

Reference:	19/01603/FULH	
Application Type:	Full Application - Householder	
Ward:	Thorpe	
Proposal:	Install chimney flue for log burner to outbuilding at rear (Retrospective)	
Address:	140 Thorpe Hall Avenue, Thorpe Bay, Essex	
Applicant:	Mr Barry Brook	
Agent:	Mr Alan Green of A9 Architecture	
Consultation Expiry:	24th September 2019	
Expiry Date:	8th November 2019	
Case Officer:	Spyros Mouratidis	
Plan Nos:	1337 01, 1337 02, 1337 03, 1337 04, 1337 05 A, 1337 06 A	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is on the eastern side of Thorpe Hall Avenue and is occupied by a semi-detached dwellinghouse and associated outbuildings. The area is residential in nature with sizeable dwellings sitting within spacious gardens. On the opposite side of Thorpe Hall Avenue is the Thorpe Hall Golf Club. The site lies within a Flood Risk Zone 3 (the higher probability zone).

2 The Proposal

- 2.1 Planning permission is sought for the installation of a chimney flue above one of the outbuildings to the rear part of the application site. The development has already been completed. This application has been submitted retrospectively, following an enforcement enquiry, under the provisions of section 73A of the Town and Country Planning Act 1990. The chimney projects approximately 2.3m above the highest point of the outbuilding and its height from the ground is 4.7m. The chimney flue has a diameter of approximately 0.2m and is made of stainless steel painted black.

3 Relevant Planning History

- 3.1 There is no relevant planning history. Other planning history for the application site includes applications for the extension of the main dwellinghouse but they are not relevant to this application.

4 Representation Summary

- 4.1 The application has been called to the Development Control Committee by Councillor Woodley.

Public Consultation

- 4.2 Three (3) neighbouring properties were consulted. Two (2) representations have been received, one objecting to and one commenting upon the proposal. The following objections and comments were raised:

- The development is an ugly, tall, industrial type of chimney completely unsuitable for the area which is highly visible and granting planning permission for it would create a precedent for other structures to be installed in the area.
- The drawings do not include the additional supporting structures.
- The chimney is not aesthetically pleasing and is disproportionate to the building.
- The chimney is closer to the neighbouring property than it is to the main dwelling on site.
- Possible smoke impact to neighbouring properties.
- Harm to amenity

- 4.3 These concerns are noted and where relevant are discussed in detail in the following sections of this report.

- 4.4 Councillor Woodley expressed concerns regarding the environmental impact of the development.

Environmental Health

4.5 No objection.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (Environment and Urban Renaissance).

5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land)

5.4 Design & Townscape Guide (2009)

5.5 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the area, the impact on residential amenity and whether the development would be liable for CIL.

7 Appraisal

Principle of Development

7.1 The principle of altering an existing outbuilding to provide facilities in association with its existing use is considered acceptable. Other material planning considerations are discussed in the following sections of the report.

Design and Impact on the Character of the Area

7.2 Good design is a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”

7.3 Paragraph 56 of the NPPF states that: “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

7.4 Policy DM1 of the Development Management Document states that all development should: “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”

7.5 The development that has been carried out on site is of limited architectural value. The chimney flue is of a rudimentary and utilitarian design. Nevertheless, it is not

uncommon for the installation of log burners to be accompanied by the installation of a chimney of such a design. The top of the chimney is 4.7m above ground level and of a slender form which is not bulky or over-dominant and while it is visible, especially from within the rear gardens of adjacent properties, it is not considered to be overly conspicuous or intrusive on balance. The development is seen from adjacent public areas within the context of the rear gardens where modest sized trees and other features comprise the vernacular. Even if trees which comprise the backdrop of the development when viewed from certain vistas or obscure the development, were to be removed (as they are not permanent features), it is not considered that the chimney would be so prominent as to cause material harm to the visual amenity of the area. The colour scheme for the development is adequate and would limit any sunlight glaring.

- 7.6 Concerns have been raised about the omission of the supporting structures from the drawings. Amended plans were requested and have been submitted showing the supporting structures. These structures are minimal in terms of size and do not significantly alter the effect the chimney flue has on the character and appearance of the area. Overall, the development is not harmful to the character and appearance of the area to such a degree as to warrant refusal of the application on this basis. Hence, the development is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.7 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: “[...] having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”
- 7.8 By its nature the chimney flue would not cause any overlooking, any significant overshadowing or any detrimental overpowering impacts on any of the neighbouring properties. Neighbouring gardens are generously sized such that, although visible, the flue is set away from neighbouring dwellings and as such there is no adverse harm in terms of outlook. Concerns have been raised by neighbouring properties in relation to air pollution. The height of the chimney is considered sufficient to allow adequate dispersal of smoke and other combustion gases and by-products in order to avoid material harm to the living conditions within neighbouring properties. It is not considered that the development would materially affect the amenity of neighbouring occupiers in relation to noise and disturbance. The Council’s Environmental Health team has been consulted and raised no objection. Overall, the development is acceptable and in line with policy in the above regards.

Community Infrastructure Levy (CIL)

- 7.9 The proposed development equates to less than 100m² of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the

proposed development would, on balance, be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site and the locality more widely. This application is therefore recommended for approval subject to a condition.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following condition:

- 01 The development hereby approved shall be retained on site in accordance with the approved plans: 1337 01, 1337 02, 1337 03, 1337 04, 1337 05, 1337 06**

Reason: To ensure the development is carried out in accordance with the development plan.