

Mr Marketos
Flat 7 13 Kimmerghame Terrace
Edinburgh
EH4 2GG

Decision date: 17 November 2023

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Use of flat both as residential and short-term let (Sui Generis) for 5 months annually (in retrospect).

At Flat 7 13 Kimmerghame Terrace Edinburgh EH4 2GG

Application No: 23/04355/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 27 September 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an adverse impact on local amenity and the loss of a residential property has not been justified.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01, 02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The change of use of this property to a short term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact James Armstrong directly at james.armstrong@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

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 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 accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Report of Handling

**Application for Planning Permission STL
Flat 7 13 Kimmerghame Terrace, Edinburgh, EH4 2GG**

Proposal: Use of flat both as residential and short-term let (Sui Generis) for 5 months annually (in retrospect).

**Item – Local Delegated Decision
Application Number – 23/04355/FULSTL
Ward – B05 - Inverleith**

Recommendation

It is recommended that this application be **Refused** subject to the details below.

Summary

The change of use of this property to a short term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application site is a two bedroom flat located within a block of flats on the western side of Kimmerghame Terrace. The property shares its access to the street with other residential properties.

Kimmerghame Terrace is of predominantly residential character. Public transport links are moderately accessible from the site.

Description Of The Proposal

The application is for the retrospective change of use of the property from residential to short term let (sui generis) (STL) for five months of the year. No internal or external physical changes are proposed.

Relevant Site History

No relevant site history.

Other Relevant Site History

An enforcement case is currently ongoing at the property regarding the unauthorised use of the property for short term letting reference: 23/00653/ESHORT.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 17 November 2023

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 13

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

a) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3

The non-statutory Guidance for Businesses is a material consideration that is relevant when considering LDP Policy Hou 7 and NPF4 Policy 30 and the Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

Proposed use

With regards to NPF 4 Policy 1, the proposed change of use does not involve operational development resulting in physical changes to the property. The proposals will have a negligible impact on the global climate and nature crisis.

NPF 4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (e) specifically relate to STL proposals.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) seeks to protect residential amenity.

The non-statutory Guidance for Businesses (2023) states that an assessment of a change of use of dwellings to an STL will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand and
- The nature and character of any services provided.

Amenity

The proposed short term let is located within a third floor flat. The property shares its access to the street with other residential properties and is located within an area of predominantly residential character that features a low degree of activity during the day and night.

The use of the property as an STL would result in an increased frequency of movement to the property and within the shared stair for five months in the year, every year, representing a pattern of movement that would be dissimilar to that of permanent

residents. A transient visitor may also have less regard for neighbours' amenity than individuals using the property as a principal home, with resultant negative amenity impacts, particularly at night. There could also be a negative impact on community cohesion and residents' safety.

However, it is recognised that the amenity impacts of the application are to a degree mitigated as there is a high likelihood that the additional servicing of the property necessitated by the change of use would be conducted during the daytime.

On balance, the proposed change of use would increase the level of ambient background noise beyond what might be reasonably expected by neighbouring residents, and have a significant detrimental effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

It is important to recognise that having the property within residential use also contributes to the economy, using local services and fulfilling employment opportunities across the City. Long term residents can also make consistent and long-term contributions to the local community.

The proposed change of use would result in a loss of residential accommodation for five months of the year, as well as potentially impacting on the use of the property as a residential home during other periods. As there is a recognised need and demand for housing in Edinburgh, it is critical to retain the existing supply of residential accommodation where appropriate. In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Parking Standards

No new parking is proposed. This is acceptable as there are no parking requirements for STLs.

The proposals comply with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been

justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited weight can be attached to it as a material consideration in the determination of this application.

Independent economic impact assessment

An independent economic impact assessment was commissioned by the Planning Service, and this resulted in a report on the Economic Impact of Residential and Short-Term Let Properties in Edinburgh (the Economic Report). This was reported to Planning Committee on 14 June 2023. The Committee noted that the findings of the report are one source of information that can be considered when assessing the economic impacts of short-term let planning applications and that given the report is considering generalities rather than the specifics of an individual case, it is likely that only limited weight can be attached to it as a material consideration when making planning application decisions. The study considered the economic impact of various types of properties in Edinburgh if used as a residential property as opposed to being used for short-term holiday lettings.

The Economic Report shows that there are positive economic impacts from the use of properties for both residential use and short-term let use. The Report found that in general the gross value added (GVA) effects are greater for residential uses than short-term lets across all property types and all areas. However, given it is considering generalities rather than the specifics of this individual case, only limited weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

The application received 13 objections. A summary of the representation is provided below:

material considerations in objection

Negative impact to neighbouring amenity (noise). Assessed in section a).
Negative impact to neighbouring amenity (security). Assessed in section a).
Negative impact to the local community. Assessed in section a).
Loss of residential accommodation. Assessed in section a).

non-material considerations

The applicant has breached the terms of their title deeds.
Allegations of anti-social behaviour and criminal damage by guests.
Concern regarding the potential criminal intentions of guests.
Improper or the lack of use of communal refuse and recycling facilities by guests.

Conclusion in relation to identified material considerations

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

Overall conclusion

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an adverse impact on local amenity and the loss of a residential property has not been justified.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 27 September 2023

Drawing Numbers/Scheme

01, 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Armstrong, Assistant Planning Officer
E-mail: james.armstrong@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Appendix 2

Application Certification Record

Case Officer

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: James Armstrong

Date: 15 November 2023

Authorising Officer

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Damian McAfee

Date: 17 November 2023

Comments for Planning Application 23/04355/FULSTL

Application Summary

Application Number: 23/04355/FULSTL

Address: Flat 7 13 Kimmerghame Terrace Edinburgh EH4 2GG

Proposal: Use of flat both as residential and short-term let (Sui Generis) for 5 months annually (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Ms Joanna Meger

Address: Flat 2 13 Kimmerghame Terrace Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the said proposal. The owner has been using the said flat for short-term rental since he purchased that property. By doing so, the owner breached the clauses of the title deeds. There are legal clauses in place that forbid certain actions on the property and the owner has a legal obligation to uphold and adhere to them. According to 14.4 "Each dwelling shall be used solely for private residential purposes only and for no other purpose whatsoever and shall not be sub-divided." The owner breached that clause by using that flat for short-term rentals without any consideration of the residents. I have been gathering evidence and I have pictures and videos available for inspection that illustrate the damage to the common areas.. The door on level -1 has been kicked in several times and the rest of the residents are forced to pay their share for the repairs (replacement of locks and door frame). The guests leave bags of rubbish everywhere in our common areas (I have many pictures of that). They don't have fobs or keys so they call other residents for access. I have a video dated 3 October 2023 of 3 men calling my door. They had no keys and they didn't know the flat number of the property (just 13 Kimmerghame Terrace, because that's how the owner advertises his hotel on the Internet). The owner knew that the flats here can't be used for short-term rentals. The guests arrive and leave at any time of the day and night waking up the entire estate and causing disturbances..

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Case Officer: Improvement Team

Customer Details

Name: Ms Joanna Meger

Address: Flat 2 13 Kimmerghame Terrace Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the said proposal. The owner has been using the said flat for short-term rental since he purchased that property. By doing so, the owner breached the clauses of the title deeds. There are legal clauses in place that forbid certain actions on the property and the owner has a legal obligation to uphold and adhere to them. According to 14.4 "Each dwelling shall be used solely for private residential purposes only and for no other purpose whatsoever and shall not be sub-divided." The owner breached that clause by using that flat for short-term rentals without any consideration of the residents. I have been gathering evidence and I have pictures and videos available for inspection that illustrate the damage to the common areas.. The door on level -1 has been kicked in several times and the rest of the residents are forced to pay their share for the repairs (replacement of locks and door frame). The guests leave bags of rubbish everywhere in our common areas (I have many pictures of that). They don't have fobs or keys so they call other residents for access. I have a video dated 3 October 2023 of 3 men calling my door. They had no keys and they didn't know the flat number of the property (just 13 Kimmerghame Terrace, because that's how the owner advertises his hotel on the Internet). The owner knew that the flats here can't be used for short-term rentals. The guests arrive and leave at any time of the day and night waking up the entire estate and causing disturbances..

Comments for Planning Application 23/04355/FULSTL

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Proposal: Use of flat both as residential and short-term let (Sui Generis) for 5 months annually (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Mrs Amanda Larter

Address: Flat 2 42 Kimmerghame drive Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This development is a residential area where noise can impact a large number of properties. Those that rent per night have no respect for professionals who sleep at a normal hour. There has also been a number of issues with this flat leaving rubbish, breaking communal door entry's etc. As I would therefore reject this application as it is not a touristy area and we bought these as homes to relax in and not be bothered by noise at all hours and rubbish from the flat left out in corridors, cans thrown around the development from some of the clientele that it brings.

Comments for Planning Application 23/04355/FULSTL

Application Summary

Application Number: 23/04355/FULSTL

Address: Flat 7 13 Kimmerghame Terrace Edinburgh EH4 2GG

Proposal: Use of flat both as residential and short-term let (Sui Generis) for 5 months annually (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Dr Pamela Fraser

Address: 19/5 Kimmerghame Terrace Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Kimmerghame Terrace is a quiet traffic free residential street and I am concerned about noise levels from short term lets and who will be contactable if problems with tenants if the owner away for work.

Comments for Planning Application 23/04355/FULSTL

Application Summary

Application Number: 23/04355/FULSTL

Address: Flat 7 13 Kimmerghame Terrace Edinburgh EH4 2GG

Proposal: Use of flat both as residential and short-term let (Sui Generis) for 5 months annually (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Mr John Poole

Address: Flat 11 11 Kimmerghame Terrace Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We would like to object to this planning application for the following reasons:

1. It runs counter to the Deeds which cover all properties. Section 14 ("Restrictions On Use" contains the following sub-section (s14.4 page D35 of the Deeds): "Each dwelling shall be used solely for private residential purposes only and for no other purpose whatsoever and shall not be sub-divided." This planning application seeks to disapply this for 5 months of the year. We suggest City of Edinburgh cannot disapply the Deeds, which would be the effect of approving this planning application.
2. The property referenced has a communal entrance to other properties. As such there are issues such as security, noise etc that would arise if it is allowed to be used as a short-term let which do not arise when used solely as a permanent residential property. In particular, we would note that having access to the residential block also provides access to the secure garage covering parking for approximately 70 properties. There is thus a risk of property loss significantly in excess to the cost of one night's accommodation in the affected property. In the event of such loss, eg theft of or from a car, there is a risk that insurers would not settle claims in full if there is no evidence of forced access to the property, ie the garage. Use as a short-term let results in a general loss of security to all properties in the block, due to the frequent turnover of visitors to the affected property, ie it would become more difficult to spot unknown persons attempting to gain access to the block when the presence of irregular visitors would be a more normal occurrence.
3. We are aware from other residents in 13 Kimmerghame Terrace of various examples of anti-social behaviour in the relevant property, which has already been in use as a short-term let. Examples include rubbish left in the shared corridor, rather than taken to the communal bin store,

and suspected damage to property, namely broken locks in the common entrance. Costs of repairing these fall on all owners, not just the one whose property was the cause of the cost. We have ourselves also suffered noise that would be less likely to occur if the flat were used solely for residential purposes, eg cases being wheeled down the road at anti-social hours.

Comments for Planning Application 23/04355/FULSTL

Application Summary

Application Number: 23/04355/FULSTL

Address: Flat 7 13 Kimmerghame Terrace Edinburgh EH4 2GG

Proposal: Use of flat both as residential and short-term let (Sui Generis) for 5 months annually (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Mrs Jane Bredin

Address: Flat 6 2 Kimmerghame Terrace Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: People who have been renting this flat have left rubbish within the stairwells and have trying to gain access at unsociable times if the evening because insufficient keys have been provided and recently there has been damage to shared property.

Our title deeds stipulate that we cannot convert our flats into a hotel which who's in effect , is doing.

Also this is a property with shared access which seems to suggest that a license wouldn't be granted.

Comments for Planning Application 23/04355/FULSTL

Application Summary

Application Number: 23/04355/FULSTL

Address: Flat 7 13 Kimmerghame Terrace Edinburgh EH4 2GG

Proposal: Use of flat both as residential and short-term let (Sui Generis) for 5 months annually (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Ms Margaret Jacobs

Address: 13 Kimmerghame Terrace Flat 5 Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The ongoing disruption, damage and ultimate mental and financial costs of this flat currently being sub-let should mean that a licence isn't warranted. This type of short term let is damaging to the community and city. A number of tenants are constantly being disturbed at all times of day and night by strangers with no keys trying to gain access to a shared entrance. These stories are very upsetting for all in the Kimmerghame community to hear and many of us fully support this licence being refused..

Comments for Planning Application 23/04355/FULSTL

Application Summary

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Proposal: Use of flat both as residential and short-term let (Sui Generis) for 5 months annually (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: V Thompson

Address: 40 Kimmerghame Drive Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I thought properties with shared access were not allowed to be treated as 'hotels' with visitors coming and going at all hours through the night with no thought to other residents. Rubbish being left outside flat door and in common stair. Why should other residents have to live with this unsightly health / safety hazard and have to pay a share of repair bills? I completely object.

Comments for Planning Application 23/04355/FULSTL

Application Summary

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Address: Flat 7 13 Kimmerghame Terrace Edinburgh EH4 2GG

Proposal: Use of flat both as residential and short-term let (Sui Generis) for 5 months annually (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Mr Douglas May

Address: Flat 6 11 Kimerghame Terrace Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application on the following grounds:

Significant impact on neighbours due to increase in anti social behaviour.

Loss and threat to security.

Increased degradation, loss, or damage to common parts of the property such as lifts, electric garage doors, due to a rise in inconsiderate or mindless actions.

An increase in noise.

An increase in disruption and intrusion by frequent turnover of strangers.

Loss of community.

Loss of availability of the property for long term rental.

Comments for Planning Application 23/04355/FULSTL

Application Summary

Application Number: 23/04355/FULSTL

Address: Flat 7 13 Kimmerghame Terrace Edinburgh EH4 2GG

Proposal: Use of flat both as residential and short-term let (Sui Generis) for 5 months annually (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Ms Yolinda Siu

Address: Flat 6, 13 Kimmerghame Terrace Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly oppose the proposed plan for several reasons. Firstly, the operation of a short-term rental business is in direct violation of our title deeds, specifically clause 14.4, which stipulates that each dwelling should be used exclusively for private residential purposes and not for any other activities, including sub-letting.

Secondly, the short-term rental arrangement has led to hygiene concerns. There is a recurring issue of large rubbish bags being improperly disposed of outside the flat. These should be appropriately placed in the designated rubbish bin room to maintain cleanliness and sanitation standards.

Thirdly, the constant influx and departure of unfamiliar individuals pose a security threat to the entire building, causing disruptions to other residents. For instance, these guests often arrive late at night and depart early in the morning, creating disturbances with loud door closures that are inconsiderate of their neighbors. As I live directly opposite Flat 7, I have personally experienced anxiety and discomfort due to these late-night disturbances.

It's worth noting that my overall well-being has been negatively impacted by the frequent turnover of strangers in the building, exacerbating feelings of depression. Therefore, I strongly urge reconsideration of this proposal to preserve the residential integrity, hygiene, and security of our community.

Comments for Planning Application 23/04355/FULSTL

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Proposal: Use of flat both as residential and short-term let (Sui Generis) for 5 months annually (in retrospect).

Case Officer: Improvement Team

Customer Details

Name: Miss Kirsty Williamson

Address: Flat 5 14 Kimmerghame Place Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:- Concern this marks part of ongoing shift to short terms lets rather than owner occupied.

- Already noted within neighbourhood groups comments on noise in the stair & rubbish outside number 7 flat front door within Kimmerghame Terrace (it is currently let).
- Dependent on future tenants possible continued negative quality of life noted & increased noise.
- Concern this may in turn impact on health & safety of those within the complex and building insurance.

From: [David Inverarity](#)
To: [Planning Improvement](#)
Subject: FW: Application Proposal 23/04355/FULSTL, Mr Marketos, Flat 7, 13 Kimmerghame Terrace
Date: 06 October 2023 10:42:37
Attachments: [external.png](#)

Sent: Thursday, October 5, 2023 8:13 PM

To: David Inverarity <David.Inverarity@edinburgh.gov.uk>

Subject: Application Proposal 23/04355/FULSTL, Mr Marketos, Flat 7, 13 Kimmerghame Terrace



Dear Sir,

I strongly object to the said proposal. The owner has been using the said flat for short-term rental since he purchased that property. By doing so, the owner breached the clauses of the title deeds. There are legal clauses in place that forbid certain actions on the property and the owner has a legal obligation to uphold and adhere to them. According to 14.4 "Each dwelling shall be used solely for private residential purposes only and for no other purpose whatsoever and shall not be sub-divided." The owner breached that clause by using that flat for short-term rentals without any consideration of the residents. I have been gathering evidence and I have pictures and videos available for inspection that illustrate the damage to the common areas. The door on level -1 has been kicked in several times and the rest of the residents are forced to pay their share for the repairs (replacement of locks and door frame). The guests leave bags of rubbish everywhere in our common areas (I have many pictures of that). They don't have fobs or keys so they call other residents for access. I have a video dated 3 October 2023 of 3 men calling my door. They had no keys and they didn't know the flat number of that property (just 13 Kimmerghame Terrace, because that's how the owner advertises his hotel on the Internet). The owner knew that the flats here can't be used for short-term rentals. The guests arrive and leave at any time of the day and night waking up the entire estate and causing disturbances.

Kind regards,
Joanna Meger
13/2 Kimmerghame Terrace
EH4 2GG

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14.6 The Common Ground shall be kept in a neat and tidy condition as ornamental garden ground and circulation areas in all time coming for the benefit of the Development as a whole.
14.5 The Developed Common Parts, Block Common Parts, Stair Common Parts and Self-Common Parts shall be kept in a neat and tidy condition in all time coming. No building or any description shall be erected on the Developed Common Parts.
14.4 Each dwelling shall be used solely for private residential purposes only and for no other purpose whatsoever and shall not be subdivided.
14.3 No dogs, cats, poultry, ducks, pigeons, bees, reptiles or other livestock or any domestic animals which shall prove a nuisance to the other Proprietors shall be kept in the Development and the Managing Agents shall be the sole Judge provided that all dogs shall be kept under control within the Development Common Parts. The Block Common Parts, the Stair Common Parts and the Self-Common Parts shall at no time be allowed to run unattended.
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