

North Northamptonshire Area Planning Committee (Wellingborough) 24 January 2022

Application Reference	NW/21/00929/FUL	
Case Officer	Mr Chris Law	
Location	25 Croyland Road Wellingborough Northamptonshire NN8 2LB	
Development	L shaped detached pigeon loft and shed located in rear garden (retrospective)	
Applicant	Mr Reg Wright	
Agent		
Ward	Croyland and Swanspool Ward	
Overall Expiry Date	20 December 2021	
Agreed Extension of Time	26 January 2022	
Checked	Senior Development Management Officer	Debbie Kirk

Scheme of Delegation

This application is brought to committee because it falls outside of the council's scheme of delegation as objections have been received from the ward councillor and Wellingborough Town Council and officers are recommending approval.

1. Recommendation

- 1.1 That planning permission be **GRANTED** subject to the conditions listed at the end of the report

2. The Application Proposal and Background

2.1 This application seeks retrospective planning permission for the erection of an L-shaped outbuilding within the rear garden of the application property. The outbuilding is used partly as a pigeon loft for the keeping and breeding of racing pigeons and partly as a storage shed.

2.2 The building measures approximately 18.28 metres in length by approximately 7.48 metres in width at the widest point along the rear boundary of the garden. The building is positioned with its longest length along the boundary with the neighbour at number 27 Croyland Road. The building is constructed in timber and sits on a red brick plinth. The building is finished in timber cladding painted cream and dark brown with a corrugated asymmetric pitched roof. The rear garden of the property slopes up towards the rear and the height of the building from the ground level to the ridge of the building's roof measures 3.55 metres closest to the house and 2.95 metres at the rear of the garden.

2.3 The application has been accompanied by a personal statement and subsequent correspondence from the applicant which provides details on the sport of pigeon racing, the applicant's own background as a pigeon racer, as well as details of how the pigeons are kept, exercised and bred.

3. Site Description and Surroundings

3.1 The application site is located to the south west of the town centre of Wellingborough in an established residential area. The property is a two-storey semi-detached house positioned on the southern side of Croyland Road. The property is attached to number 23 Croyland Road to the east, adjacent to number 27 Croyland Road to the west and the rear garden backs on to the car park of Wrenn School to the south.

3.2 The rear garden of the property measures approximately 32 metres in depth and there is an existing garage building in the garden close to the side of the house which is accessed from the driveway. The rear garden is on two main levels to provide a patio and lawn next to the house with steps up to a large lawn and the pigeon loft. The rear section continues to slope up to the rear.

4. Relevant Planning History

4.1 No relevant planning history.

5. Consultation Responses

A full copy of all comments received can be found on the Council's Website <https://www.wellingborough.gov.uk/viewplanningapplications>

5.1 Wellingborough Town Council

Strongly objects to the application due to the scale, siting and design that has a negative impact on the street scene. The application contravenes policies 3, 8 (d) and 8 (e) of the JCS. It fails to improve the character and quality of the area and the way it functions which paragraph 130 of the NPPF (2019) requires.

5.2 Councillor for Croyland and Swanspool Ward - Councillor V Anslow

Objects to the application as both ward councillor and as a resident in an adjoining road to the site. The objection can be summarised as follows:

- concerns over the pigeon loft on the quality and variety of wildlife visiting the gardens as well as the pigeons being pests by many who grow their own vegetables and fruit
- bird droppings polluting the area
- vermin attracted to the site
- the building is far too large for the space it occupies and could be considered overdevelopment
- pigeons are a nuisance in the town centre and the birds will add to the overall number
- not the right place near the town centre and away from the edge of town, the loft should be built away from buildings so the pigeons are able to find their way back.

5.3 Environmental Protection (Land contamination)

No objections to make for land contamination. A condition is recommended should any unexpected contamination be found during the works.

5.4 Environmental Protection (Noise, Light, Air Quality)

No objections to the application and no complaints have been received regarding the pigeon loft to date.

5.5 Royal Pigeon Racing Association (RPRA)

The RPRA has responded to each of the concerns raised by the ward councillor and neighbours with regards to pigeon racing and supports the application.

5.6 NNC Landscape Officer

As the application is retrospective any damage to surrounding woody vegetation will have occurred already and it is the underground support which would be the relevant consideration. This is in the rear garden and there should not be any visual impact.

5.7 Neighbours/Responses to publicity

Two letters of objection have been received from neighbours in the vicinity of the application site. The issues raised are summarised below:

- concerns raised regarding rat problems in Wellingborough and considers the pigeon loft will add to the issues and create a concentrated rat problem around the properties nearby
- due process has not been followed due to retrospective application
- concerns regarding the size of the building which blocks their view
- number of birds housed within a building this size
- concerns regarding noise pollution, flying schedules, bird waste, lighting, ecological and health and safety impacts
- concerns regarding the potential for breeding of the birds as a business and what documentation would be required

Two letters of support have been received however one of these is from another member of the household of the applicant. The comments of the neighbour in support can be summarised as follows:

- whilst large the construction has been done in a very neat and considerate way
- the applicant discussed the plans for the building and were accommodating when asked for the rear of the loft to be painted to match the adjacent summerhouse and fence
- improves the view from the garden by blocking the view of the ugly Wrenn School building and adds privacy to garden.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy – Part 1 of the local plan (JCS)

Policies:

- 1 (presumption in favour of sustainable development)
- 6 (development on brownfield land and land affected by contamination)
- 8 (North Northamptonshire place shaping principles)

6.4 Other Relevant Documents:

Sustainable Design
Biodiversity

7. Evaluation

The proposal raises the following main issues:

- principle of development and material considerations;
- design, layout and the effect on the character and appearance of the surrounding area;
- noise;
- living conditions of the neighbouring occupiers;
- contamination;
- conditions.

Principle of Development and material considerations

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.”*

7.2 Policy 1 of the JCS is clear that when considering development proposals, the local planning authority will take a positive approach that reflects the presumption in favour of sustainable development as set out within the revised NPPF.

7.3 In addition to the specific NPPF requirements set out above, paragraph 132 states that 'applicants will be expected to work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably'.

7.4 The application form at question five indicates that no pre-application advice or assistance has been sought from the council. This application has been submitted following an enforcement enquiry and the application was invited by the council's enforcement officer to regularise the unauthorised development. The NPPF from paragraph 41 extols the virtues of applicants engaging in pre application discussion with the council to resolve any issues that may arise to help applicants avoid any unnecessary delays and costs.

7.5 The proposed outbuilding and its use as a pigeon loft and storage **is** considered to be, incidental to the residential use of the application property and are therefore considered acceptable in principle, subject to the more detailed policy considerations below.

Design, layout and the effect on the character and appearance of the surrounding area

7.6 JCS at policy 8 (d) (i) and (ii) describes the principles that proposed development must take into account with regards to its effect on the character and appearance of an area.

7.7 The government at paragraph 130 (a) – (d) of the revised NPPF attach great importance to the design of built development. It goes on to advise that planning decisions should ensure that development will function well and add quality of the overall area; not just for the short term but over the life time of a development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the built environment and landscape setting, while not discouraging appropriate innovation and change; establish or maintain a strong sense of place, using the arrangements of streets, space, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

7.8 The National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

7.9 The proposed outbuilding is L-shaped and measures approximately 18.28 metres in length (section f on floor plan) by approximately 7.48 metres in width (section e on floor plan) at the widest point along the rear boundary of the garden. The width of the building measures 2.4 metres at the ground level and 3.0 metres wide in total when including the overhanging roof and outdoor pigeon box sections (sections c and d on floor plan).

7.10 Due to the sloping nature of the garden, the height of the outbuilding measures 3.55 metres from the ground level to the ridge closest to the house and 2.95 metres from the ground level to the ridge at the rear of the garden.

7.11 Only the top of the nearest section of the roof of the outbuilding is visible within the street scene due to its location within the rear garden of the property and it is therefore considered that the development does not have a detrimental effect on the character and appearance of the immediate or wider street scene. NNC landscape officer confirms this view and states that as the structure is in the rear garden there is no visual impact. However, the impact of the outbuilding on the existing house and the surrounding neighbouring properties also needs to be assessed.

7.12 The rear garden of the property measures approximately 32.0 metres in length by approximately 9.2 metres wide. The outbuilding is considered by neighbours, the town council and ward councillor to be very large for a domestic outbuilding in a garden of this size as it is over half the length of the garden and almost the full width at the rear. Policy 8 (d) (ii) is clear that developments should respond to the overall form, character and landscape setting of the settlement and this outbuilding is much larger than any other outbuilding in the locality, however due to the narrow L-shaped design which wraps around the rear corner of the garden of the property, the length and width of the rear garden remains appreciable and the outbuilding is therefore, on balance, considered by officers to be acceptable in form, scale and character.

7.13 The applicant has recently moved to the property and moved the outbuilding from their previous address where they state that the building did not require planning permission as it met the requirements of Class E (buildings etc incidental to the enjoyment of a dwellinghouse) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The applicant submits that they were unaware that as the outbuilding is now positioned within 2 metres of the boundary of the property, that no part of the outbuilding could exceed 2.5 metres in height. This height restriction increases to 4 metres for buildings with a dual-pitched roof when not within 2 metres of a boundary of the property. However, the outbuilding would meet with the requirements of Class E of the GPDO in all other aspects. The applicant has stated that the roof could not easily be altered to comply with the requirements of the GPDO due to the specific design which provides ventilation and light to ensure the correct conditions for the health of the pigeons.

7.14 The building has been constructed in timber and sits on a red brick plinth. The building is finished in timber cladding painted cream on the wall sections and black on the end of the roof sections. It is these sections that face into the garden and are the sections that are mainly visible from within the host property's garden and the neighbouring properties as it is not easily visible within the street scene. The asymmetric roof is constructed with black corrugated roofing with perspex sections to allow light into the pigeon loft. The timber cladding to the rear of the outbuilding has been finished in a dark brown colour to match in with the neighbouring property at number 27 Croyland Road's fence and outbuilding in their rear garden which are finished in similar shades of brown.

7.15 There are a number of other garden buildings in the vicinity of the application site which are constructed in materials similar to those used on this building and

therefore it is considered that the materials used do respond to the site's immediate and wider context in accordance with policy 8 (d) (i) of the JCS in this regard.

7.16 Concerns have been raised by Wellingborough Town Council in relation to the size, siting and design and the impact upon the street scene. Further objections have been raised by the ward councillor and neighbours regarding the building being an overdevelopment of the site and the size of the building blocking views. Whilst the concerns raised are noted, it is not considered that the development is so detrimental that it would warrant refusal of the application on this basis, for the reasons previously stated.

7.17 Overall, whilst it is considered that the building is large within its domestic garden setting, the quality of the construction and the use of materials and finishes, as well as the L-shaped design are considered to minimise the impact of the building and are acceptable. On balance, the development is considered to be in general conformity with policy 8 (d) (i) and (ii) of the JCS.

Noise

7.18 To ensure quality of life and safer and healthier communities the JCS at policy 8 (e) (ii) states that new development should be prevented from contributing to or being adversely affected by unacceptable levels of noise.

7.19 Chapter 15 of the revised NPPF gives advice on how local planning authorities should prevent new development from being adversely affected by unacceptable levels of noise pollution. The NPPF further advises that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

7.20 The PPG offers detailed advice on Noise which was updated on 24 December 2014.

7.21 A number of concerns have been raised by interested parties that the pigeon loft would lead to an increase in noise from the birds and that this would be detrimental to their amenity.

7.22 As this application is retrospective, it was possible to observe the birds within the pigeon loft during the site visit and it was noted that there was little to no noise from the birds during this period. The applicant has submitted a statement in support of the application that confirms that the birds are exercised for only 1 hour per week and are kept within the loft for the rest of the time. It is submitted that on race days the birds return immediately inside the pigeon loft to feed and do not congregate in gardens or within trees in the surrounding areas which could give rise to the potential for noise/nuisance.

7.23 NNC environmental protection officer has commented that they have no objections to the proposals in relation to noise and have confirmed that no complaints have been received by the department in relation to noise emanating from the pigeon loft since its construction was completed in June 2021.

7.24 It should be identified that the council's environmental protection service has powers to deal with any unacceptable noise the development may create as necessary under the provisions of the Environmental Protection Act 1990.

7.25 The development would therefore comply with Policy 8 (e) (i) of the JCS.

Living conditions of the neighbouring occupiers

7.26 The JCS at policy 8 (e) (i) details policy relating to the protection of amenity of neighbouring occupiers.

7.27 At paragraph 130 (f) of the revised NPPF the government requires new development to provide 'a high standard of amenity for all existing and future users.

7.28 The outbuilding is considered to be large for the size of the garden in which it is situated, and this has the potential to impact upon the amenity of the neighbouring residential occupiers.

7.29 Policy 8 (e) (i) considers amenity in relation to noise, vibration, smell, light or other pollution and loss of light/overlooking. The impact on noise has already been considered in the previous section of this report, therefore this assessment focuses on smell, lighting, loss of light and overlooking/privacy.

7.30 The outbuilding is positioned to the rear of an existing flat roof garage building at the property which is located at the end of the driveway closer to the houses than the pigeon loft. This separation distance helps to minimise the impact of the building in relation to the loss of light to neighbouring properties habitable room windows. The council has guidance in relation to how far extensions can project from the rear of houses in relation to loss of light however this would not apply in this instance as this is an outbuilding and due to its position and separation distance from the houses is not considered to have such a detrimental impact it would be worthy of a refusal on this basis.

7.31 The outbuilding is not used as habitable space and does not have windows so it is therefore not considered that there would be any privacy impacts in relation to neighbours.

7.32 A number of concerns have been raised by neighbours in the vicinity and the ward councillor regarding the potential for smells and the attraction of vermin to the site due to the building's use as a pigeon loft. This has not been raised as an issue by the environmental protection officer and the applicant has advised that the pigeons and loft are maintained to ensure the pigeons are healthy and no vermin would be attracted to the site. It was also noted on site that there was no smell emanating from the pigeon loft to the outside.

7.33 Comments have also been raised regarding the use of lighting to help the pigeons find their way back to the loft when racing/exercising. The applicant, and subsequently the comments of the Royal Pigeon Racing Society, have confirmed that there would be no need for any external lighting as the pigeons do not use light to guide them home. No external lighting is proposed within the application and therefore the application is considered acceptable in this regard.

7.34 The comments of the nearby residential occupiers with regards their views on how the proposed development would affect them are noted. However, it is thought that the scheme would not have such a significant effect on the standard of amenity

which is currently enjoyed by the adjacent residential occupiers for the reasons previously stated.

7.35 Concerns have also been raised that the applicant may run a business from the outbuilding in relation to the breeding of birds and this could result in visitors to the property and therefore additional vehicular trips. The applicant has confirmed that he will not run a business from the premises however it is considered prudent to add a condition restricting the use of the building to a pigeon loft and domestic storage and that no business can be run from the premises. The recommended condition also allows the use of the building to revert to other incidental uses should the current use cease.

7.36 Subject to the aforementioned condition, the development would be considered acceptable and in accordance with policy 8 (e) (i) of the JCS in this regard.

Contamination

7.37 The JCS at policy 6 says that local planning authorities will seek to maximise the delivery of development through the re-use of suitable previously developed land within the urban areas. Where development is intended on a site known or suspected of being contaminated a remediation strategy will be required to manage the contamination. The policy goes on to inform that planning permission will be granted where it can be established that the site can safely and viably be developed with no significant impact on either future users of the development or on ground surface and waters.

7.38 The revised NPPF at paragraphs 184 and 185 sets out policies on development involving contaminated land. The planning practice guidance also offers detailed government advice on this topic.

7.39 The council's environmental protection officer has responded to the application and raises no objections however a condition is recommended to ensure any unexpected contamination that is found during construction is mitigated. As this application is retrospective and the work is complete it is not considered the condition is necessary to be imposed.

7.40 The development would comply with policy 6 of the JCS in this regard.

Conditions

7.41 The revised NPPF at paragraph 55 requires conditions to only be imposed where they are: necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The PPG reiterates this advice.

7.42 It is considered that the proposed conditions meet the tests set out in the NPPF and the provisions of the PPG.

8. Other Matters

8.1 A number of concerns have been raised by the ward councillor and neighbours and these have been addressed either in the relevant section of this report or below.

Each of the concerns have been addressed by the Royal Pigeon Racing Society in their support letter and these have been summarised below for completeness.

8.2 Impact on the quality and variety of wildlife that visits the garden- There is no evidence that pigeons have such an impact.

8.3 Bird droppings would pollute the area- There would be no impact due to pigeon droppings. The pigeons will be flying during the daytime and when they finish their exercise will immediately enter the loft for feeding, they will not be allowed to hang around houses or gardens defecating.

8.4 Vermin will be attracted to the site- The last thing a pigeon racer wants is for vermin to be present, this will upset the pigeons and have a detrimental impact on their ability to race competitively. Every care is taken to avoid this. The lofts are cleaned daily and no food is left lying around and is stored in sealed containers.

8.5 Pigeons are a nuisance in the town centre- These are racing pigeons and are not feral and will not be allowed to cause a nuisance as they will be under strict control.

8.6 Pigeon lofts need to be built away from buildings so that the pigeons are able to find their way back- It is estimated that 90% of pigeon lofts in the UK are in gardens similar to this, it has no detrimental impact on the pigeon's homing ability.

9. CONCLUSION/PLANNING BALANCE

9.1 The proposed development complies with the relevant development plan policies and is consistent with the provisions in the revised NPPF. In the absence of any material considerations of sufficient weight, it is recommended that the proposal be approved subject to conditions.

10. RECOMMENDATION

10.1 It is recommended that planning permission is **GRANTED** subject to the conditions below:

11. Conditions

1. The development hereby approved shall be carried out in accordance with the following drawings/details:

Drawing No. TQRQM21307162015052 - Site Location Plan (registered 4 November 2021)

Drawing Ref. 001 - Site/Block Plan (registered 25 October 2021)

Drawing Ref. 002 - Outbuilding Elevations (registered 25 October 2021)

Reason: To define the permission and to conform with the requirements of The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009.

2. The development hereby permitted shall be used as a pigeon loft and domestic storage for the benefit of the occupiers of 25 Croyand Road, Wellingborough only and no business shall operate from the premises. Should the permitted use cease, the outbuilding shall revert to a use incidental to the main residential use of 25 Croyland Road, Wellingborough.

Reason: Only this use is permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) may not be acceptable and would require further consideration by the local planning authority.

12. INFORMATIVE/S:

1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraph 38 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in the framework.