



Planning Services 231 George Street GLASGOW G1 1RX Tel: 0141 287 8555 Email: onlineplanning@glasgow.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100660423-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:

Ms

You must enter a Building Name or Number, or both: *

Other Title:

Building Name:

55A

First Name: *

SIMONE

Building Number:

Last Name: *

BRYDSON

Address 1
(Street): *

Kelvinside Gardens

Company/Organisation

Address 2:

Telephone Number: *

Town/City: *

Glasgow

Extension Number:

Country: *

Scotland

Mobile Number:

Postcode: *

G206BQ

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

Glasgow City Council

Full postal address of the site (including postcode where available):

Address 1:

FLAT GROUND

Address 2:

55 KELVINSIDE GARDENS

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G20 6BQ

Please identify/describe the location of the site or sites

Northing

667525

Easting

257383

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *

(Max 500 characters)

Flat Ground 55 Kelvinside Gardens G20 6BQ Use of Main Door flatted dwelling (Sui Generis) as short term let (Retrospective)
Full Planning Permission

Type of Application

What type of application did you submit to the planning authority? *



Application for planning permission (including householder application but excluding application to work minerals).



Application for planning permission in principle.



Further application.



Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Review of Reasons for Decision 01 contrary to NPF4- Based on presumption with no evidence 02 Location is in error Glasgow City Council map (attached) 03 No shared access/ amenities please see statement included 04 proposal Contrary to policy CDP10 and SG10 Please refer to CITY DEVELOPMENT PLAN 2017 SECTION 4.12 AND 4.16A SG10 MEETING HOUSING Housing Needs Glossary:MAINDOOR FLAT-groundfloor flat within a residential building with a direct access to the street

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Statement of Case City plan map 55 Kelvinside Gardens marked

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/02202/FUL

What date was the application submitted to the planning authority? *

05/09/2023

What date was the decision issued by the planning authority? *

24/11/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ms SIMONE BRYDSON

Declaration Date: 12/02/2024

STATEMENT OF CASE

With reference to Full Planning Permission REFUSAL

Planning Application 23/02202/FUL Alternative Reference : 100641927-001

Use of flatted dwelling as short term let (retrospective)

Flat Ground Floor 55 Kelvinside Gardens G20 6BQ

I have carefully read and researched the reasons given for refusal

"The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan"

I wish to appeal that decision taken on 24 Nov 2023.

Please find below the explicit reasons for the decision, as sent to me, and my comments where I fear the reason is inaccurate or incorrect.

REASONS FOR DECISION

"POINT 01. The proposal is contrary to NPF4 policies 23 and 30, insofar as the change of use from a residential flat to a short term letting accommodation will result in an unacceptable impact on both the character of the neighbourhood and residential amenity by virtue of increased noise"

National Planning Framework 4

Policy 23:

e) Development proposals **that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development.**

A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

I disagree with the assumption that the proposal is "likely to" raise unacceptable noise issues or significant effects "are likely". There is no evidence to support this assumption..

There are no shared walls with any other residential flat (please see below at Point 03)*

The walls are constructed from solid stone.

I have never received a complaint about noise nor have I had reason to ask guests to reduce noise.

I recognize the irresponsible conduct of other hosts which have subjected their neighbours and neighbourhood to unacceptable behaviour and noise. The problems have occurred when hosts accept third party bookings and provide a key box which leads to totally unsanctioned "visitors" turning up and taking control of the accommodation.

On the contrary, I take all necessary precaution to make sure the guests are a "good fit" for the accommodation. The flat is suitable for and targeted at grown up/ families max 4 people visiting as tourists or returning to the city for the purpose of visiting friends/ family/offspring.

I ask all visitors to identify all members of the group prior to accepting any booking

No parties or events are permitted. In order to avoid any contravention -there is no key box so every guest has to present themselves with ID prior to receiving the keys directly from me.

I sincerely hope that I should not be unfairly penalized for the actions of others.

This flat is not and has never been in use as a House in Multiple Occupancy.

POINT 02 The proposal is contrary to CDP3 and IPG3----- Error

Economic Development of the Glasgow City Development Plan (adopted March 2017) as the tourism use is **not located appropriately**, being within an established residential area and in an area **below "base accessibility** by public transport

<https://www.glasgow.gov.uk/CHttpHandler.ashx?id=4956&p=0>

All Areas with no shading are below base accessibility

Base Accessibility-green, PeakHigh Accessibility, Purple

Point 02 is in error as you can see from the above mentioned map.

*I have marked the location of Kelvinside Gardens with an X which is clearly within the **green area**. Indeed we are well served by buses from Queen Margaret Drive which is at the bottom of the road barely 4 mins on foot and well placed between two Subway stations- Hillhead and Kelvinbridge approximately 10 mins on foot. Therefore no lack of viable public transport.*

KelvinsideGardens lies between two main arteries Maryhill Road and Grt Western Road which lead to major roads for travel throughout Scotland.

<https://glasgow.gov.uk/CHttpHandler.ashx?id=36875&p=0> City development plan IPG3

P23 9Tourism and the short-stay economy

9.1Tourism and the short-stay economy **are extremely important for Glasgow's local economy**, and contribute positively to the strategic aims nationally as well as the city. The delivery and availability of a wide range of **short-stay accommodation is important**, however it is recognised that such activities need to be located in appropriate locations where the existing amenity of a particularly area, especially residential areas, **are not negatively impacted**. The majority of Glasgow's hotels and short-stay accommodation are located in the City Centre, areas near the SEC, and the West End.

Not all visitors to the city wish to stay in the city centre. Visitors would disagree with 'not located appropriately'. They specifically seek out this district simply because of its character as a residential leafy green area. Hence the guest feedback is 100% positive regarding the location as they appreciate experiencing a safe, quiet area so close to cultural attractions, green spaces and transport. Shouldn't we be showcasing and championing these aspects of our green city.

9.2The council **will continue to support this important part of the economy**, and proposals will be assessed to ensure:

(i)that the location, scale, design and demand are adequately considered and appropriate to the area;
(ii)that negative impacts on the surrounding area are minimised, especially predominantly residential areas; *There is no change to the location, design etc the property is and will remain a residential dwelling. **Negative Impact** meaning damage, disturbance, or harmful alteration to any living entity, habitat, or ecological function. No issues have arisen showing a detrimental impact on the character or existing amenities of the area.*

(iii)any car parking is of a scale, design and incorporates landscaping appropriate to the area. It should not negatively impact the amenity of the area. Car parking standards are set out in CDP 11Sustainable TransportSupplementary Guidance

On street parking is subject to payment from 08.00to 22.00hrs with a maximum stay of 3 hours which has significantly decreased parking congestion in this area. It should be noted that visitors rarely come by car as they have specifically chosen the location to fit their needs

(iv)proximity to public transport. *Please see above **not** below base accessibility*

Contd. Policy 30

NB I believe the '**agent of change**' principle applies to new developments being built near to an existing residential development and vice versa, the onus being on the new development to put in place noise mitigating measures. Firstly 55 Kelvinside Gardens is not a new development but a residential property built circa 1908, the flat is and will remain a residential property (please see further below).

It must be noted that prior to listing the flat for short stays I had some very sturdy underlay and thick carpeting installed for insulation, it is of course in my interest to maintain a quiet and peaceful environment as I live directly below.

b) Proposals for tourism related development will take into account:

i. **The contribution made to the local economy;**

Queen Margaret Drive provides small independent craft businesses, shops, services and of course cafes that are certainly much used and appreciated by our visitors. The same can be said for the extensive shopping and hospitality offered in Byres Road, Great Western Road, Dumbarton Rd.

Although the laundry and cleaning is not outwith the norm for a household of 4, the linen etc is outsourced to the local laundry in Maryhill Road

If I am permitted to continue this summer I shall have to employ a cleaner to assist

i. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;

The basement and ground floor were originally **one** household owned by my parents and for many years (until it was divided in the late 70s) served as a home for a family of 6. If rented, on a long term basis, or indeed sold and inhabited by a family of 4 people this would not impact or increase the activity in this area. Certainly there would be no restrictions on their everyday life for example how many friends/relatives could come and go at will plus the communal garden would be at their disposal.

55 is not available as a short term rent all year round but sporadically over late Spring and Summer as it is still used by our family and friends and will remain so. Although equipped for a Maximum of 4 people that is not always the case and more often it is occupied by two /three.

All guests are vetted before we accept the booking. (see above)

As to the scale of the activity from March to October 2023 we hosted visitors for a total of 78 nights

Prior to submitting this proposal I canvassed my neighbours- no negative comments were received.

iii. Impacts on communities, for example by hindering the provision of homes and services for local people;

The provision of homes for local people surely falls into the category of affordable housing in the area. The running costs/overheads and maintenance of this flat unfortunately would be beyond the means of many. There is no evidence to suggest any effect on services to the detriment of local people.

POINT 03 proposal contrary NPF4 policy 30

<https://www.glasgow.gov.uk/CHttpHandler.ashx?id=36872&p=0>

CITY DEVELOPMENT PLAN 2017

12.FLATS – Residential flats do not fall within Use Class 9 and are defined as Sui Generis (outwith a specific Use Class). This status reflects the fact that **a flat within a block containing residential properties forms a different context given that it has shared circulation and amenity spaces, and horizontal as well as vertical separation.** The use of a flat as short-stay accommodation, therefore, **has the potential to result in conflict with mainstream residential flats in a block through regular influx of temporary residents as well as increased pressure on infrastructure and shared space.**

13.detailed criteria SG10

4.16a)To protect residential amenity planning permission will not be granted for a change of use from a residential flat to short-stay accommodation within existing blocks of residential flats, resulting in a mix of mainstream residential flats and short-stay accommodation within a single building **sharing a means of access.**

*The flat does not share a vertical wall with any other flat i.e. the west wall of the flat is the gable end of the building, no other building adjoins, this space is a car park. The east side of the property shares a wall with the passageway/close which is the principle and only entrance/exit serving the flats above. The ground floor flat does **not** share a means of access. 55 has its own unique and completely private entrance via it's own main door with steps leading from/to the street. The communal garden is **not** included for the use of visitors, it is clearly stated on the listing*

There is no shared circulation nor are there shared amenity spaces so the condition does not exist to suggest potential for conflict with mainstream residential flats.

<https://glasgow.gov.uk/CHttpHandler.ashx?id=36871&p=0>

Commercial Uses in Residential Properties

3.1 The aim of this guidance is to ensure residential amenity is not adversely affected by the introduction of commercial uses or operators.3.2 There is a presumption against granting planning permission for commercial uses of dwelling houses, including flats. In following this guidance, particular scrutiny will be given to conservation areas and any residential area where other considerations, including townscape, alterations to property, traffic, access and servicing, parking, noise or other environmental considerations could adversely affect local amenity or safety, see also SG1 - Placemaking, Part 1, Qualities of Place - Legibility and Safety. The test will be the preservation or enhancement of residential amenity and the environment.

4. 3.3Exceptions against this presumption may be considered where the:

c)property (where a flat) has a **private direct access to the street;** and use will not give rise to parking/servicing problems in the street/building.

3.4Some businesses can operate within residential property, where the primary use remains residential

The guidance is clear and I do believe the ground floor main door flat is well within these terms

This application has been assessed on the status "sui generis" and assumes that all flats share a common entrance which is not the case. Please reconsider the facts as stated above.

04 The proposal is contrary to Policy CDP10 and SG10

Meeting Housing Needs as the transitory nature of short term accommodation would intensify the use of the property to the detriment of the residential character and amenity of neighbouring properties and Glasgow West Conservation Area

The occasional use of of the flat does not intensify the use of the property, in fact "transitory nature" implies not persistent as opposed to permanent (see policy 30 ii above) for example a family of 4's consistent use of amenities would certainly intensify the use of the property and surrounding neighbourhood but it is dubious if this would be to the 'detriment' of the residential character.

05 The proposal is contrary to Policy CDP1 and SG1 The Placemaking Principle of the Glasgow City Development Plan (adopted March 2017)insofar as the proposal relies on the use of residential waste uplift for commercial waste.

The proposal does not rely on the use of residential waste uplift. The household waste produced by short term visitors is negligible and not consistent therefore not a viable prospect for private waste brokers so I am considering registering with SEPA for a waste carrier licence.

06 The proposal is contrary to NPF14 Policy 13 Sustainable Transport and CDP11 and SG11 Sustainable Transport of the Glasgow City Development Plan (adopted March 2017)insofar as the proposal does not include any provision for cycle parking

National Planning Framework 4

<https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2023/02/national-planning-framework-4/documents/national-planning-framework-4-revised-draft/national-planning-framework-4-revised-draft/govscot%3Adocument/national-planning-framework-4.pdf>

Policy 13 with walking and cycling providing wider health benefits. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking.

As we are situated in a conservation area we would certainly need planning permission to install a cycle hangar in our front garden which I have no intention of doing as without doubt this would negatively impact the appearance and characteristics of the street. There are two pay for use cycle sheds situated in Wilton Street directly behind us but there is a long waiting list for places. Nearby bike rental is ideal-Outside the Botanic Gardens Glasgow bikes are available to rent 24/7 and can be hired from any nextbike station. I have permitted bikes to be temporarily stored inside the property or within our front garden for safety.

d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

The preservation of this area is extremely important to me as a longterm resident so I continuously strive to maintain the character of this building and moreover the area but unfortunately this guidance is not followed by all.

Revenue from the short term let has given us the means to repair, maintain and preserve the building according to the standards expected in a conservation area.

For example remedial stonework was carried out at the rear, compliant with planning,

We envisage further work this year :internal insulation, draught proofing and window replacement