



An
Bord
Pleanála

Inspector's Report ABP-303614-19

Development	Retention of pigeon loft, aviary & storage shed.
Location	145, Kildare Road, Crumlin, Dublin 12
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4337/18
Applicant(s)	Joseph Haide
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Joseph Haide
Observer(s)	None
Date of Site Inspection	02/05/19 and 03/05/19
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1. The subject site is a two-storey end-of-terrace dwelling in the south Dublin suburb of Crumlin. The mid-density residential area comprises a series of residential streets of two-storey terraced dwellings with rear gardens.
- 1.2. To the rear of the subject dwelling no. 145, a paved yard accommodates three wooden structures: a flat roofed storage shed with window and door, a flat roofed wire-fronted aviary and a mono-pitched pigeon loft with sliding doors. A wooden trellis sits on top of the loft.
- 1.3. The houses to the east and west of the subject dwelling have been extended to the rear.

2.0 Proposed Development

- 2.1. PM the 7th November 2018, permission was sought for the retention of a single storey racing loft of 17.5sq.m., timber and wire mesh aviary (3.7sq.m.) and single storey storage shed (5.3sq.m.) in the rear garden of a dwelling.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 9th January 2019 the Planning Authority issued a notification of their intention to refuse permission for the following reason:

“Having regard to the planning history on the subject site and similar sites, the limited size of the site, the scale of the proposed development and the pattern of development in the area, including the proximity to adjoining residential property, the retention of the proposed development by reason of nuisance would be seriously injurious to the residential amenity of adjoining property and depreciate the value of property in the vicinity. The retention of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

- 3.2.1. **Drainage Division:** No objection subject to conditions.
- 3.2.2. **Planning Report:** Subject development for retention is similar to that refused permission under 3603/18. Structure is modest and would not cause visual impact. Adverse impacts arise from noise and general nuisance as the pigeon loft is in close

proximity to 5 no. neighbours. The planning report notes that the current development plan has no policies on pigeon lofts and therefore makes reference to the 2005 and 2011 development plans. Planning report notes that at 26.5sq.m. the shed for retention is larger than the development 2005-2011 (appendix 19) guidance of 25sq.m. Remaining rear garden of 28.5sq.m. with depth of 6.349m is restricted in scale. Recommendation to refuse permission.

3.3. Prescribed Bodies

3.3.1. None on file.

3.4. Third Party Observations

3.4.1. None on file.

4.0 Subject Site Planning History

4.1.1. Enforcement: E0028/18: Enforcement notice regrading unauthorised pigeon keeping structures to the rear of the property.

4.1.2. Planning Authority reg. ref. **3603/18**: Planning permission was refused for the retention of a single storey timber racing pigeon loft, single storey timber and wire mesh aviary and single storey timber support shed for the following reason:

1. Having regard to the planning history on similar sites (An Bord Pleanála Reg Ref nos. PL.29N.243071, PL29N.247933, and PL29N.242899), the limited size of the site, the scale of the proposed development and the pattern of development in the area, including the proximity to adjoining residential property, it is considered that the retention of the proposed development would be seriously injurious to the residential amenity of adjoining property and depreciate the value of property in the vicinity. The retention of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. Dublin City Development Plan 2016-2022

5.1.1. In the plan, the site is zoned '**Z1 Sustainable Residential Neighbourhoods**' which has the stated objective "to protect, provide and improve residential amenities". Within Z1 zones 'pigeon loft' is an open for consideration use. Section 14.4 of the

development plan states an ***open for consideration use*** is one which may be permitted where the planning authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on the permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area.

5.1.2. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design. Applicable to the proposed development are the following:

5.1.3. Indicative plot ratio for Z1 zones is 0.5 to 2.0,

5.1.4. Indicative site coverage for the Z1 zone is 45-60%

5.2. **Natural Heritage Designations**

5.2.1. The subject site is 6.5km to the west of the South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC

5.3. **EIA Screening**

5.3.1. Having regard to nature of the development comprising the retention of a small structure to the rear of an existing dwelling and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. An agent for the applicant has submitted a first party appeal against the decision of the Planning Authority to refuse permission for retention. The appeal can be summarised as follows:

- The applicant has raced pigeons for approx. 60 years, as did his grandfather.
- Pigeon keeping is no longer a dirty or smelly pastime, it requires a considerable amount of time and money to keep the birds in the best of health.
- The keeping of pigeons is a family oriented and community affair.

- The applicant has been a member and founder of the Greenhills & District Racing Pigeon Club since 1973. Dublin Corporation made available a portion of land for the club and provided a grant of £6000. They supported such endeavours as a recognition of the value to the community.
- The appellant asks why support from the Local Authority is now being removed from a community wide endeavour. The daily routine is sacrosanct and causes no nuisance, mess or noise.
- The appellant states that the permission attaches to the applicant and will cease when the applicant dies.
- The subject loft is less than 7 years old. Lofts are frequently replaced for hygiene reasons as bird health is at the forefront of racing. Birds are treated as champion racehorses. The level of commitment is similar to that of horse riding.
- Modern pigeon keeping requires strict hygiene and lofts that that are easy to clean and maintain. The renewing of lofts whilst of benefit to the birds has caused difficulties with enforcement. The loft is spotlessly clean, the birds are in peak condition and the garden is washed and disinfected regularly.
- Pigeon lofts are open for consideration in Z1 zones. Policy in the 2005 development plan recommends separation distances of 5m, footprint of less than 25sq.m. and maximum height of less than 3m for pitched roofs or 2.5m, and the protection of residential amenities. The current development plan has no guidance on pigeon lofts. The use of the former development plan by the Planning Authority is considered reasonable.
- Permission has been granted for pigeon lofts under the following reg. refs: 3739/14, PL06S.245351, 2327/16, and 4033/16.
- The appeal is accompanied by letters of support from the applicant's neighbours. The Board is requested to grant permission.
- A letter from the applicant states that on Kildare Road there are 9 no. pigeon lofts.

6.2. Planning Authority Response

6.2.1. None on file.

7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Impact on Residential Amenity

7.2. Principle of the Proposed Development

7.2.1. Pigeon lofts are open for consideration in Z1 areas where the Planning Authority are satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on the permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area.

7.2.2. The applicant states that the structures subject of this application for retention have been in place for less than seven years.

7.3. Impact on Residential Amenity

7.3.1. The three structures on site, to the untrained eye read as domestic sheds. The use of the structures was not apparent on the date of my site visit. In terms of impact on visual amenity, I note the overall height of the three structures is lower than the gardens sheds in the properties to the south and the extensions to the east and west of the subject site. The flat roof profile of the aviary and the storage shed and overall height of approx. 2.2m is acceptable. The pigeon loft sits on a plinth and with its mono-pitched roof has an overall height of 2.2m. It is considered that the timber trellising on top of the structure overstates the height of the structure. Should the Board decide to grant permission, the applicant should be requested to remove the trellis on the pigeon loft.

7.3.2. On the date of my site visit there was no perceptible noise or odour arising from the structures to be retained. I note that no objection to the application to retain was made to the Planning Authority, nor any observation made to the Board. The appeal

to the Board is accompanied by a number of letters of support from the neighbours of the subject site.

7.3.3. The applicant states structures are frequently removed and / or replaced to keep up with the strict hygiene requirements for racing pigeons. The Board may wish to impose a temporary condition of five years to allow future considerations in terms of scale and extent to be applied, in addition to the consideration of the support of neighbours.

7.3.4. I am satisfied that the scale and extent of the subject structures to be retained, whilst larger than average domestic sheds, cause no injury to the residential or visual amenity of the subject or adjoining dwellings.

7.4. Appropriate Assessment

7.4.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

8.1.1. It is recommended that permission to retain be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1 Having regard to the zoning objective of the area, the design, layout and scale of the proposed development to be retained and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development for which permission to retain is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The development hereby permitted shall be for a period of five years from the date of this order. The three structures: storage shed, aviary and pigeon loft shall then be removed unless, prior to the expiry of the period, planning permission shall have been granted for their retention for a further period or permanently.

Reason: To enable the impact of the development to be re-assessed, having regard to changes during the period of five years, and to the circumstances then prevailing.

3. The pigeon loft, aviary and storage shed shall be used in association with the applicant's racing pigeon hobby only and shall not be used for commercial purposes.

Reason: In the interest of clarifying the nature of the use and intensity of the development hereby permitted, and in the interest of residential amenity.

4. In the event that the applicant sells or ceases to reside in the associated dwelling, the pigeon loft, aviary and storage shed shall be permanently removed.

Reason: In the interest of clarity, having regard to the details of the application submitted.

5. Within two months of the date of the Boards order, the developer shall submit to, to be agreed in writing with, the planning authority revised drawings showing the removal of trellis fencing on the top of the existing pigeon loft.

Reason: In the interests of visual amenity.

Gillian Kane
Senior Planning Inspector

03 May 2019