



Windyedge Croft,
Aberchirder,
Huntly,
Aberdeenshire,
AB54 7QP

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Ref: 2223
12th Dec 2024

This Statement of Appeal is in respect of application 241060/DPP Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people at 42 Elmfield Avenue, Aberdeen, AB24 4PH.

REASON FOR DECISION

The reasons on which the Council have based this decision are as follows:

1. *“The use of the property as a short term let (STL) would contribute to the loss of residential character in an area where there is an existing level of harm from an overprovision of House of Multiple Occupation (HMO) properties. The STL use would exacerbate the adverse impacts on the residential character of the surrounding area, and the deficiency in community cohesion as a result of the loss of residential accommodation for use by frequently changing transient visitors/occupiers. The proposal would therefore be in conflict with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) part i) and ii) of National Planning Framework 4 (NPF4) which seek to avoid adverse impacts to the character and residential amenity of the area.”*

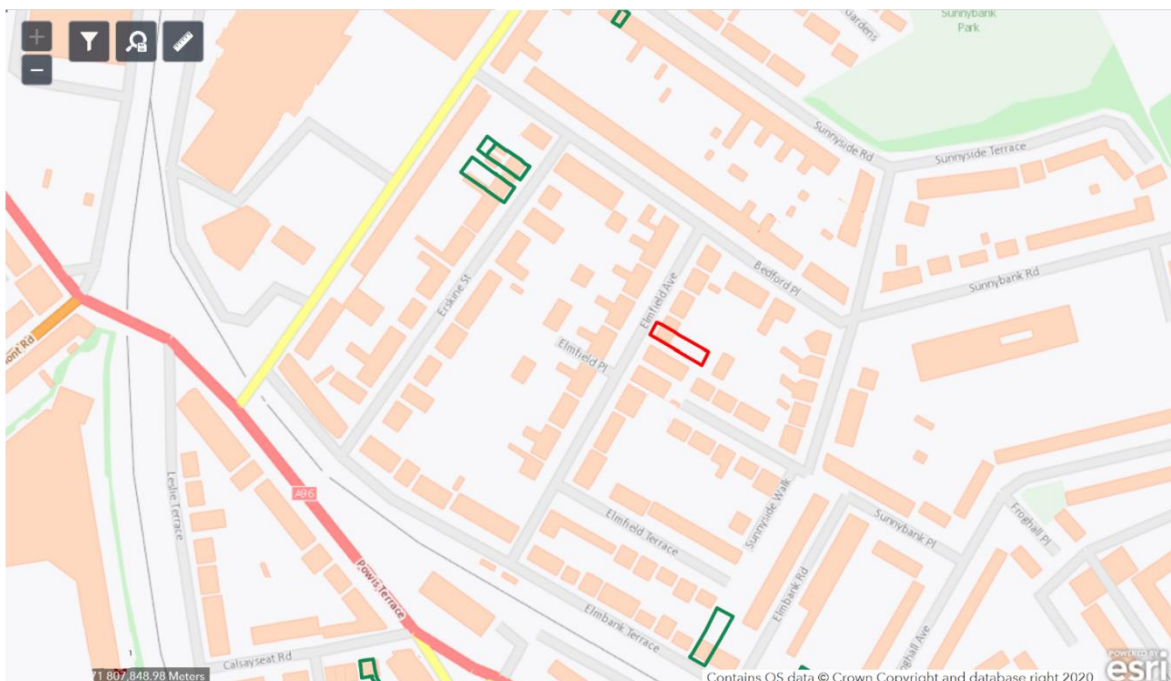
2. *“The presence of four unknown guests within the shared rear garden and property would also adversely impact the privacy and enjoyment of the otherwise private external amenity area for the neighbouring residents in the first floor flat, due to the nature of it, only being shared with one other property. The proposed use is therefore contrary to Policy H1 (Residential Areas) of the ALDP, impacting the amenity and enjoyment of the existing residential amenity.”*

We wish to appeal this decision and present the following statement in response to the two primary reasons given for the planning application's refusal.

Before going into the details of the statement, it should be noted that there have been no objections by any neighbours or consultants for this property. The main issues raised by the planning department are:

1. Impact on Residential Character:

- **Short-term Lets are Distinct from HMOs:** While both HMOs and STLs involve non-permanent residents, they differ significantly in their use and impact. HMOs typically house individuals for long-term stays (months or years), while STLs typically cater to short-term visitors (a few days or weeks). This distinction means that the impact of a short-term let is likely to be less disruptive to the area's overall character, as the transient nature of STL's may not substantially reduce the permanent residential population in the same way.
- **No other STL on the street:** This application is the only request for a short-term let on the street, with no existing short-term lets currently operating in the immediate vicinity. A map from the planning website, (see image below) showing the proposed site in red and all short-term lets in the nearby area outlined in green, demonstrates that there are very few such properties in the area. Given this context, the impact of introducing a single short-term let is likely to be minimal, as there is limited presence of transient guests in the area, and the street is not saturated with short-term accommodation.
- **Local Benefits of STLs:** Short-term lets can bring economic benefits to the area. They can help support local businesses (cafes, restaurants, shops, etc.) and contribute positively to the economy. These benefits can help balance the potential social concerns by providing an alternative source of income for homeowners and ensuring that areas are economically vibrant, not just residential.





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2. Impact on Amenity:

- **Garden:** The second key reason for the application's refusal is the potential negative impact on the shared garden at the rear, which could be caused by guests. To address this concern, we have included a Title Deed Plan at the end of this document for clarification. The property features a door at the rear that leads to the private portion of the garden. We can confirm that guests will only have access to areas that are exclusively owned by flat 42.
- **No communal use:** It should be noted that the property has its own front door, providing independent access to the flat. As the front door is exclusively for the use of the short-term let, any potential disturbances are limited to the guests within the property, and there is no disruption from additional foot traffic or noise associated with shared entrances. This arrangement helps maintain a quiet and private environment for both the guests and neighbouring residents.
- **Minimal Noise Impact and Parties:** The concern about noise and party-related disruptions is arguably no different than what might arise from any tenant occupying the property. Permanent residents may still entertain guests, generate noise, or engage in activities that disrupt the neighbours in the same way transient guests could. However, unlike a long-term tenant, the owner of the short term let would be more responsive to noise complaints and issues due to their role in managing the property. There is also a greater level of control over a short-term let that can help limit potential disturbances. For example, the owner can implement a strict no-party policy and use noise monitoring devices to ensure guests adhere to quiet hours. Also, the guest is only staying temporarily, making it easier to resolve issues swiftly. This level of control ensures that any potential noise disruptions are more manageable and short-lived compared to a permanent resident.

Conclusion

In conclusion, the main issues that were given by the planning officer for refusing this application were based on the impact of the local area due to a high number of HMO's and impact of privacy due to use of the rear garden. We believe that this application should be given further consideration due to the points made above as we believe that the use of the property as a Short Term Let would have a minimal impact on the residential character and amenity of the area and the economic benefits of the Short Term Let, including support for local businesses, further demonstrate their positive contribution to the area's vibrancy.

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	6709 13/5/2016	ABN31701
	ORDNANCE SURVEY NATIONAL GRID REFERENCE	70m
NJ9307NW NJ9307NE		Survey Scale
		1/1250

Title Deed Key:
White - Flat 42
Pink - Flat 40
Yellow - Shared area

