

**From:** Deborah Grant  
**Sent:** Mon, 9 Jan 2017 00:11:39 +0000  
**To:** dc;seidel, julie  
**Cc:** Wullie Grant  
**Subject:** Fw: Application No. P/16/0721/FUL - Objection

Further to our earlier email could we ask that you also give consideration to the grounds for which the following applications were refused for the change of use from open space to garden ground for properties all located in the same residential area as the current applicant:

- ref. 06/0561/FUL for properties located in Bonhard Way was refused in 2006.
- ref. F/97/0762 for properties located in Kinglass Park was refused in 1998.

Yours sincerely,

William and Deborah Grant

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**From:** Deborah Grant <[REDACTED]>  
**Sent:** 08 January 2017 23:46  
**To:** dc@falkirk.gov.uk; julie.seidel@falkirk.gov.uk  
**Subject:** Application No. P/16/0721/FUL - Objection

**Application No. P/16/0721/FUL**  
**Application Type: Planning Permission**  
**Proposal: Change of Use of Public Open Space to Private Garden Ground and Erection of Outbuilding**  
**Location: 4 Kinglass Court, Bo'ness, EH51 9RH**  
**Applicant: Mr. John Thomson**

Further to receipt of Notification of Planning Application dated 20<sup>th</sup> December in respect of the above application, we would wish to submit an objection with the following comments for consideration.

Within Section 8 of the Application for Planning Permission, it is stated that the current use of the land is 'waste land'. However according to the legal agreement and planning conditions of the land it is considered 'open space' rather than 'waste land' with a view to the area of ground being 'maintained as open space and for the constitution, maintenance and renewal of trees, shrubs and other items of structured woodland ...'.

We purchased the ground behind our own property, and next to the applicant's ground, when this became available as wanted to ensure that it was preserved in its current state and not purchased by a third party with any structural developments being carried out. When the housing development was initially erected, trees were planted in

this area and 22 years on the trees have grown to create a woodland area behind our properties which provides additional privacy and security to the surrounding properties in addition to offering an environment which is enjoyed by a variety of wildlife. We were also keen to maintain the environmental benefits together with privacy and security for residents, particularly with more housing developments taking place in the surrounding area, reducing nearby 'open space' and after a spate of house break-ins. Since the applicant purchased the ground however the trees have all been felled on their ground which has unfortunately already impacted on the natural environment and certainly our privacy, with our garden and home now being in full view of a main road, busy public sports centre and car park which is situated behind our properties.

The trees also acted as a natural barrier to road noise from the nearby main road and vehicles coming in and out of the sports centre car park at the back of our properties and to the shouts and screams from young people who are prone to hanging around the sports centre building late in the evening when this is closed together with those entering and leaving the sports centre bar when this is open in the evenings. Since the trees have been felled the increase in noise levels throughout the day and evening are apparent and are very concerned that the erection of a pigeon loft and the housing of pigeons will further contribute to this increased noise level. It is not indicated in the application how many pigeons are proposed to be housed in the loft but given the vast size of the proposed structure, are concerned that there will be a large volume.

Two supporting documents are produced as part of the Application for Planning Permission which shows three images of pigeon lofts. It is not clear which one is proposed to be erected and in particular what the height of the building will be as this is not indicated in the application or site plan drawing. Two of the images appear to be taller buildings with a pitched/tiled roof whilst the third one appears to have a slightly graduated flat roof. All pigeon lofts also appear to be made from wood but there is no reference within the application as to the proposed material or colour of the building. One image also has a large shed pictured next to the pigeon loft and also wondered whether the erection of same would also be proposed? Regardless of the applicant's chosen pigeon loft design, it would unfavourably stand out and contrast with the character of the surrounding residential properties which is exacerbated by the complete removal of all trees. As a result this would have an adverse effect on the visual amenity of the area as a whole.

Within the Application for Planning Permission (Section 5) it states that the purpose of the application is to erect a pigeon loft. However, it would also appear from the site plan that there will also be an erection of a new fence at the east and west sides of the ground (and potential replacement of the north fence?) which is not referenced in the application. Whilst on the site plan the original south fence is indicated, it is not clear whether this will remain with access via a gate or the south fence will be removed altogether and indeed whether there will also be any access along the north fence. On

the basis of the current use of the ground as 'open space', only a north and south fence is permitted.

Also within Section 5 of the Application, it is also indicated that work has not already been started. However as outlined above, the trees have already been felled and would appear that the foundations of the pigeon hut look to have already begun prior to submission of the application.

Furthermore the location plan seems to indicate that the pigeon loft will be erected within the applicant's current garden as opposed to the additional 'open space' ground which conflicts with the details within the application itself and site plan.

Whilst we have assumed that the beginnings of a structure (as pictured within the photo of the site) are the foundations of the pigeon loft, it is not clear from the site plan drawing if this is the case and what the distance from the pigeon loft to the boundaries are to be able to accurately consider all implications.

As a family with young children, we regularly enjoy the use of our back garden with our extended family and friends at all different times of the day and year. In particular we use the bottom of our garden to eat out and play in, as given that our garden is north facing, this is the best place to enjoy the natural daylight and sunshine. We are very concerned however that having a pigeon loft in close proximity will severely restrict our enjoyment of the garden with the noise of pigeons arriving/leaving the loft, feeding, breeding etc. We also have health and safety concerns regarding pigeon excrement and smells. In line with the Human Rights Act 1998, a person has the right to peaceful enjoyment of all their possessions, which includes the home and garden. Further, according to the title deeds of our own property, it outlines that we 'are expressly prohibited ... from keeping poultry, ducks, pigeons, rabbits, bees or other live stock'. Given that the applicant's property is situated in the same residential area, would anticipate that these same conditions would also apply to them.

Whilst we appreciate that the proposed siting of the pigeon loft may be at the north end of the ground, we would also have concerns that this may attract the young people who are prone to hanging around the sports centre in the evenings. The loft will be fairly easy to access over the proposed 4ft fence and could affect the welfare of the pigeons.

We appreciate that the applicant has submitted his application as his hobby is looking after pigeons. However we believe that he already has a pigeon loft of considerable size sited locally at Harbour Road in Bo'ness where the lofts are also not in such close proximity to any residential areas.

We would also have grave concerns as to the impact on our house property value and the attracting of potential buyers to our property should we decide in the future to

move residence. We certainly would not consider purchasing a property if a neighbour kept pigeons and this is a thought shared by many we have spoken with.

We also give reference to a previous planning application (ref. P/15/0470/FUL) at 20 Kinglass Park, EH51 9RD for the similar change of use from open space to garden ground and erection of boundary fence which was refused. This property is within the same residential area and would therefore ask that the grounds for refusing that application be given consideration when reviewing this current application. Whilst the situation may differ very slightly in that the ground at Kinglass Park backs onto a main road, as indicated above, the ground in question at Kinglass Court backs onto a busy car park at a public sports centre.

Finally, we see that the applicant had consulted local Councillor, Sandy Turner with regard to these plans and we have hoped to also have the opportunity to discuss this further with our local MSP and MP. However given that notification of the planning application was received on Christmas Eve and following the resultant holiday period thereafter, we have not been afforded the opportunity to raise our concerns with them within the response timescale.

We hope you will consider the above points and our causes for concern when considering the application made. We would also be grateful if you could acknowledge receipt of this objection email and to notify us when a decision has been made on the application.

Yours sincerely,

William and Deborah Grant