in relation to the application premises as the spaces are too remote and are unlikely to be used by the residents of the HMO. It is considered that Osborne Place is a narrow road, for which on street parking has narrowed the effective road width further. The development proposed is likely to add to on street parking and exacerbate problems of vehicular movement and parking. This will lead to implications for traffic and road safety. Although the policy does not state what the parking requirements are for an HMO the policy infers that it is a greater level than for a normal house. The former Tayside Regional Council parking standards (which the 1998 Local Plan standards are based on) indicates that in the inner city, houses with three bedrooms or more require

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off street parking levels of 2 spaces per dwelling (including 1 visitor space). This is especially critical where there is on street parking problems. Policy H14 refers to additional parking. It is reasonable to assume in this case that if there are six people living separately in the house the parking standards would be up to four off street spaces (2 spaces and 2 visitor spaces). Clearly, these standards of increased parking cannot be met and therefore the proposal is contrary to this aspect of the policy.

In relation to the criteria regarding refuse collection and drying areas, the policy indicates that both of these features should be to the rear of the property. In this case the drying green is to the rear of the property (albeit only 18m<sup>2</sup>) but the refuse collection area is to the front of the house to the detriment of the appearance of the house. The proposal fails to meet this criterion of the policy also.

In terms of the proposal being out with 250m of other HMO's, in consultation with the council's HMO licensing team, there are at least 36 known HMO's (licensed and unlicensed) in the immediate streets i.e. Windsor Terrace, Shepherds Loan, Taylors Lane and Magdalen Yard Road. There are 3 other HMO's in Osborne Place alone. It is clear that the proposal does not comply with this element of the policy.

In conclusion the proposal does not satisfy any of the criteria associated with policy H14 and is therefore contrary to it.

Policy H1 - Existing Residential Areas - This policy is intended to ensure that in areas of predominantly residential uses new development does not adversely affect residential amenity. As indicated above it is likely that the proposal will lead to increased on street parking, which is likely to be detrimental to traffic and road safety in this narrow already congested road. The refuse bins are stored to the front of the property directly adjacent to the public highway and the proposal will result in another HMO in an area already high in HMO concentration. Given the aforementioned difficulties it is reasonable to assume that the addition of this HMO could lead to a reduction in the residential amenity of neighbouring residential properties. Accordingly it is considered that the proposal is contrary to policy H1.

It is concluded from the foregoing that the proposal 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:

Policy 11 - Houses in Multiple Occupation - similar considerations are given to this policy as policy H14 above.

The points raised by the objectors - with the exception of the points raised about increased noise levels as a result of the HMO, which cannot be proven at this point, the points raised by the objectors are all agreed with as explained above.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the refusal of planning permission in accordance with the provisions of the development plan.

## Design

The design of the development is not a prominent issue in considering this application.

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## CONCLUSION

It is considered that the proposed change of use from a residence to a house of multiple occupation is contrary to policy H1, H14 and policy 11 of the Dundee Local Plan and Local Plan Review respectively and there are no material considerations, which outweigh policy in this case. Accordingly refusal of the application is recommended.

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## RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

### Reasons

- 1 That the proposal is contrary to policy H14 of the Dundee Local Plan 1998 and policy 11 of the Local Plan Review 2002 in so far as it is likely to be detrimental to traffic and road safety, refuse bins are to be stored inappropriately to the front of the property and it will lead to an over concentration of such uses in this area of the city.

- 2 That the proposal is contrary to policy H1 of the Dundee Local Plan 1998 as it is likely to be detrimental to the environmental quality enjoyed by surrounding residents by virtue of parking and traffic movements and the layout of the development with regard to refuse bins. In addition to this the proposal is contrary to this policy because of its non compliance with policy H14 of the 1998 local plan.