



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 100690222-033

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.

Site Address Details

Planning Authority:

Glasgow City Council

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

Address 1:

FLAT BASEMENT

Address 2:

14 PARKGROVE TERRACE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G3 7SD

Please identify/describe the location of the site or sites

Northing

666133

Easting

257065

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:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Flat 01"/>
First Name: *	<input type="text" value="Stephen"/>	Building Number:	<input type="text" value="14"/>
Last Name: *	<input type="text" value="Benzie"/>	Address 1 (Street): *	<input type="text" value="Parkgrove Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="01234 567890"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G3 7SD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="stephen.benzie@parkgrove.co.uk"/>		

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? * ☒ Yes ☐ No

Application Details

Please select which application(s) the new documentation is related to.

Application: *

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

A full list of all the names on the Notice to Owner Certificate B needed to be completed and the Owners informed. I had previously Just put the Flat Number concerned and needed all their names.

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. * ☒ Yes ☐ No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Stephen Benzie

Declaration Date: 22/01/2025

bennett *Developments and Consulting,*

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Glasgow, G46 7PB

don@bennettgroup.co.uk

STATEMENT OF APPEAL

29.5.2025

14 PARKGROVE TERRACE, FLAT BASEMENT, GLASGOW G3 7SD

APPEAL TO GLASGOW CITY COUNCIL LOCAL REVIEW COMMITTEE AGAINST THE REFUSAL OF PLANNING PERMISSION FOR USE OF FLATTED DWELLING(SUI GENERIS) AS SHORT TERM LET(SUI GENERIS)(RETROSPECTIVE) AT THE ABOVE ADDRESS.

APPLICATION REF: 24/03052/FUL

01 Background:

The property at Flat Basement, 14 Parkgrove Terrace is a self contained apartment with its own private access direct off of Gray Street.

For the past fifteen years it has operated under a series of different guises including a holiday let, an adjunct to the Alamo Guest House opposite, also owned by the appellant, a serviced apartment, temporary insurance accommodation and latterly as a short tenancy let. Irrespective of the description accorded, it is clear that for the past fifteen years it has operated as some form of residential.

The appellants have lived in the area since 2007 and Mr Bezique has been the treasurer of the Parkgrove Terrace Owner Occupiers Residents Association and the treasurer of the Parkgrove Lane and Kelvingrove Square Association, so they have a strong history and loyalty to the area and the desire to maintain and foster the architectural, historic and social fabric of the area.

In 2024 mindful of the wish to operate as a bone fide short term let, a planning application was lodged for that purpose(app Ref 24/03052/FUL).

On 19th March 2025 the application was refused,

02 Reasons for Refusal

It should be noted that the Statutory Development Plan has, since 2023 contained two parts: Part1 is the Local Development Plan and Part 2 is the National Planning Framework(NPF4). In the main there is little conflict between the two documents but there are significant areas of overlap and repetition Where this is the case we will address as one.

In refusing the application the following reasons were cited:

Reason 01 The proposal is contrary to Policy 30 of NPF4 and City Development Plan Policy CDP1, SG1 CDP2 and CDP10 and SG10 for the specific reasons described below,

Reason 02 The proposal was not considered to be in accordance with the Development Plan as the transitory nature of the short stay accommodation in combination with the direct overlooking of and proposed access to the shared areas including the close and backcourt would adversely affect the privacy and enjoyment of these semi-private space for permanent residents.

Reason 03 The proposal was not considered to be in accordance with the Development Plan as the transitory nature of the short stay accommodation would intensify the use of the property to the detriment of the residential character and amenity of neighbouring properties and Park Conservation Area.

In essence the reasons for the refusal can be summarised as :

- a) The transitory nature of the short stay accommodation would introduce a more active and intensive use of the property
- b) Intrusion of privacy currently enjoyed by the other residents of the property
- c) Impact on the character of the area and Park Conservation Area.

03 Response to Reasons for Refusal

In assessing an application the local authority(planning officer) are required to determine it in the context of the latest approved and adopted Local Development Plan(LDP) and other legislation as appropriate in particular the National Planning Framework(NPF4).

In addition the local authority are required to produce a Report of Handling(ROH) which should clearly explain the reasons for the refusal by reference to the appropriate policies and guidance and demonstrate how the proposal failed to meet the requirement of these policies.

In seeking to challenge the decision to refuse which is based on the ROH we need to critically examine that document to ascertain that the appropriate policies have been applied, that these policies have been properly understood and interpreted by the planning officer and that the recommendation to refuse was based on substantive and justifiable evidence and not simply unsubstantiated opinion.

It is our opinion, from a review of the ROH that the planning officer has adopted an oversimplistic approach to the cited policies and has failed to apply and interpret them in the proper manner. Policies are a matter of guidance they are not in themselves absolute doctrines, but provide guidance and direction to be interpreted as circumstances require.

Of particular note is the fact that while the Decision Notice states that the proposed development fails to comply with National Planning Framework (NPF4) Policy 30 and Local Development Plan CDP1/SG1 CDP2 and CDP10/SG10, apart from SG10 the ROH makes no reference at all to the other policies, so it is unclear as to why they feature as reasons for refusal. To have any credibility in respect of justifying the decision to refuse, we would argue that it is necessary for the local authority to demonstrate where the proposed development fails to meet the requirements of these policies, yet no such evidence has been produced.

Perhaps that is due to the fact that despite citing NPF4 Policy 30, the reality is that the proposal is not at odds with the policy. Policy 30 section b comprises of a list of issues which any tourist related developments should ***be aware of and should take into account.***

In the interests of transparency, below is the issues which policy 30b suggests should be considered:

- i)Contribution to local economy
- ii)Compatibility with the surrounding area in terms of the nature and scale of the activity and impact of increased visitors
- iii)Impact on communities
- iv)Opportunities for sustainable travel and appropriate management of and parking and traffic generation and scope for sustaining public transport services
- v)Accessibility for disabled people
- vi)Measures taken to minimise carbon emissions
- vii)Opportunities to provide access to the natural environment

It should be noted that this is not a mandatory list but issues which should be considered when tourism related proposals are being considered, so it is not a requirement that a proposal address all the issues.

Notwithstanding the fact that the ROH does not contain any of this material, we feel it worthwhile to respond to the issues raised.

- i)the proposed development will contribute to the range of accommodation available to other residents, visitors, students etc all of whom will contribute to the local economy
- ii) see **Impact on the character of the area and the Conservation Area**, below
- iii) There is nothing to prevent local people from renting the accommodation, so it is not the case that the proposed development will impact negatively on local people
- iv) The property is located close to a number of bus routes and the underground is not too distant.it is immediately adjacent to Kelvingrove Park and there is on street parking
- v) unfortunately there is no dedicated disabled access
- vi) The property is insulated throughout and apart from a gas boiler, is powered by electricity.
- vii) As stated previously the property is directly opposite one of the main gates into Kelvingrove Park which is one of the city's most beautiful open spaces, with many attractions within it.

From all of the above it is evident that the development meets the” **advisory**” requirements of NPF4 Policy 30 contrary to the policy being cited as a reason to refuse the application.

Under critical scrutiny the ROH would appear to contains little more than unsubstantiated opinions and while opinions may carry some persuasion, facts carry authority and the fact that these premises have been continually occupied for almost fifteen years in a variety of residential uses with no impact on the rest of the residents, or the character of the area or the Park Conservation Area, speaks volumes and would suggest that the claims made in the ROH are unfounded and indeed exaggerated.

If we consider the observations of the planning officer in respect of the reasons for refusal:

Privacy- The ROH claims that

“a change of use to a short term tenancy would result in a frequent turnover of temporary guests and this will create a new condition where non-resident guests can overlook the permanent residents using the back court and be able to access the back court and other common areas of the building”

In the first instance the normal length of tenancy is between 4-6 months which is not really so short and as regards the claims of overlooking and loss of privacy, the property has always been in residential use irrespective of whether the resident has lived there for years or is someone occupying it on a short term basis. The back court has always been overlooked so it is difficult to understand the planning officers concern that suddenly overlooking and privacy is an issue. As a result of the design of the entire block, overlooking and privacy was always a potential problem. Who is doing the overlooking is irrelevant, and certainly not a factor in determining the application.

In respect of access to the common areas, the basement flat will not have access to other common areas or to the backcourt, so these fears are unfounded.

Transitory nature of short term lets: The ROH claims that the frequent change of tenants in the basement apartment will cause tensions with other residents in the building and that

“it is considered that opening the semi private space to temporary guests will adversely affect the privacy and enjoyment of the spaces currently enjoyed by permanent residents”.

This claim is made without any supporting evidence and is nothing more than an unsubstantiated opinion which is at odds with the fact that there has never been problems in respect of increased activity or reduced privacy. Over fifteen years there is no record of a single complaint or instance of tension between a short stay tenant and other residents in the building, and there were no objections received to the application.

Impact on the character of the area and the Conservation Area – In the ROH much is made of the guidance within Supplementary Guidance SG10 concerning the nature of the residential use which should be permitted in the Park Conservation Area and the criteria which should be applied in assessing applications for the various residential forms and the fact that short stay accommodation will be resisted particularly in Conservation areas.

This is a retrospective application for a short term let, one which has been on site trading for a number of years with no issues. Accordingly any suggestion that it will impact negatively on residential amenity, will have an impact on the character of the area and will impact on the Conservation area, are all without foundation and had these existed, would have become apparent.

As the proposed use is residential, will be carried on within the existing fabric of the building and will not involve any signage, it is difficult to understand how it will negatively impact on the character of the area and even more difficult to understand, how it could possibly affect the conservation area! Indeed the ROH confuses the situation further agreeing with these views by stating that

“No alterations are proposed to the property/building meaning the change of use would not detract from the visual amenity of the area”

The ROH also states that:

“There is no evidence that the short-term let use will adversely impact noise, litter, anti social behaviour and public safety”

yet continues to claim that the change of use will have a negative impact on the area!

Further, the ROH strives to suggest that the built form is such, that a short term let would have a negative impact:

“the majority of properties within the street block are in residential use and as a result the immediate surroundings has a more domestic character than nearby town centres and that a short term let would result in an unacceptable intensification of activity in a building/area characterised by residential properties”

It is difficult to understand what is meant by “domestic character”. This is a dense inner city residential area immediately adjacent to one of the most popular tourist attractions, the Kelvingrove Art Galleries, directly opposite one of the main access gates to Kelvingrove Park and close to the Kelvingrove bandstand which is the venue for a number of rock concerts.

As has been stated previously there will be no outward indication that this change of use exists, so to suggest yet again that it will be a departure from residential and as such impact on the character of the area and the Conservation area is not a sustainable or valid comment.

As the potential to impact negatively on the area is the sole rationale behind citing SG10, and this has not been demonstrated, it would seem that the criteria within SG10 has been met and therefore cannot be considered as grounds for a refusal.

From all of the foregoing it is apparent that the retrospective change of use from residential to a short term let will have no negative impact on the area or the Park Conservation Area.

04 Summary

As has been stated above ,the proposed change of use from residential to a short term let(retrospective) is not something which would be acceptable, particularly within a Conservation Area.

However apart from simply citing the policies the ROH failed to offer any supportive and substantive comment on where the proposed change of use would result in harm to the local community or to the Park Conservation Area, in fact some of the planning officers comment as cited above,contradict this claim. It has been established and agreed by the planning officer that as the proposal does not involve any external changes, there would be no impact on the visual amenity of the area.

In addition this application is retrospective so there is no need to speculate on how such a change of use might impact on the local environment. We have first hand knowledge gathered over fifteen years of the change and negative impact if any it has had on the area, and the answer is there has been none. There is no need to speculate on this statement as the evidence of this investment in the area is a fact and the evidence is on site. The appellant who has lived in the area for more than twenty years, has already invested heavily in the area by developing the adjacent Alamo Guest House and is a strong advocate for the area, with an enthusiasm demonstrated by further investment.

Had the application been properly considered and the policies applied having regard to the specific circumstances of the proposal, namely that it was retrospective and the development had been on site for a number of years, we believe that it would have been readily apparent that the proposed change of use would have no unacceptable impact on the area or the Park Conservation Area.

In the circumstances we would submit that the decision to refuse the application was unsafe and that the appeal be upheld.

bennett *Developments and Consulting*
29.5.2025