

Reference:	21/00053/FULH
Application Type:	Full Application - Householder
Ward:	Thorpe
Proposal:	Install chimney flue for log burner to outbuilding at rear (Part-Retrospective) (Amended Proposal)
Address:	140 Thorpe Hall Avenue, Thorpe Bay, Essex
Applicant:	Mr Barry Brook
Agent:	Mr Alan Green of A9 Architecture
Consultation Expiry:	9th February 2021
Expiry Date:	10th March 2021
Case Officer:	Spyros Mouratidis
Plan Nos:	1337 01, 1337 02, 1337 03 Rev B, 1337 04 Rev B, 1337 05 Rev B, 1337 06 Rev B
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. A development of similar nature has already taken place on site but was refused planning permission under application 19/01603/FULH (the “First 2019 Application”). This application is for an amended proposal following a second refused application under 19/02121/FULH (the “Second 2019 Application”).
- 2.2 The proposed chimney would project approximately 1.5m above the highest point of the outbuilding and its height from the ground would be some 3.9m. The chimney flue would have a diameter of approximately 0.2m and would be made of stainless steel painted black, similarly to the existing, unauthorised flue.
- 2.3 The proposed chimney would be 0.8m lower than that applied for with the First 2019 Application and 0.5m higher than that proposed with the Second 2019 Application. The diameter is unchanged.

3 Relevant Planning History

3.1 The most relevant planning history of the site is shown on Table 1 below:

Table 1: Relevant Planning History

Reference	Description	Outcome
19/01603/FULH	Install chimney flue for log burner to outbuilding at rear (Retrospective)	Refused [8.11.2019]
19/02121/FULH	Install chimney flue for log burner to outbuilding at rear (Part-Retrospective) (Amended Proposal)	Refused [15.1.2020]

3.2 The reason for refusal for the First 2019 Application was in summary that the development, due to its rudimentary design, height and industrial appearance, represented an obtrusive form of development which was not in keeping with the residential character of the surrounding area and had harmed the visual amenity of the locality. The reason for refusal for the Second 2019 Application related to the height and position of the proposed flue which was considered it would result in material harm to the residential amenity of neighbouring occupiers in terms of pollution as there would not be sufficient dispersal of smoke and fumes. The basis of the decisions made on those applications carry significant weight in the consideration of the current application.

4 Representation Summary

Call-in

4.1 The application has been called in for consideration by the Development Control

Committee by Councillor Woodley.

Public Consultation

- 4.2 Three (3) neighbouring properties were consulted. No representations have been received.

Environmental Health

- 4.3 No objection – The flue height will provide adequate dispersal of fumes.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (Environment and Urban Renaissance).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land).
- 5.5 Design & Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (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, whether the development would be liable for CIL and whether the amended proposal overcomes the reason of refusal of the two previous applications.

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 and did not form a reason for refusal of the two previous applications. 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 124 of the NPPF states that: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” 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.”

- 7.4 Policy KP2 of the Core Strategy states that new development should: “respect the character and scale of the existing neighbourhood where appropriate”. Policy CP4 of the Core Strategy requires that development proposals should: “maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”.
- 7.5 The proposed development is of limited architectural value. The proposed 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 would be 3.9m above ground level and of a slender form which would not be bulky or over-dominant and while it would be visible, especially from within the rear gardens of adjacent properties, it is not considered that it would be overly conspicuous or intrusive, on balance. The development would be 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. It is considered that the proposed 0.8m reduction of the height of the flue compared with that previously proposed to be retained with the First 2019 Permission would be sufficient to overcome the relevant reason for refusal. The Second application was not refused for reasons related to height, but to pollution concerns which are addressed in the section below. Overall, the development, as proposed, would, on balance, not be materially harmful to the character and appearance of the area. The development is acceptable and policy compliant in the above regards and has overcome the reason for refusal of the First refused application.

Impact on Residential Amenity

- 7.6 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.”
- 7.7 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, increased by 0.5m compared with the Second refused application, 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. It has also overcome the reason for refusal of the Second application.

Community Infrastructure Levy (CIL)

- 7.8 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 national and local policies and guidance. The proposal is reduced in height compared with the first previous scheme refused on character grounds but sufficiently increased in height compared with the second previously refused application to overcome concerns about pollution. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and, on balance, on the character and appearance of the application site and the locality more widely. This application is therefore recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following condition:

- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 02 The development hereby approved shall be carried out in accordance with the approved plans: 1337 01, 1337 02, 1337 03 Rev B, 1337 04 Rev B, 1337 05 Rev B, 1337 06 Rev B.**

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

Informatives:

- 1 Failure to remove the existing unauthorised chimney is likely to result in the Council considering it expedient to take enforcement action to seek to remedy the identified harm.**