

# MEMO

Shelter & Environment

## Housing & Environment

Lower Ground Floor West, Marischal College



**ABERDEEN**  
CITY COUNCIL

To	Eric Anderson, Senior Solicitor, Corporate Governance, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	23 August 2012
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

### **Part 5 of the Housing (Scotland) Act 2006**

### **Application for a Licence to Operate a House in Multiple Occupation (HMO) at No.77 Rosehill Drive, Aberdeen**

**Applicant/s: Norman T.Crichton & Moyra E.Crichton**

**Agent: Northwood**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at its meeting on 4 September 2012, for the reason that 4 letters of objection have been received by the HMO Unit.

I can advise you as follows:-

#### **The HMO legislation:-**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, which came into effect on 31 August 2011. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO Licence.
- 2) Having taken account of the following, the property is unsuitable for occupation as an HMO:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety and security of persons likely to occupy it
  - viii) The possibility of undue public nuisance, and,
  - ix) There is, or would be, overprovision of HMOs in the locality

#### **The premises:-**

The premises to which this HMO Licence application relates is a two-storey, semi-detached house with accommodation comprising of four letting bedrooms, one public room, one kitchen & two bathrooms. The location of the premises is shown on the plan attached as Appendix 'A'.

**The HMO application:-**

The HMO Licence application is dated 30 May 2012, and was received by the Council on 1 June 2012.

**Works / Certification Requirements:-**

The HMO Officer carried out an initial inspection of the property, identifying upgrading work and certification requirements to bring the property up to the current HMO standard. At the date of this memo, all requirements have not been completed although this is not the reason for referral to Committee.

**Letters of objection:-**

One letter of objection was received by the HMO Unit on 14 June 2012, within the statutory period and is therefore competent. The letter is attached as Appendix 'B'.

A second letter of objection was received by the HMO Unit on 15 June 2012, within the statutory period and is therefore competent. The letter is attached as Appendix 'C'.

A third letter of objection was received by the HMO Unit on 18 June 2012, within the statutory period and is therefore competent. The letter is attached as Appendix 'D'.

A fourth letter of objection was received by the HMO Unit on 20 June 2012, within the statutory period and is therefore competent. The letter is attached as Appendix 'E'.

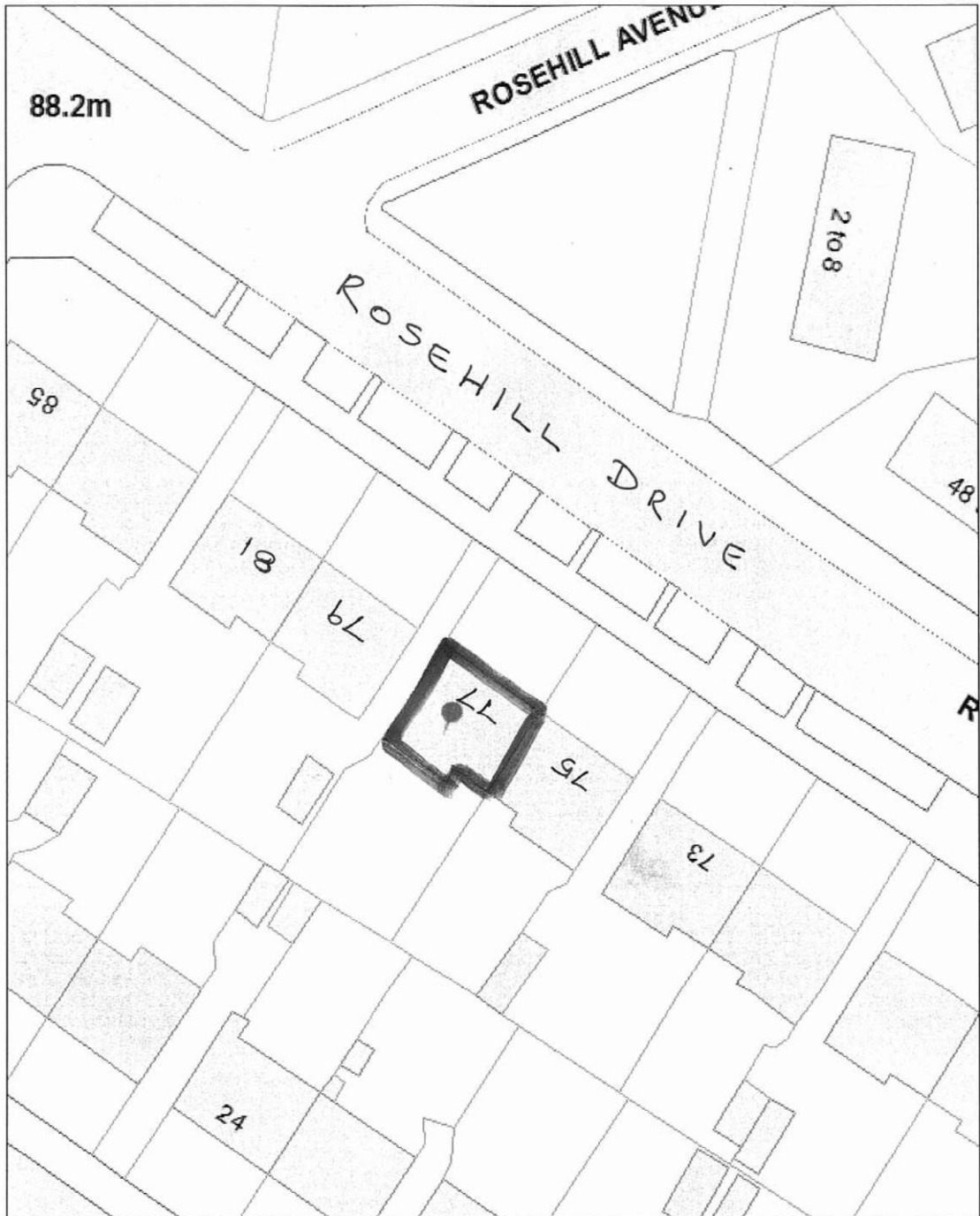
**Other considerations:-**

- The Chief Constable, Grampian Police, has been consulted in respect of the applicants' suitability as "fit and proper persons", and has made no comment or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team (ASBIT) has no record of any complaint in respect of No.77 Rosehill Drive, Aberdeen.
- At the date of this memo, the applicants and their property are not registered with the Landlord Registration database, therefore it will be necessary for them to register prior to letting the property.
- The applicant has requested an occupancy of 4 persons, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration today is the first application for an HMO Licence in respect of No.77 Rosehill Drive, Aberdeen.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

**Ally Thain**  
Private Sector Housing Manager

APPENDIX A



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1: 500

APPLICATION FOR HMO LICENCE  
PREMISES: 77 ROSEHILL DRIVE, ABERDEEN

APPENDIX 'B'

79 Rosehill Drive

Aberdeen

AB24 4JR

12 June 2012

HMO Unit

Housing & Environment

Business Hub 1

Lower Ground Floor

Marischal College

Broad Street

Aberdeen AB10 1AB

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b>
14 JUN 2012
<b>Private Sector Housing Unit</b>

Dear Sir

Re HMO – 77 Rosehill Drive, Aberdeen, AB24 4JR

We wish to raise an objection to the above property being converted for use as an HMO. The main reasons are stated below however we would wish to point out that we moved from a flat to our present home many years ago because we wanted to enjoy the peace of having our own front and back garden to enjoy and to live in a residential area where families live and get to know each other in a friendly non-invasive way.

Our objections to the HMO are as follows:

- The area is Residential – mainly families, couples and individuals who take pride in their homes and support each other when required.
- The traffic on Rosehill Drive is particularly busy, especially at peak time; parking on the road would cause problems for residents accessing and leaving their driveways.
- We would share a driveway with the residents of the HMO – as a 'car-park' has been constructed in the back garden, this would be disruptive to our standard of living as our living room is next to the driveway and our garden adjoins Number 77's garden/car-park, having several cars accessing and leaving at various times of the day/night would cause nuisance.
- A very strong concern of ours is that we have 4 grandchildren under 8 who visit several times per week and stay over regularly. As we would not know who lived next door, ie no longer a long term neighbour who we would get to know and trust, we would be seriously concerned for the safety of our grandchildren, either on the driveway or in our garden.
- We would not know who is to live next door, ie could be young people, who in turn could have others living with them/spending the night etc. This in turn will result in noise and disruption to our lives, and could result in general mess/untidiness around the property next door. Again as we share a driveway, this needs to be kept clear

'B' CONT'D

and maintained. We would have concerns about cars possibly being parked and obstructing entry to our garage and back garden.

- We have several other concerns regarding Number 77 being used as a HMO, this is causing me anxiety and sleepless nights and a feeling of being unsettled in my own home.

We hope that our concerns will be taken seriously when the decision is made on the above property.

Yours faithfully



Linda Leslie



George Leslie

# APPENDIX 'C'

Mr Sean Neville

75 Rosehill Drive

Aberdeen

AB24 4JR

Tel 01224 484481

13<sup>th</sup> June 2012

HMO Unit  
Housing & Environment  
Business Hub 1  
Lower Ground Floor  
Marischal College  
Broad Street Aberdeen  
AB10 1AB

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b>
<b>15 JUN 2012</b>
<b>Private Sector Housing Unit</b>

Dear Sir/Madam

## **Re HMO (77 Rosehill Drive) Aberdeen, AB24 4JR**

I wish to raise an objection to the above property being converted for use as an HMO.

I moved from a flat in George Street to get a way from the constant noise and stress that letting of flats in my block had caused. The noise levels, banging of doors and arguments coming from the surrounding flats really impacted on the quality of my life.

By moving to 75 Rosehill Drive I did not think that this area would be considered suitable option to convert the property next door to multiple occupancy. None of the bungalow houses in the areas have this setup. I would definitely not of purchased the property if I thought this might be a option.

Since moving to Rosehill Drive I have felt that I am able to look forward to having quiet considerate neighbours and this has been the case for the last 8 years since moving to Rosehill Drive.

I bought this property in particular because I made enquires to find out who my immediate neighbours are. And what kind of people is living in my street. Most of the families living in the vicinity who stay in similar houses are either older or have young families.

The houses are built with shared drives. These are very narrow driveways .I note that there has been conversion to a parking area at the back of the Garden of 77 Rosehill Drive. Having a shared drive can cause many problems with gaining access to garages and the back of the house. I myself have had problems in the past on numerous occasions when trying to gain access to my drive or garage (I have only one car). Also the chimneys (fireplaces) are situated in the living room are on the wall that is on the shared drive. Any car going up and down the shared drive can easily be heard in the living room. 79 Rosehill Drive will have there living environment ruined by noise pollution and the activity of cars assessing the back garden for parking.

'C' CONT'D

Rosehill Drive is a busy Road mostly residents try to park off road . Parking space at times is limited. If people park on the Road outside it causes limited visibility. Because Rosehill Drive is a straight Road when leaving the property with a car the visibility if obstructed can very difficult. There is usually great difficulty in the winter to even get the cars to go up the drives and definitely trying to manoeuvre to the back of the house would be extremely difficult. I was unable to park to get my car up the drive due to the snow two years ago for nearly two months. Extra cars in this limited space from multiple occupancy would make this a accident waiting to happen.

My concerns are that when 4-5 rooms let will also incur parking from visitors and partners friends and extended families will cause frustration anger and bad feeling in this limited area.

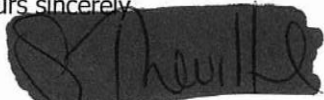
There are new parking rules coming in at ARI – what happened previously when this was attempted was people parked further away from the hospital. Unless there is allocated Parking in the front of the houses. I predict this is going to be a massive problem. There will be cars extra parking on Rosehill drive

I am very concerned about the noise that having potentially 4 leased rooms will cause. This property was not designed as 4 individual units or flats. The noise travels easily between the rooms. I could easily my neighbour and TV through the shared wall. I dread to think what the noise level will be. From past experience this was the reason I moved.

I myself have been unwell in the last 6 months. Meaning I have spent a lot of time in the house or in the garden recuperating. As I live alone the thought of having several occupants moving in next door is very stressful.

I hope that my concerns with be taken seriously when the decision is made on the above property.

Yours sincerely



Sean Neville



81 ROSEHILL DRIVE

ABERDEEN

14<sup>TH</sup> JUNE 2012

REGARDING MULTIPLE OCCUPANCY NO  
77 ROSEHILL DRIVE

APPENDIX D

DEAR SIR,

REGARDING THE ABOVE WE ARE BOTH 76 YRS OF AGE AND HAVE LIVED HERE FROM MORE THAN 20 YRS AND HOPED WE WOULD LIVE THE LAST YEARS OF OUR LIVES IN PEACE. YOU DO NOT EVEN GET CONSULTED NOW ABOUT THINGS THAT GO ON IN YOUR NEIGHBOURHOOD. SURELY THIS WOULD AFFECT THE PRICE OF OUR PROPERTY. IT CERTAINLY WOULD FOR TENANTS IN NO 75, 79 ROSEHILL DRIVE ALTHOUGH IT WOULD NOT REALLY AFFECT US DIRECTLY AND ALTHOUGH THEY HAVE A CAR PARK WHO SAYS THEY WILL ALWAYS USE IT. IT IS A VERY BUSY STREET AND WE FREQUENTLY HAVE OUR DRIVEWAYS BLOCKED BY TRAFFIC. ALSO IF IT IS YOUNG SINGLE PEOPLE THEY WOULD WANT TO ENJOY THEMSELVES WHICH COULD CONSTITUTE NOISE. WE HOPE YOU WILL TAKE ALL THESE MATTERS INTO CONSIDERATION WHEN YOU DECIDE THE OUTCOME OF THIS

Ms N Brown  
 [Redacted Signature]

Aberdeen City Council
Housing & Environment
DATE RECEIVED
18 JUN 2012
Private Sector Housing Unit

APPENDIX 'E'

30 Morgan Road  
Aberdeen

AB16 5JY

19<sup>th</sup> June 2012

Dear Sir,

HMO Application 77 Rosehill Drive

Thank you for your recent notification regarding the above.

I most strongly object to this application on the grounds of possible increase in noise litter etc. This property was built as a family home and if the application is approved it will set a precedent for similar applications in this area.

Could you please check if the applicant has applied for permission to carry out internal alterations within the property and permission to turn the garden into a car park.

Yours faithfully  
Ian Kennedy

Aberdeen City Council
Housing & Environment
DATE RECEIVED
20 JUN 2012
Private Sector Housing Unit