
APPLICATION DETAILS

Application No:	17/0023/FUL
Location:	52 Coronation Green Middlesbrough TS3 0LT
Proposal:	Retrospective application for outbuilding / pigeon loft within rear garden
Applicant:	Mr Glen Mescus
Agent:	
Ward:	Park End/Beckfield
Recommendation:	Approved with Conditions

SUMMARY

The application before Members is a full planning application seeking the retrospective permission for the erection of an outbuilding within the rear garden. The application site is located within a residential area, with no specific policy allocation within the adopted local plan.

Although a range of issues were brought forward following the consultation phase, the principal issues for Members to consider are the overall design, scale and location of the outbuilding, and whether it will have a detrimental impact on the amenity of the neighbouring dwellings

This report analyses all the issues raised and assesses the proposal. Ultimately, however, the report concludes that the proposed development is acceptable and it is the officer's recommendation to approve subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a bungalow bounded on all sides by similar bungalows, within Coronation Green which has a mix of two storey and bungalow dwellings, of a brick and tile construction.

The proposal seeks retrospective permission for the erection of an ancillary outbuilding within the rear garden of the property situated directly to the rear of the existing garage. The outbuilding has measurements of 3.0m in height, 1.8m in depth and 6.7m in length.

The outbuilding is constructed on timber wall and a pitched tiled roof, with window opening and a doorway facing onto the garden space.

PLANNING HISTORY

M/FP/0686/07/P - DORMER WINDOW TO REAR Approved
12th June 2007

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- a) *The provisions of the development plan, so far as material to the application;*
- b) *Any local finance considerations, so far as material to the application; and*
- c) *Any other material considerations.*

The following documents together comprise the Development Plan for Middlesbrough;

Middlesbrough Local Plan;

- *Housing Local Plan (2014);*
- *Core Strategy DPD (2008, policies which have not been superseded/deleted only);*
- *Regeneration DPD (2009, policies which have not been superseded/deleted only);*
- *Tees Valley Joint Minerals and Waste Core Strategy DPD (2011);*
- *Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011);*
- *Middlesbrough Local Plan (1999, Saved Policies only); and*
- *Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).*

The overarching principle of the National Planning Policy Framework (NPPF) is to support sustainable development, and that it should go ahead without delay. It defines the role of planning in achieving economically, socially and environmentally sustainable development and recognises that each are mutually dependent. The NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles', which can be summarised as follows:

- *Being plan led;*
- *Enhancing and improving areas;*
- *Proactively drive and support sustainable economic development to deliver homes, business, industry and infrastructure and a thriving local economy;*
- *Always seek a high quality of design and good standard of amenity for existing and future occupants;*
- *Take account the different roles of areas, promoting the vitality of the main urban areas whilst recognising the intrinsic character of the countryside;*
- *Support the transition to a low carbon future, taking full account of flood risk, resources and renewables;*
- *Contribute to conserving and enhancing the natural environment;*
- *Encourage the effective use of land;*
- *Promote mixed use developments;*
- *Conserve heritage assets in a manner appropriate to their significance;*
- *Actively manage patterns of growth making fullest use public transport, walking and cycling and focus significant development in sustainable locations; and*
- *Take account of local strategies to support health, social and cultural well-being and deliver community and cultural facilities to meet local needs.*

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

CS1 - Spatial Strategy
 DC1 - General Development
 CS5 - Design

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.

<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

Following the standard consultation for an application of this type a number of objections were received to the proposal. A summary of these objection are detailed below:

Susan Saunders (No address provided): I am against the pigeon loft as I have moved house twice before because the neighbours got pigeons I have a phobia against them. Also I do believe they cause rodents, and the mess the birds do to vehicles.

56 Coronation Green - I am emailing you in connection with above planning application. As a resident of Coronation Green, Ormesby I would like to register my objection to the above application. I feel it would not be a desirable addition to a residential area and is highly likely to attract vermin. I hope you will take my objection and reasons into consideration when making a final decision.

43 Coronation Green – Pigeons loft are out of keeping within a residential estate, and should be within allotments. Nuisance caused by droppings.

45 Coronation Green – Nuisance of mess caused by droppings, leading to increase in vermin. Noise and nuisance from other pigeon fanciers visiting the site.

54 Coronation Green – Increase in the amount of vermin attracted to the site, affect on property value, health hazard to children and excessive in size.

51 Coronation Green – Attraction of vermin to the site, and fouling by the pigeons.

53 Coronation Green - Blocking my Sun light and very obtrusive to my garden. It also has had an effect on the property prices. I just can't understand why it has to be so big. I have a handicapped granddaughter who is in my residency and I am concerned with the impact of the pigeons on her health. She is susceptible to infections at all times. Also I have noticed since this building has been erected I have seen a decline in my back garden

Technical Response:

Environmental Health – No objection

Public Responses

Number of original neighbour consultations	15
Total numbers of comments received	6
Total number of objections	6
Total number of support	0
Total number of representations	0

PLANNING CONSIDERATION AND ASSESSMENT

1. In terms of the overall analysis of the application significant weight must be afforded to the Councils adopted Local Plan which guide the Councils decision making particularly in relation to the design and impact of the development on the character and streetscene of the area, along with the protection of amenity for the neighbouring dwellings.
2. In assessing the proposal with the outbuilding being in situ a comprehensive assessment was able to be undertaken on the proposal, and its potential impact on the surrounding properties.
3. The outbuilding has been erected for a purpose ancillary to the enjoyment of the occupier, and as such in most cases developments of this type would fall within Class E of the General Permitted Development Order and therefore would not require planning approval.
4. However, in this instance, due to the height of the building exceeding 2.5m it is not able to benefit from these permitted development rights and as such requires the express consent of the LPA.
5. In responding to the neighbours' comments, there were numerous comments made in relation to the potential of noise, attraction of vermin and nuisance caused by pigeons along with loss of property value. However, these are not material considerations which are able to be taken into consideration in the determination of this application. The basis of this application is whether the outbuilding by virtue of its physical form will create a negative impact on the amenity of the neighbours, and not the activity of keeping pigeons.
6. The hobby of pigeon keeping/racing is a popular and long established activity particularly within Northern England; and there is little doubt that the activity of pigeon keeping is a use which is incidental to the enjoyment of a dwellinghouse, indeed, the keeping of birds is expressly detailed within Planning Legislation as being an incidental activity. Therefore, the analysis of this application will solely be based on the built structure of the outbuilding, and not on its potential uses.

7. Notwithstanding the above, the issues of nuisance, noise and vermin would be dealt with through separate Environmental Health legislation should it be proven that a statutory nuisance has been caused.

8. The outbuilding is set within the back garden of the property behind an existing garage, therefore the character of the area from the streetscene is protected.

9. The design and location of the outbuilding is such that it is considered to have a minimal impact on the neighbouring dwellings. An objection was received from the neighbouring dwelling at 53 Coronation Green in relation to the blocking of sunlight to the garden. Whilst there will be some impact on the garden it is considered that this will only have a minimal impact on a small portion of the garden set away from the main dwelling, in addition, the design of the outbuilding is such that it minimises the impact on the neighbouring property with the ridge being offset to within the host dwelling so that a low pitch roof is visible and experienced from the neighbouring property at 53 Coronation Green to maximise the available sunlight.

10. The proposed materials and finish of the outbuilding is of a high quality, which will maintain and enhance the appearance of the host garden space and the visual amenity of the surrounding neighbours with a direct aspect of the proposed building.

11. It is worth re-iterating that the need for planning approval is due to the height exceeding the 2.5m limit set out in the General Permitted Development Order. Therefore, the applicant could reduce the height of the outbuilding by 0.5m, to make the development permitted development, therefore taking a pragmatic approach it needs to be considered whether the additional 0.5m in height is sufficiently detrimental to warrant refusal.

12. It is in this regard, and having full consideration of the development in relation to its design, scale and location and having full regard for the objections and comments received that the development is considered to be appropriate in its design so not to be overly dominate to the detriment of the area or the property, and fully in accordance with the National Planning Policy Framework, and Local Plan Policies DC1 and CS5.

13. There are no material considerations that would outweigh the policy consideration to warrant refusal, in line with the spirit of the NPPF.

14. Therefore, in respect to the above, it is recommended that the application be approved subject to the conditions as set out below.

RECOMMENDATIONS AND CONDITIONS

Approved with Conditions

1. Approved Plans

The development hereby approved shall be carried out in complete accordance with the plans and specifications received on 13th January 2017 and shall relate to no other plans.

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

2. Time Limit

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

REASON FOR APPROVAL

This application is satisfactory in that the design of the proposed outbuilding accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraphs 186-187 of the NPPF. In addition the proposal accords with the local policy requirements (Policies CS5 & DC1 of the Council's Local Development Framework).

In particular the outbuilding is designed so that its appearance is complementary to the existing dwellinghouse and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The outbuilding will not prejudice the appearance of the area and does not significantly affect any landscaping nor prevent adequate and safe access to the dwelling.

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations which would indicate that the development should be refused.

INFORMATIVES

Case Officer: Leigh Dalby

Committee Date: 3rd March 2017

