

Development Management Sub

Wednesday 6 November 2013

**Application for Planning Permission 13/02955/FUL
At 3F1 100 Polwarth Gardens, Edinburgh, EH11 1LH
Convert attic and form 6 person HMO maisonette from 5
person HMO flat. Fit 2 no. rooflights to front elevation, 2 no.
rooflights to rear elevation and rooflight to platform roof.**

Item number	4.4
Report number	
Wards	A09 - Fountainbridge/Craiglockhart

Links

<u>Policies and guidance for this application</u>	LPC, CITD11, CITH9, CITT4, NSG, NSHMO, NSHOU, NSP, NSMDV,
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David R. Leslie

Acting Head of Planning and Building Standards

Contact: David McFarlane, Planning Officer
E-mail:david.mcfarlane@edinburgh.gov.uk Tel:0131 529 3512

Executive summary

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At 3F1 100 Polwarth Gardens, Edinburgh, EH11 1LH
Convert attic and form 6 person HMO maisonette from 5
person HMO flat. Fit 2 no. rooflights to front elevation, 2 no.
rooflights to rear elevation and rooflight to platform roof.**

Summary

The proposal complies with the development plan. The proposed use is acceptable in this location and the physical changes will not adversely affect the character of the area. The proposal will not result in an unreasonable loss to neighbouring amenity and will provide an acceptable level of amenity for future occupiers. The proposal will not result in traffic or road safety issues. There are no other material considerations which outweigh this conclusion and approval is recommended.

Recommendations

It is recommended that this application be Granted subject to the details below (in section 3 of the main report).

Financial impact

There are no financial implications to the Council.

Equalities impact

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

Pre-Application Process

There is no pre-application process history.

Publicity summary of representations and Community Council comments

Eleven representations objecting to the proposal have been received. The letters of representation raised the following material issues :-

- Intensification of use to the detriment of the amenity of neighbours e.g. noise, disturbance
- Increased demand for cycle storage within an already under provided stair area
- Increased demand for parking in an area already under capacity
- Concern relating the status of the property being licensed or not at present in terms of a House in Multiple Occupation
- Concern relating to an exacerbation of the existing under provision of refuse disposal in the area
- Adversely affect the character of the area
- A previous refusal on a similar application within a neighbouring property was based on increased in parking strain
- Damage to property

The Non-material comments raised the following issues:-

- Concerns about the increased demand on water and sewerage capacity
- The increased wear to the fabric of the building
- Structural concerns relating to the roof space
- Shared liability, ownership concerns and ongoing maintenance issues
- Adverse impact upon house values

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

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1. Background

1.1 Site description

The site is a top floor flat within a 4 storey tenement which is currently used as a 5 bedroom house in multiple occupation (HMO). The flat currently has an HMO licence to accommodate 5 people. The tenement is stone built, with a pitched slated roof and is typical of other adjoining properties on this side of Polwarth Gardens.

1.2 Site History

31 May 2006 A license was granted and subsequently renewed to allow the property to be let for 3 or more unrelated individuals

History on Adjacent Sites

43 Polwarth Gardens

3 February 2012 Planning permission was refused for a change of use from existing double upper flat to a house in multiple occupation. The reasons for refusal was - 'The proposed change of use would exacerbate on street parking problems to the detriment of road safety. Consequently, the proposal is contrary to Policy Tra 4 of the Edinburgh City Local Plan, and the Council's Non Statutory Guidelines on Houses in Multiple Occupation.' (11/03905/FUL)

13 June 2012 the Local Review Body granted planning permission for a change of use from existing double upper flat to a house of multiple occupation (11/03905/FUL.

82 Polwarth Gardens

10 December 2010 planning permission was granted for conversion of attic space to form HMO Maisonette from HMO flat, provide 3 velux rooflights to front and rear elevation and rooflight to platform roof (10/02298/FUL)

70 Polwarth Gardens

30 July 2008 planning permission was refused for alterations and change of use for HMO to extend into the attic space to provide 4 bedrooms each with a window, bathroom and en-suite to bedroom 5. The reasons for refusal were 'The proposed change of use of the extended property would exacerbate on street parking problems to the detriment of road safety. Consequently, the proposal is contrary to Policy H10 of the Central Edinburgh Local Plan, Policy Hou 9 of the Finalised Edinburgh City Local

Plan, and the Council's Non Statutory Guidelines on Houses in Multiple Occupation.' (08/01814/FUL)

24 September 2008 an appeal against the refusal of planning permission for alterations and change of use (for HMO) to extend into attic space to provide 4 bedrooms each with a roof window bathroom and en-suite to bedroom 5 was dismissed (08/01814/FUL). The reasons for refusal related to the increase in parking demand and its impact upon road safety in the area.

2. Main report

2.1 Description Of The Proposal

The proposal is to alter and change the use of the flat to form a House in Multiple Occupation (HMO). The internal alterations involve, the installation of an internal staircase and conversion of the attic space above the flat to form 3 bedrooms and a shower room. A room which is currently sub-divided would be reinstated into one bedroom and a small internal kitchen would be removed to reinstate a larger room to accommodate a kitchen and dining room. Externally, three velux roof lights are proposed both to the front and rear. A roof light is also proposed to be inserted on the central section of flat roofing of the building.

Supporting Documents

A Planning Statement in support of the proposal. This document is available to view via the Planning and Building Standards On Line Services.

2.2 Determining Issues

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

2.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of the proposed use at this site is acceptable;
- b) there would be any adverse impact on residential amenity;
- c) road safety or parking will be adversely affected;
- d) the proposed alterations adversely affect the character of the area;
- e) the proposal adversely impacts upon human rights or equalities and
- f) comments raised have been addressed.

a) The Principle of the Development

Policy Hou 9 of the Edinburgh City Local Plan supports the conversion of dwelling houses and flats in multiple occupation where it is not considered to be an excessive concentration of such accommodation. Supplementary planning guidance identifies areas of sensitivity where there are in excess of 30% housing are HMO's. The application site is not located in one of the Council's defined 'sensitive' areas. Therefore the principle of the change of use complies with policy Hou 9 of the Edinburgh City Local Plan.

b) Impact upon Residential Amenity

The amenity of residents within the tenement of which this proposal forms part also requires to be considered. The property is currently licensed to accommodate 5 people and although the internal alterations being proposed are extensive, the proposal would only increase those numbers by one person.

There will be one more person using the common access into the tenement than exists at present. This increase in number is not excessive in relation to this type of communally accessed property. There is no planning reason why granting consent for one extra person should reduce the amenity of neighbours. Issues of noise and disturbance are controlled via the HMO licensing system.

The proposed introduction of velux rooflights do not reduce privacy or generate any loss of daylight or sunlight. This aspect of the proposal does not adversely affect residential amenity.

Residential amenity will not be adversely affected.

(c) Road Safety or Road Traffic Issues

There are no objections to the addition of one extra person in this existing HMO. However, it should be noted that on street parking levels are becoming critical especially in the evenings and overnight in this area. The additional bed space if approved will add to the demand for on street parking but this is not considered to be a significant increase in this case. The area is well served by public transport and on balance this proposal is acceptable in terms of its impact upon transport infrastructure and road safety. The increase in demand for cycle parking for one person is similarly not sufficient to justify a refusal.

d) Impact upon the Character of the Area.

The internal changes to the property do not require planning permission and the external changes to the roof comply with the Council's Householder Guidelines. The proposal does not adversely impact upon the character of the area.

e) Equalities and Human Rights Impacts

The proposal potentially impacts upon disabled people as there will be no appropriate access for people with physical disabilities. This type of property is already compromised with the same access difficulties and the impact of the proposal will be limited. An Equalities and Rights Impact Assessment has been completed.

f) Public Comments

Material Representations

- intensification of use to the detriment of the amenity of neighbours e.g. noise, disturbance - this has been addressed in section 2.3b)
- increased demand for cycle storage within an already under provided stair area- this has been addressed in section 2.3c)
- increased demand for parking in an area already under capacity- this has been addressed in section 2.3c)
- concern relating the status of the property being licensed or not at present in terms of a House in Multiple Occupation - this has been addressed in section 2.3b)
- concern relating to an exacerbation of the existing under provision of refuse disposal in the area- this has been addressed in section 2.3b)
- adversely affect the character of the area- this has been addressed in section 2.3d)
- a previous refusal on a similar application within a neighbouring property was based on increased in parking strain- this has been addressed in section 2.3c)
- damage to property- this has been addressed in section 2.3b)

Non Material Representations

Concerns raised in representations relating to the legality of the alterations to the roof are not a planning issue. Matters raised in relation to the capacity of water and sewerage systems will be considered during the application for a Building Warrant. Construction noise, disturbance and waste capacity in the area can be controlled via environmental controls.

CONCLUSIONS

In conclusion, the proposal complies with the development plan. The proposed use is acceptable in this location and the physical changes will not adversely affect the character of the area. The proposal will not result in an unreasonable loss to neighbouring amenity and will provide an acceptable level of amenity for future occupiers. The proposal will not result in traffic or road safety issues. There are no other material considerations which outweigh this conclusion and approval is recommended.

3. Recommendations

3.1 It is recommended that this application be Granted subject to the details below

3.2 Conditions/reasons

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. This application relates to a flatted building. This planning permission does not affect the legal rights of any other parties with an interest in the building. In that respect, the permission does not confer the right to carry out the works without appropriate authority.

Statutory Development

Plan Provision

The proposal lies within an area mainly allocated as being within the urban area on the Edinburgh City Local Plan.

Date registered

26 July 2013

Drawing numbers/Scheme

1,2a,3a,4a,5,

Scheme 1

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Des 11 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Policy Hou 9 (HMOs) sets criteria for assessing proposals for Houses in Multiple Occupation.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Relevant Non-Statutory Guidelines

Non-statutory guidelines on 'HOUSES IN MULTIPLE OCCUPATION' provide guidance on the location of such premises.

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

Appendix 1

Consultations

Environmental Assessment

The applicant is aware of the current HMO standards and the submitted plans comply

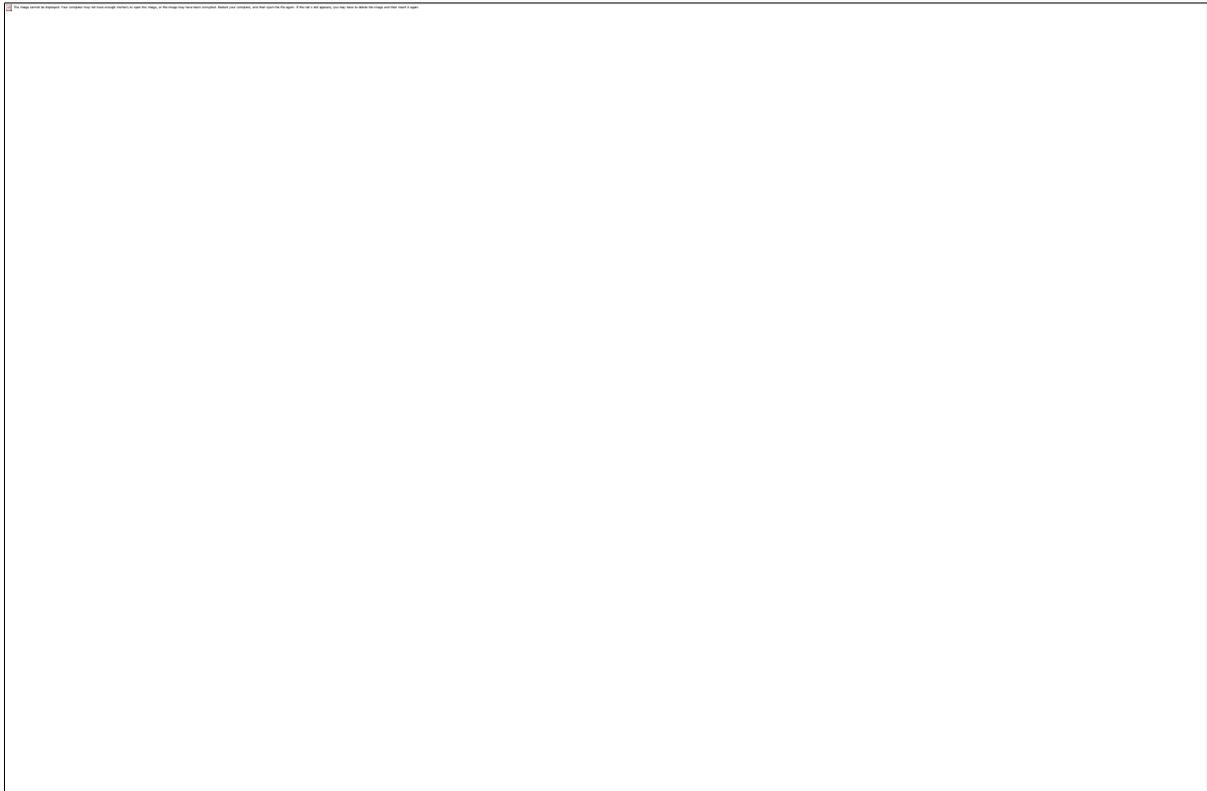
Transport Planning (Development Control)

I have no objections to the application

INFORMATIVE

On street parking levels are becoming critical especially evening / overnight the additional bed space if approved will add to the demand for on street parking. Any further cou/additional residential changes in the vicinity may lead to transport adopting a different stance

Location Plan



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