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| Application | 6 |
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| Application Number: | 21/01877/FUL |
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| Application Type: | Full application |
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| Proposal Description: | Installation of flue to outbuilding |
| At: | Aberdeen Bungalow, Drake Head Lane, Conisbrough |

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| For: | Mr P Heath |
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| Third Party Reps: | 5 letters from 3 residents | Parish: | Conisbrough Parks Parish Council |
| | | Ward: | Conisbrough |

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| Author of Report | Mel Roberts |
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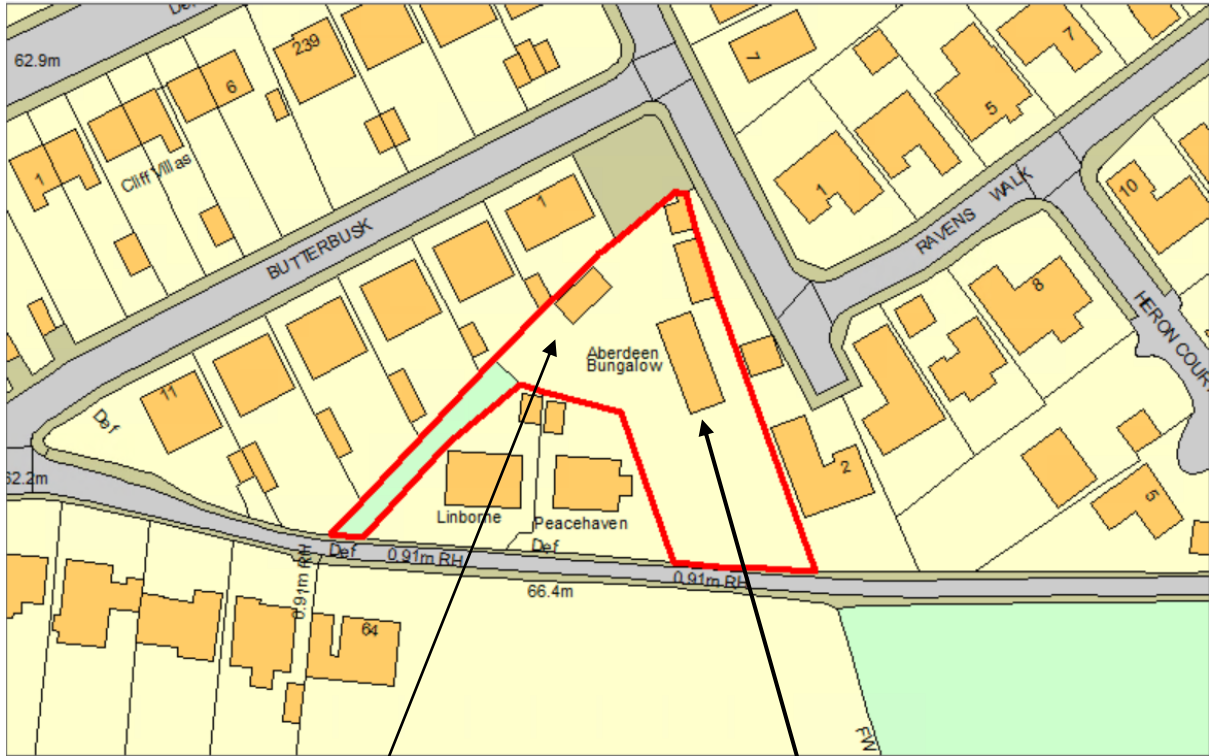
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| MAIN RECOMMENDATION: | GRANT |
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SUMMARY

The proposal seeks planning permission for the installation of a flue to an outbuilding. It seeks to address previous reasons for refusal on appeal. The flue is to be constructed in render rather than a shiny metallic material that was deemed industrial in appearance on the dismissed appeal. It is also sited further away from neighbouring residential properties and so addresses concerns of outlook that was an issue on the previous application.

Concerns raised by residents in terms of potential smoke and fumes from the flue are not a material planning consideration as this is covered by other legislation. The flue is to serve a wood burning stove on an ancillary domestic outbuilding in a residential area and does not unduly impact on residential amenity or the character of the area.

RECOMMENDATION: GRANT planning permission subject to conditions.



**Outbuilding upon
which flue is to be
installed**

Application property

1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee at the request of Councillor Nigel Ball, because a previous application for a flue on the same outbuilding was refused by Planning Committee and subsequently dismissed on appeal.

2.0 Proposal

- 2.1 Planning permission is sought for the installation of a flue on an outbuilding within the curtilage of Aberdeen Bungalow. The outbuilding is used as a workshop and the flue is to accommodate a wood burner. The outbuilding is 3.7m in height to the ridge, with the proposed flue extending 1m above the ridge.
- 2.2 The proposal differs to that which was refused by Planning Committee and subsequently dismissed on appeal. The previous flue was metallic and industrial in appearance and was on the south west gable of the outbuilding closer to the residential properties on Butterbusk. This proposal is sited on the southern elevation, further away from the neighbouring dwellings and the chimney is to be rendered rather than a shiny metallic feature (see figures 1 and 2). It should be noted that the previous industrial like flue has been removed from the outbuilding and there are no outstanding enforcement matters.

3.0 Site Description

- 3.1 The property itself is located on Drake Head Lane, Conisbrough. The outbuilding upon which the flue is to be installed is located within the garden of Aberdeen Bungalow along the north western boundary, close to residential properties to the north on Butterbusk.
- 3.2 The surrounding area is characterised by residential properties, which are predominately single storey, albeit there are some two-storey properties which front Doncaster Road. The roofscape in the area is generally characterised by dual pitched roofs with a wide range of chimneys, flues and aerials throughout the area.

4.0 Relevant Planning History

- 4.1 Planning permission was sought for the retention of a flue on the same outbuilding under application reference 21/02309/FUL. This was a shiny metallic flue on the south western gable of the outbuilding closer to the residential properties. This was recommended for approval, but was refused by planning committee on 11th January 2022, as causing a detrimental visual impact on the character and amenity of the surrounding residential area contrary to policies 41 and 44 of the Local Plan and paragraph 130 of the NPPF.

- 4.2 The applicant appealed both the planning refusal and the subsequent Enforcement Notice. Although the Inspector found that the development would not result in harm to the character and appearance of the area, he dismissed the appeal due to the harm to living conditions of neighbouring residents. The Inspector concluded that although the flue could be painted in a matt finish to overcome glare, the flue would still appear as an intrusive element of industrial character and would be an incongruous and obtrusive feature in the outlook of neighbouring residential properties contrary to policy 44 of the Local Plan.

5.0 Planning Policy

Doncaster Local Plan

- 5.1 The site falls within the Residential Policy Area, as defined by the Local Plan. The following policies are applicable:
- 5.2 Policy 41 requires development to assimilate into the built environment.
- 5.3 Policy 44 states that developments must protect existing amenity and not significantly impact on the living conditions of neighbours.

6.0 Representations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) on the Council website and by neighbour notification to properties that border the site.
- 6.2 5 letters of objection have been received from 3 people and these can be summarised as follows:
- i) the flue will cause pollution, smoke and fumes.
 - ii) the chimney will affect the outlook of residents from neighbouring properties.
 - iii) the proposal is very similar to the previous application and should therefore be refused again.
 - iv) Aberdeen Bungalow has 2 further wood burners with one in the main residence and a further one in an outer building.
 - v) There will be noise coming from the outbuilding.

7.0 Ward Members

- 7.1 Councillor Nigel Ball has stated that the material concerns around this application are pollution, impact on amenity in a residential area and the potential height of proposed chimney.

8.0 Parish Council

8.1 No comments have been received from the Parish Council.

9.0 Relevant Consultations

9.1 Environmental Health has raised no objection in principle to the installation of a domestic solid fuel appliance in a domestic setting. The proposed height of the chimney flue is at the recommended 1 metre above the roof ridge height of the building to allow adequate dilution and dispersal of any smoke and/or odour.

9.2 Pollution Control has raised no objection, but has advised that any domestic combustion appliance operated within the borough of Doncaster must be in compliance with the requirements of the Clean Air Act 1993. An informative to this effect will be added.

9.3 National Grid has raised no objections, as there are no National Grid gas assets affected in the area.

10.0 Assessment

10.1 The issues for consideration under this application are as follows:

- Principle of development
- Impact on residential amenity
- Impact upon the character and appearance of the surrounding area

10.2 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

10.3 The NPPF (2021) sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

10.4 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

10.5 Accordingly, the acceptability of this application rests upon an assessment of the impact of the flue upon the residential amenity of neighbouring properties, as well as determining the visual impact on the character of the surrounding area.

Principle of development

10.6 The outbuilding is used by the applicant to do up cars as part of his hobby and is therefore domestic in nature. Concerns by neighbours of potential noise from the outbuilding are not a material planning consideration, as the use is ancillary and does not require planning permission. The proposed flue is to accommodate a wood burning stove and given the residential nature of the outbuilding, there are no issues of principle, as the site lies within a Residential Policy Area.

SOCIAL SUSTAINABILITY

Impact on residential amenity

10.7 This application seeks to address those reasons why the appeal for the previous flue was dismissed. The proposed flue is no longer an intrusive element of industrial character, but is slimmer and is made with render to match the outbuilding. It has been sited at the rear of the outbuilding (when viewed from dwellings on Butterbusk) rather than to the side closer to the residential properties and so the residents are only likely to see the top of the chimney (see rear elevation in figure 2). The proposed flue is no longer an incongruous and

obtrusive feature in the outlook of neighbouring residential properties, but rather a chimney that is tucked away and is of a scale more appropriate to this domestic outbuilding.

- 10.8 Concerns have been raised as regards the smoke and fumes that would be produced by the flue. This is not a material planning consideration, as pollution is controlled by other powers and was not considered by the Planning Inspector. It should be noted however that the Environmental Health Officer raises no objections as the flue is installed at a height of 1m above the outbuilding to allow adequate dilution and dispersal of any smoke and/or odour. Again, although not a planning matter, it should be noted that the wood burner that has been installed is a Dunsley Yorkshire Multifuel Stove and this can be found on the list of Clean Air Act approved appliances and so accords with other regulations.

ENVIRONMENTAL SUSTAINABILITY

Impact upon the character of the area

- 10.9 In the appeal decision, the Inspector noted that 'views of the flue from within the public realm are limited due to the presence of the properties on Butterbusk. As such, the flue is only visible in slight views from Archers Way or in glimpses between the properties on Butterbusk. Moreover, given the prevalence of other roof paraphernalia within the immediate area, the flue does not appear out of context. Consequently, it does not appear unduly obtrusive or dominant within the street scene (para 9).'
- 10.10 This proposed flue is far less obtrusive than the one considered in the appeal given that it is slimmer, made of render rather than shiny metal and is sited at the back of the outbuilding rather than on the more exposed gable end. Given that this is less dominant than the previous proposal that was deemed to be acceptable by the Planning Inspector then there are no issues in terms of the impact on the character of the area.

ECONOMIC SUSTAINABILITY

- 10.11 This application is a householder application for a minor development. Whilst potentially providing employment for those building the flue, this is the extent of its economic impact.

11.0 PLANNING BALANCE & CONCLUSION

- 11.1 In accordance with paragraph 11 of the NPPF, the proposal is considered in the context of the presumption in favour of sustainable development. There is no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the NPPF taken as a whole. Subject to the recommended

conditions, the proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.

12.0 RECOMMENDATION

Grant permission subject to the following conditions:

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

REASON

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

Location plan

Site Plan

Drawing number R/1239/3A dated 24/5/22 (Elevations and floor plans)

REASON

To ensure that the development is carried out in accordance with the application as approved.

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence

Fig 1: Site plan

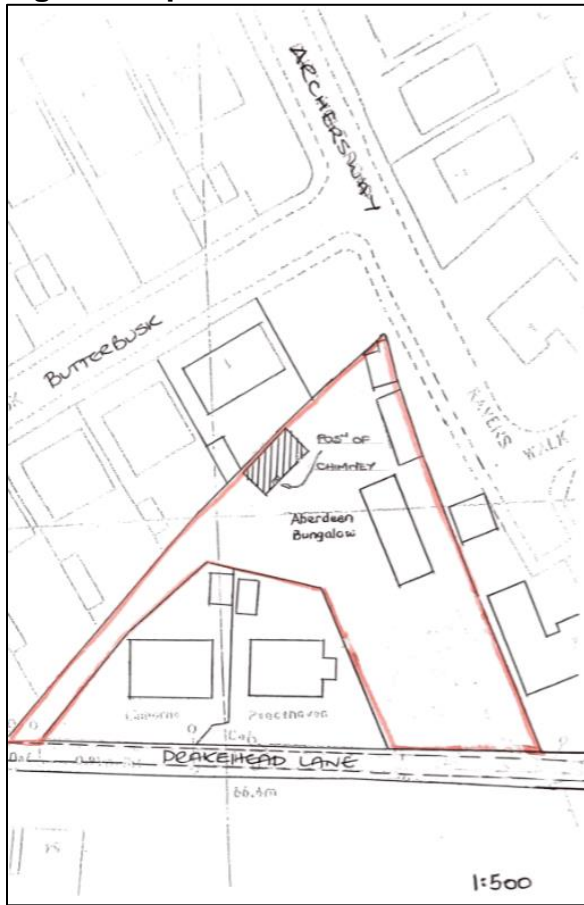


Fig 2: Elevations and floor plans

