

Comments for Planning Application P/16/0721/FUL

Application Summary

Application Number: P/16/0721/FUL

Address: 4 Kinglass Court Bo'ness EH51 9RH

Proposal: Change of Use of Public Open Space to Private Garden Ground and Erection of Outbuilding (Partially Retrospective)

Case Officer: Julie Seidel

Customer Details

Name: Mrs Donna Murphy

Address: 3 Kinglass Court Bo'ness

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: To whom it may concern,

With regard to the planning application P/16/0721/FUL it is my wish to object firmly to the proposal.

I have been informed by the applicant and also the planning proposal that the intended use of the outbuilding is to house pigeons in, and fly them from this structure. This would be of extreme impact on my private garden and those who use it, namely my grandchild who utilises the area on a daily basis for play. It is of particular concern for her health and safety that she does not come into contact with these pigeons or their faeces.

It is also of concern to us that this loft will curtail the enjoyment of what is our private property. Any pigeons flying overhead or indeed landing in our garden will create mess through faecal matter, generate excess noise and pose a threat to our health. Furthermore, it will attract other vermin in the form of foxes and rats. Additionally, any clothing hung in the garden would be ruined after exposure to any faeces expelled by these birds.

It is also the case that any faeces will, over time affect the structure and finish of my dwelling as well as any vehicles parked on my land. It should not be my responsibility to proof and maintain my property against the aforementioned as any damage would be as a direct result of this structure and its contents.

It is within my objection that the erection of such a structure for this intended purpose would be of detriment to the resale value of my property. Any potential buyer will inevitably be forced to take

the above into account.

With regard to the specifications of the planning proposal it states that the work in question to erect the structure has not started, when in fact it has. A base for the structure is already in place along with land clearance intended for this purpose. The owner has recently cleared an area of trees directly adjacent to his garden exposing said garden to a public road. This area has recently been purchased by the owners of the surrounding properties, an area which was planted with trees by the superiors with the explicit purpose of screening the estate from view. This was purchased with the intention of retaining this screen and has been removed by the applicant for the purposes of the structure.

Furthermore, the site plan drawn by the applicant does not bear any relation to the physical reality of the site. The location of the hut is to be directly at the foot of the newly purchased land mentioned above, not the foot of the original garden as shown on the site plan.

In conclusion if the above does not constitute grounds, in your opinion, to deny the planning application then the title deeds supplied by the original builders will preclude any building of a structure intended to house pigeons. The title deeds accepted by the purchaser of the property, namely Mr John Thomson expressly forbid the construction of a structure to house pigeons without prior permission from the superiors, in this case Beazer Homes. I quote verbatim from the title deeds under the Title Number WLN13545 contained in the Land Register of Scotland:

'nothing shall be done on the said feus that may be deemed a nuisance or occasion disturbance to the co-feuars or their tenants or assignees or which may injure the amenity of the district and in particular they are expressly prohibited without the written consent of the Superiors from keeping poultry, ducks, pigeons, rabbits, bees or other live stock'

Yours Sincerely,

Mr William Murphy & Mrs Donna Murphy