

## **PLANNING APPEAL STATEMENT**

### **Proposed Change of Use to Short-Term Let (STL)**

**Property:** 9A Athole Gardens, Glasgow, G12 9AZ

**Applicant:** Lally Westend Development Ltd

**Application Reference:** 25/02640/FUL

**Date:** 27<sup>th</sup> March 2026

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## **PLANNING APPEAL STATEMENT**

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### **1. INTRODUCTION**

This Planning Appeal Statement is submitted in response to the refusal of planning permission for the proposed change of use of 9A Athole Gardens from a residential flat to short-term let (STL) accommodation.

The response from the Council was based on an inaccurate and incomplete interpretation of the information provided.

- The garden section, that provides access to the property via an external door and external stairs, immediately to the rear is part of the property, not communal.
- The private stair shown on the application has planning permission and listed building consent and should be considered a condition of planning rather than grounds for refusal.
- The property next door, and others in the area have STL licenses, hence there is precedent for this application.
- No alterations to the character of the building are proposed outwith the stair which has been assessed and granted permission by historic Scotland.

Each refusal reason is addressed in detail below.

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### **2. RESPONSE TO REFUSAL REASONS**

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#### **Reason 01 & 02**

These are general summary statements and are elaborated on in subsequent points.

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### **Reason 03 – Unacceptable noise issues due to transitory nature (NPF4 Policy 23)**

Noise impact would be minimal because:

- The flat is at basement level, eliminating impact noise transmission.
  - The STL will have a private entrance, so guests would not use communal areas. Operation of the property will be completely independent to that of other dwellings.
  - A Noise Management Plan is included in this appeal to ensure noise is in-keeping with current levels.
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### **Reason 04 – Out of character with mainstream flats (NPF4 Policy 30)**

There is precedent for STL licenses being granted in the street. The neighbouring basement flat, 8 Athole Gardens, has a granted STL license. The relationship between 8 Athole Gardens and the neighbouring properties is very similar to 9A Athole Gardens. This precedent was not mentioned in the report.

Cycle storage has been included (see cycle store plan drawing) to encourage sustainable tourism in the area.

The appraisal of being out of character and disruption to neighbours is based on the assumption that the property will not have it's own entrance. As this private entrance will be constructed before first STL occupation, this should be considered as a planning condition rather than a reason to refuse.

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### **Reason 05 – Fails to provide high-quality amenity (CDP1 / SG1)**

Once the property has its own entrance, the outside area below street level will be useable (neighbouring properties with an external stair utilise this space with planting/ seating) and increase the amenity of the building. Furthermore, a dwelling with a private entrance increases the variation of housing typologies in the area. This would be more attractive to the family demographic for example which is typically lacking in the city centre/west end. These positives would be realised if the property is returned to the housing stock.

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### **Reason 06 – Mix of mainstream and STL uses harms character (CDP10 / SG10)**

The STL will have a completely independent entrance, meaning it will not interact with or disrupt other residents.

The operation is effectively self-contained, despite being within the same building.

An STL already exists next door, demonstrating compatibility.

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### **Reason 07 – Intensification harmful to character and conservation area (CDP10 / SG10)**

Short term lets typically operate at lower occupancy than a typical long-term tenancy. The average occupancy rate in the UK is around 40-45% (statistic from government report on STL included in submission).

The private entrance prevents any intensification of use within communal areas.

No external changes are proposed so the character of the property would remain as existing.

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### **Reason 08 – Contrary to SG10 because located in a conservation area**

SG10 4.2 states: *While the Council supports the promotion of tourist accommodation, there is a need to preserve the character and amenity of established residential areas and Conservation Areas.*

The proposal preserves the character of the building and does not include any external changes. The inclusion of the external stair increases amenity by providing access to the below street level external space at the front of the building.

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### **Reason 09 – No cycle parking provision (CDP11 / SG11)**

A Cycle Parking Provision Plan is included with the application, providing:

- Secure and weather protected storage at the rear.
- A single secured cycle space at the front, underneath the stair for more convenient access to the street.
- Located in space exclusive to the basement, no communal areas will be affected.
- Compliant with SG11 standards

### **Car Parking**

Policy SG10 4.16 states:

*e) that can demonstrate there will be no adverse impact on traffic congestion and parking;*

As the parking in the area is limited to either resident permit holders or paid on an hourly basis (£7.20/hour), there would likely be a decrease in parking intensity due to these high costs.

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### **Reason 10 – External stair not constructed**

The external stair has the following approvals in place:

- Listed Building Consent
- Planning permission

It will be constructed prior to first STL occupation, ensuring independent access.

The construction of the stair should be considered a condition of granting planning permission and not a reason for refusal.

There is no shared access, and therefore no amenity impact.

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### **Additional arguments**

SG11: 4.11 / 4.22 describes the differences between a dwellinghouse application (unlikely to require planning permission) and a flat which lie outside a specified class (*sui generis*).

The differentiation between these two housing classes is described only in terms of communal access: *'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'*

It also states that STLs have 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.'*

As 9A Athole Gardens will not share any communal areas with neighbouring flats, it does not impact the amenity or shared circulation of neighbouring residents and as such this should not be a reason for refusal.