

Ref: 23/01040/FLL — Application for review.

4 Knowehead House, Dundee Road, PH2 7EY — Mr L. Deans

Comments submitted by Jack Dale, [REDACTED]

In my initial comments regarding Mr Deans's planning application I included a summary of points where I considered his claims to be questionable. Having read the additional remarks that he has submitted in support of his request for review I feel compelled to comment at greater length on what I consider to be factually unsustainable assertions.

- **Mr Deans' remarks on "extensive refurbishment" are disingenuous, and misleading.**

Any significant structural work on the property was undertaken by the initial developer or subsequently by the owners collectively. Work on improving the communally owned grounds, including approved tree work, was undertaken before his ownership. The repair to the "outside communal staircase" has not yet been completed and is also being undertaken as collective effort. None of this was initiated by Mr Deans, nor paid for exclusively by him: nor, indeed, the furnishings of the reception hall. These steps were not taken to ensure the "luxury" of his tourist offering, but to enhance the amenities of the permanent residents.

Quite how his comment that "the restoration aimed to blend seamlessly with the surrounding residential characteristics" relates to his application for change of use is unclear, but certainly it is difficult to see how a hot tub on an elevated balcony exposed to Dundee Road and neighbouring properties now constitutes a seamless blend with the Kinnoull area.

- **Mr Deans' remarks on "Noise Management and Compliance" are specious.**

He repeats an argument employed in his original planning application, in which he refers solely to the absence of official complaints to the external authorities. But he suppresses any reference to the many complaints by the other residents directed to him personally. By doing so he is exploiting their willingness to deal with these concerns in an informal and neighbourly way. This is not only misleading but unfair.

- **Mr Deans' appeal to the title deeds ignores his disregard of their terms.**

It is correct that all the owners on purchase of their properties accepted a provision in the deeds that the flats could be used for holiday letting. But If Mr Deans believes that this

provision overrides the national legislation and local authority regulations he is surely mistaken.

What he fails to note is that the same deeds make provision for an owners committee empowered to decide on repairs, alterations, development, etc in respect of the property. Mr Deans has treated this committee's deliberations with scant respect. ("Your silly wee committee" to quote his words to me.) He has frequently made decisions to enhance the profitability of his business without reference to the committee and regularly been confrontational rather than cooperative on matters of concern to the permanent residents.

- **Mr Deans' claims re his economic contribution are subjective and exaggerated.**

He repeats many of the points made in his original application, which strike me as containing much special pleading. His implied comparison of his small flat in a converted 19th century mansion with large tourist establishments is bizarre. In fact, I suggest that the contrast only highlights the central point of my original objection to his application: namely, that ***the quality, character and location of Knowehead House render it an inappropriate setting for the commercial operation run by Mr Deans.***

- **I note that Mr Deans offers no response to the allegations of disruption and disturbance caused by his business to the lives of the permanent residents.**

10 January 2004