

KEY INFORMATION

Ward The Ferry

Proposal

Erection of a pigeon loft

Address

409 Brook Street
Broughty Ferry
Dundee

Applicant

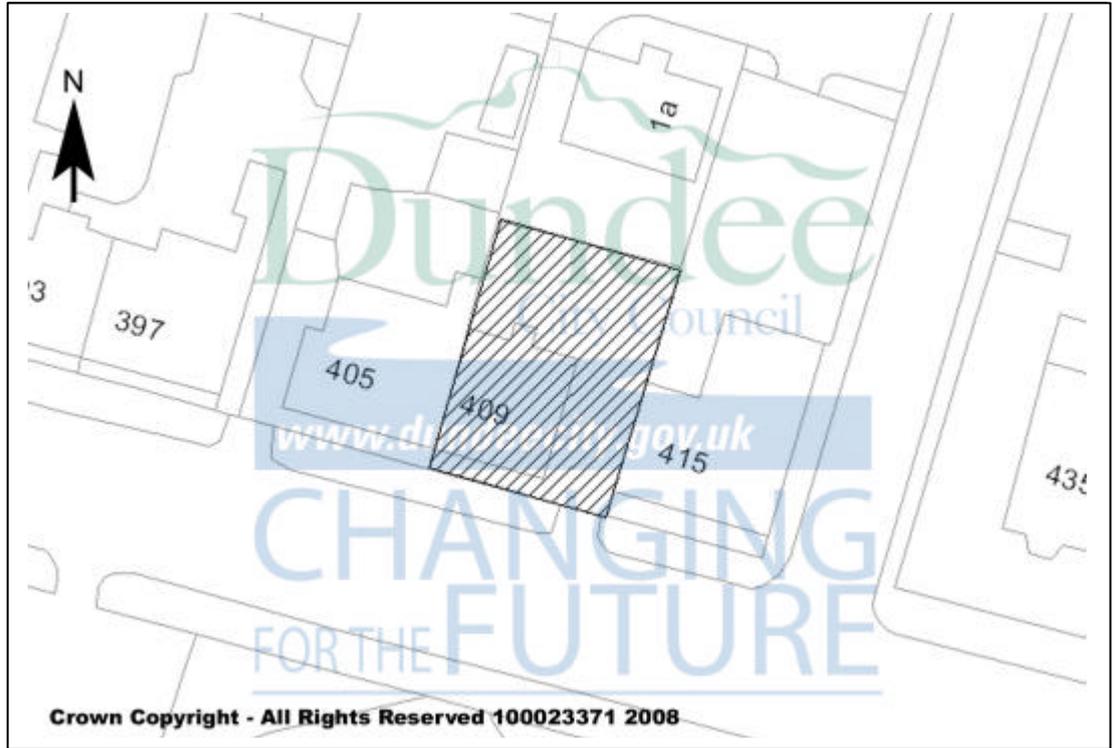
A Duncan
409 Brook Street
Broughty Ferry
Dundee
DD5 2DX

Agent

Angus Johnman
11 Harley Street
Broughty Ferry
Dundee

Registered 25 Feb 2008

Case Officer Stephen Page



Pigeon Loft Proposal for Central Broughty Ferry

The erection of a pigeon loft is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed pigeon loft complies with Policy 1 of the Dundee Local Plan Review 2005. There are no material considerations that would justify laying aside the development plan to refuse planning permission. Therefore the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- The application seeks retrospective planning permission for a pigeon loft situated to the rear of houses at 409 Brook Street and 1a Cross Street, Broughty Ferry.
- Three objections were received concerned about the size of the structure, overlooking, overshadowing, loss of amenity and environmental nuisance caused by the pigeons.
- The proposal has been found to comply with Policy 1 of the Dundee Local Plan Review 2005 and the contents of the objections are not supported.

DESCRIPTION OF PROPOSAL

The proposal is for the erection of a pigeon loft to the rear of 409 Brook Street, Broughty Ferry. The Pigeon Loft is of a wooden shed-like design of approximately 12.5 metres wide and 2.5 metres deep with a pitched tiled roof. The loft has been constructed and subsequent to the planning application being lodged a further wire frame extension of approximately 5m² has been added at the south east corner.

SITE DESCRIPTION

The development is within the rear garden area of 409 Brook Street, which lies to the north side of Brook Street. Surrounding uses are predominantly residential but with St Aidans Church to the south.

Included in the development is some land take from a neighbouring property of 1a Cross Street which has resulted in the boundary fence being removed towards the north-east. Fence posts currently exist immediately north of the pigeon loft which would appear to be the initial stages of the erection of a new boundary fence.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 2005

The following policies are of relevance:

Policy 1: Vibrant And Sustainable Communities - the City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Scottish Planning Policies, Planning Advice Notes and Circulars

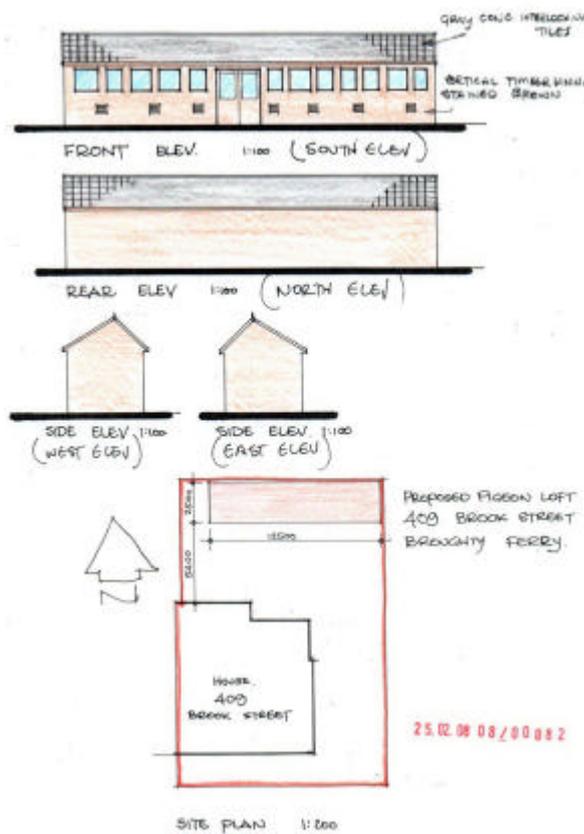
There are no statements of Government policy relevant to the determination of this application.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.



SITE HISTORY

Prior to this application the property at 409 Brook Street had a pigeon loft in its rear garden. Before the construction of the present loft in spring 2008, the rear garden area was smaller, with the extension into 1A Cross Street occurring only during the construction of the present loft.

The rear boundary of the garden has been moved further north-east to accommodate the new pigeon loft. Therefore the status of 1a Cross Street

is also relevant. 1a Cross Street was granted planning permission on 24 March 1997 with a condition that it have a rear garden area which extended seven metres from the rear building line in order to protect the residential amenity of 409 Brook Street.

It should be noted that this application is for retrospective permission in that the loft was constructed in early 2008 against the advice of planning enforcement officers and is in full use. A new boundary fence with 1A Cross Street is currently being erected.

PUBLIC PARTICIPATION

The applicant has carried out the statutory neighbour notification procedure.

Three objections have been received concerned about the size of the structure, overlooking, overshadowing, loss of amenity and environmental nuisance caused by the pigeons.

One additional objection was received but was anonymous and therefore invalid. However it raised no additional concerns from those listed above.

Copies of the objections are available in the Member's Lounges and the issues raised are discussed in the Observations section below.

CONSULTATIONS

No adverse comments have been received from Statutory Consultees.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- whether the proposals are consistent with the provisions of the development plan; and if not
- whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

Policy 1: Vibrant and Sustainable Communities - this policy seeks to ensure that new developments in residential areas minimise their effect on residential amenity and environmental quality based on key criteria:

Design and Layout: The appearance of the pigeon loft is of a good quality and as a result of its wooden boarding is considered to resemble the construction style of a good quality garden shed which would not be out of place in a typical rear garden setting. The ridged roof is also considered to be in keeping with the general appearance of the local area. The loft has been placed on a slightly elevated site in the rear garden ground of 409 Brook Street. The elevated site results in an increase in overshadowing, particularly to the garden area of 1a Cross Street but the occupant of that property has not objected to the proposal. The overshadowing is however not significantly different from that which would occur if a typical high garden fence were to be constructed on that boundary and as such is not sufficient to warrant refusal of the application.

Parking & Traffic Movement Issues: The parking area associated with 409 Brook Street has not been affected by this proposal and is not relevant to consideration of this application.

Noise or Smell: Whilst there is anecdotal evidence from objectors concerning such issues, the advice from the Director of Environmental Health and Trading Standards has indicated that measuring such effects from a pigeon loft is extremely difficult and are unlikely to be conclusive as there is no difference between the effects of the pet pigeons and wild birds.

It is concluded from the foregoing that the proposal does comply with the provisions of the Development Plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

Town and Country Planning (General Permitted Development) (Scotland) Order 1992 - for clarification, on the basis of the plans submitted, the proposed development would appear to comply with the terms of Class 3 (the provision within the curtilage of a dwellinghouse of any building or

enclosure, required for a purpose incidental to the enjoyment of the dwellinghouse) and therefore be classed as permitted development, not requiring the submission of a planning application. However, the development has extended beyond the area defined as curtilage of the existing house and occupied part of the curtilage of 1a Cross Street. The normal permitted development rights therefore are not considered to apply in this case. It should be noted however that the keeping of birds for the domestic needs or personal enjoyment of the occupants of a dwellinghouse is stated as being within the terms of the order and as such this planning application is considered on the basis of the building constructed, and as such should not concentrate on its use.

Objections

Three objections were received citing concerns over the size of the structure, overlooking, overshadowing, loss of amenity and environmental nuisance caused by the pigeons.

These issues have been considered in the assessment against policy one of the Dundee Local Plan Review 2005 and the development was found to cause some overshadowing to the rear garden of 1A Cross Street. The quantity of overshadowing is not in itself considered sufficient to warrant refusal of the application.

The issue of environmental nuisance cannot be quantified in this instance and is therefore not supported though it can be accepted that the concentration of birds in a particular location can have some effect on residential amenity for immediate neighbours. Anecdotal evidence from objectors has indicated environmental difficulties with previous pigeon lofts on this site. However, as these cannot be accurately quantified in comparison to nor differentiated from the effects of wild birds it is inappropriate to place substantial weight on this issue.

Overlooking: whilst the site has been elevated to a small extent by the development, it is not considered that the use of the building affords a person any significantly increased view over neighbouring properties and as such this concern is not supported.

It is concluded from the foregoing that insufficient weight can be accorded to the material considerations such as to justify the refusal of planning

permission contrary to the provisions of the Development Plan. It is therefore recommended that planning permission be approved subject to conditions.

Design

The Pigeon loft is specifically designed for its purpose, being of wooden construction with a tiled roof and is considered to be of a reasonably attractive visual appearance.

CONCLUSION

The proposal complies with the criteria of Policy 1 of the Dundee Local Plan Review 2005. There are no material considerations that would justify laying aside the development plan to refuse planning permission.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.