

FPRB Reference: 24/407

## Review Decision Notice

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Decision by Fife Planning Review Body (the FPRB)

- Site Address: 67 Dunnikier Road, Kirkcaldy, Fife, KY1 2RL
- Application for review by Mr Asif Hussain against the decision by an appointed officer of Fife Council
- Application 24/01773/FULL for Full Planning Permission for Change of use from dwellinghouse (Class 9) to HMO (7 persons) (Retrospective)

Application Drawings:

- 01 - Location Plan, 02 - Location Plan, 03 - Floor Plan Existing, 04 - Floor Plan Proposed, 05 - Photographs
- No Site Inspection took place.

Date of Decision Notice: 13th March 2025

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## Decision

The FPRB upholds the determination reviewed by them and refuses Planning Permission for the reasons outlined below in section 4.0.

### 1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for Planning Permission was considered by the FPRB at its meeting on 24 February 2025. The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston, Altany Craik, Lynn Mowatt and Robin Lawson.

### 2.0 Proposal

- 2.1 The appeal relates to 67 Dunnikier Road which is a two storey dwellinghouse located on the corner of Dunnikier Road and Maria Street. The site itself is defined in the Adopted FIFEplan (2017) as being situated within the settlement envelope of Kirkcaldy. The immediate surrounding area is predominately residential in nature although the site is in close proximity of an allocated Local Shopping Area to the north. To the north, the site bounds onto residential properties; to the east is Dunnikier Road, adjacent to which are further residential properties; to the south the site bounds onto Maria Street, adjacent to which is a commercial unit; and to the west the site bounds onto a brownfield site that has an extant planning permission for the erection of 2 dwellinghouses under planning reference 22/00742/FULL. There is no existing amenity space associated with the existing dwellinghouse or any off-street parking spaces.

- 2.2 Planning permission is sought again in retrospect for the change of use from dwellinghouse (Class 9) to HMO (7 persons). In addition to the completed application form, appropriate scaled drawings in the form of a location plan, block plan and existing and proposed floor plans of the existing dwellinghouse were submitted for consideration. No external works are proposed. In addition to the scaled drawings of the existing building, the agent submitted a location plan that identifies two public car parks and another car park that are located in relatively close proximity to the site on Victoria Road and Berwick Place. Unlike the earlier said 2023 retrospective planning application, the current planning application does not contain a Supporting Statement.
- 2.3 This retrospective planning application follows an earlier planning application that was submitted by the current agent on behalf of the applicant for the same retrospective development under planning reference 23/02953/FULL. That application was refused on road and pedestrian safety grounds in February 2024.

### **3.0 Reasoning**

- 3.1 The FPRB assessed the Roads and Transportation considerations of the proposal against NPF4 Policies Policy 13 (Sustainable Transport) and Policies 1 (Development Principles), 3 (Infrastructure Services) and 10 (Amenity) of the Adopted FIFEplan and Making Fife's Places Supplementary Guidance (2018) Appendix G Transportation Development Guidelines. The FPRB found that:
- They agreed with the Appointed Officer and Transportation Development Management on the parking requirements for the development. They suggested that the Houses of Multiple Occupancy (HMO) requirement of 1 space per bedroom was applicable and that, despite any 'parking credit' associated with the authorised use as a dwelling house, there would still be a shortfall in car parking to accommodate this use.
  - They were not persuaded by the appellant's suggestion that there was a sufficient unrestricted car parking within the local area, including two nearby public car parks on Victoria Road. They acknowledged the retrospective nature of the development, noting that associated car parking was already being accommodated within the local area. Despite this, they did not consider that this should be a reason to justify overturning the officer's decision.
  - The FPRB noted the proximity of the site to public transport, including multiple bus stops on Dunnikier Road and Victoria Road and the train station within the wider area. However, this did not persuade them to approve the development.
  - Accordingly, the FPRB therefore concluded that there would be insufficient car parking provision within the immediate area to accommodate demand from the development. They agreed that development would not be acceptable and would lead to pedestrian and road safety impacts, failing to accord with Policy 13 of NPF4 and Policies 1, 3 and 10 of FIFEplan.
- 3.2 The FPRB also agreed with the Appointed Officer's position in relation to the other planning considerations that did not form part of the original refusal reasons. They contended that these matters did not have any material impact in changing their position on this application and concluded that they should not be included as additional reasons for refusal in this instance.
- 3.3 Overall, the FPRB concluded that the proposed development was not acceptable as it failed to comply with NPF4 Policy 13 (Sustainable Transport) and Policies 1 (Development Principles), 3 (Infrastructure Services) and 10 (Amenity) of FIFEplan and Making Fife's Places Supplementary Guidance (2018) Appendix G Transportation Development Guidelines. The FPRB found that there would be insufficient parking and that the proposal

exacerbates the current situation, within area of high demand, to the detriment of road and pedestrian safety. The FPRB agreed that the other planning considerations not forming part of the refusal were acceptable and complied with the corresponding Development Plan policies. The FPRB did not consider there to be any other matters for consideration or any material considerations which would outweigh the Development Plan position. The FPRB therefore decided that planning permission should be refused, upholding the Appointed Officer's decision.

#### **4.0 Decision**

- 4.1 The FPRB upholds the determination reviewed by them and refuses Planning Permission for the following reason(s):

#### **REFUSE FOR THE FOLLOWING REASON(S):**

1. In the interests of road and pedestrian safety; the 7-bedroom HMO would result in the shortfall of 4 off-street parking spaces when compared with those required for the lawful dwellinghouse. This would exacerbate existing on-street parking for other motorists within an area that already has a high demand for limited on-street parking to the detriment of road and pedestrian safety. The development is therefore unacceptable and is considered contrary to Policy 13 of the Adopted National Planning Framework 4 (2023), Policies 1, 3, and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Planning Guidance (2018).

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Proper Officer

# **NOTICE TO ACCOMPANY REFUSAL ETC.**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

*Notification to be sent to applicant on refusal of planning permission or  
on the grant of permission subject to conditions*

### **NOTICE TO ACCOMPANY REFUSAL ETC. TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

*Notification to be sent to applicant on determination by the planning authority of an application  
following a review conducted under section 43A(8).*

1. If the applicant is aggrieved by the decision of the planning authority -
  - (a) to refuse permission for the proposed development;
  - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
  - (c) to grant permission or approval, consent or agreement subject to conditions,the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.