

Application Number:	2019/0374	Application Type:	Householder
Proposal:	Householder: Erection of single storey rear extension with external chimney flue (retrospective).	Location:	6 Greenwood Drive Weir Bacup Lancashire OL13 8RY
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	1 st July 2020
Applicant:	Mr Rory Mulderrig	Determination Expiry Date:	24 th July 2020
Agent:	N/A		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	Cllr Ashworth Visual amenity, nuisance from smells, design
3 or more objections received	3 Objections
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That Members resolve to grant planning permission subject to the conditions listed in section 10 of this report.

2. SITE

The application property is a detached property constructed from brick and tiles with uPVC windows and doors located on a corner plot of Greenwood Drive. To the front elevation is a

detached garage and to the rear is a single storey rear extension with an external chimney flue which is the subject of this application.

The garden to the rear is bounded to the west by a high retaining wall and properties at a higher elevation on Heald Close, to the eastern side is wooden fencing reaching a height of approximately 1.8m and to rear (north) lies a tributary of the River Irwell.

The site is located within the Urban Boundary.

3. RELEVANT PLANNING HISTORY

X/2000/134 - Application for outline planning consent for residential development on land at Irwell Springs Bacup to construct 42 no dwellings with Associated Roads and Infrastructure Works with All Matter (Refused and Allowed on Appeal).

4. PROPOSAL

Retrospective planning permission is sought to regularise the erection of a single storey rear extension and erection of an external chimney flue:

- Erection of a single storey rear extension – this projects at an angle parallel with the retaining wall and extends approximately 8.2m in depth and 5.3m in width. It has a dual pitched roof and measures 3.8m in height and 2.2m in height to the eaves; and
- Provision of a 0.2m diameter flue of 3.1m in height on the gable, to serve a wood burning fire.

The single storey extension is constructed from red multi-facing brick and concrete interlocking tiles to match existing with four windows with grey aluminum frames to the east elevation and grey aluminum folding doors to the rear (north elevation). The flue is constructed from black metal with wire supports.

5. POLICY CONTEXT

National

National Planning Policy Framework (2018)

- Section 2 Achieving sustainable development
- Section 4 Decision-making
- Section 12 Achieving well-designed places
- Section 15 Conserving and enhancing the natural environment

Development Plan

RBC Core Strategy DPD (2011)

- AVP 2 Bacup, Stacksteads, Britannia and Wier
- Policy 1 General Development Locations and Principles

Other Material Planning Considerations

RBC Alterations and Extensions to Residential Properties SPD (2008).
National Design Guide

6. CONSULTATION RESPONSES

RBC Environmental Health
No objection

LCC Building Control
No objection

7. REPRESENTATIONS

To accord with the General Development Procedure Order, 10 neighbours were notified by letter on the 3rd April 2020.

Three letters of objection have been received, comments relate to:

1. Fumes and smoke from the flue entering properties and in back gardens; and
2. Proximity of the extension to the retaining/foundation wall and concerns regarding structural damage to the foundation wall.

Point no 2 is not a material planning consideration. Notwithstanding this, Building Control has also been consulted and advised that as the excavations are at the same level as the old wall and will not have any effect on the stability of that wall, they have no objections to the application.

In regards to point 1, officers consulted the relevant departments within the Council. In relation to the fumes and smoke, Environmental Health have been consulted as part of this application and confirmed that the wood burning fire connected to the flue is an exempt appliance burning authorised fuel, the Clean Air Act 1993 is being complied with and as such they have no objections. This application will focus on planning matters, principally the visual and neighbor amenity aspects of the development.

8. ASSESSMENT

The main considerations of the application are:

- 1) Principle
- 2) Visual Amenity
- 3) Neighbour Amenity
- 4) Access/Parking

- 1) Principle

The proposed development would be acceptable in principle as it is located within the Urban Boundary.

2) Visual Amenity

Policy 24 of the Core Strategy DPD requires new development to be compatible with its surroundings to ensure that the visual amenity of existing development is not impaired: new development should most importantly be of an appropriate scale, density and style.

The Alterations and Extensions to Residential Properties SPD states that a domestic extension should complement the original building through the use of matching materials and by reflecting the design, massing, bulk, detail, proportion, scale and style of the original building so as to not dominate it.

Section 3.2 of the SPD relates to single storey rear extensions and states that where a proposed extension would be on or within 1m of the party boundary of an adjacent property it should not project in excess of 3m beyond the rear wall of that property.

The single storey rear extension is approximately 1m from the retaining wall and party boundary of properties on Heald Close and the extension extends approximately 8.2m in length. Although the extension is large in size, as the house and plot are also reasonably large in size it appears subservient to the existing property and its design appropriately reflects the characteristics of the original house. The materials are appropriate.

In terms of the visual impact of the flue, it extends high above the gable (3.1m) and is approximately 1.8m from the existing rear elevation of the property and is prominent in appearance as shown in photograph 1.



Photograph 1: Rear extension and flue

The flue has been increased to this height prior to this application in response to previous concerns from neighbours and requirements from Environmental Health that the flue be extended

to a minimum of 1m above eaves of the applicant's property to ensure it was not close to any windows and to ensure adequate dispersion of smoke. The flue needs to be this height therefore in order to function properly and to meet Environmental Health requirements. The increased height does make the flue prominent in appearance however as it is black in colour and slim in diameter (0.2m) this helps reduce its prominence. It is also noted that a neighbouring property No. 3 Heald Close also has a flue erected to the side elevation which is silver in colour which is considered more prominent in colour than black. On balance therefore, the flue is considered acceptable in appearance.

The scheme is considered compliant with Policies 23 and 24 of the Core Strategy, the SPD and The Framework.

3) Neighbour Amenity

Both national and local policies aim to protect the amenity of all existing and future occupants of land and buildings. Policy 24 of the Core Strategy and the SPD states that new development should protect the amenity of residents ensuring that each resident has an acceptable level of privacy and satisfactory level of daylight. Important factors such as overlooking and overshadowing will be taken into consideration, as well as pollution and air quality.

Section 2.1 of the SPD seeks to maintain adequate separation distances between dwellings to maintain adequate privacy, avoid overbearing relationships and undue loss of light and outlook.

The proposed single storey rear extension does not unduly harm the amenities of the occupiers on Heald Close as the application property is set at a much lower level than properties on Heald Close (5.3m) and therefore has no significant overbearing impact. There is a separation distance of approximately 8m between the closest part of the extension and the party boundary with neighbouring property no. 8 Greenwood Drive to the east and the two properties are angled away from each other, as such, it is not considered that the extension gives rise to significant loss of privacy or overlooking for this property.

Of greater concern is that the 3.1m high flue is visible from the neighbouring properties including properties at a higher elevation on Heald Close (see photographs 2 and 3).



Photograph 2: View of the flue from the rear garden of No. 6 Heald Close



Photograph 2: View of the flue from the conservatory of rear garden of No. 6 Heald Close

It is noted that the concerns from neighbours primarily relate to fumes and smoke and as stated previously, RBC Environmental Health raise no objection. Environmental Health has informed officers that private dwellings with stoves, open fires etc are required by law to comply with the Clean Air Act 1993. Previous investigations carried out by Environmental Health have established that the Clean Air Act 1993 is being complied with as it is an exempt appliance burning authorised fuel. In the event that the occupiers of the dwelling burn unauthorised fuel, this would need to be brought to the attention of Environmental Health for investigation if appropriate, as would be the case with any dwelling with a wood burning stove or open fire.

In relation to the visual aspects in relation to neighbour amenity, it is considered that the flue looks prominent and unusual in appearance however, it is not considered so harmful in appearance to adversely affect the enjoyment of their properties or to justify a refusal.

On balance, the proposal is considered acceptable with regards to neighbour amenity and complies with policies 23 and 24 of the Core Strategy.

4) Access and parking

The proposal has no implications for highway safety.

Conclusion

Members will note that Officers consider the extension to be acceptable in terms of visual and neighbour amenity. The main concern that officers have is the height and appearance of the flue which is especially prominent when viewed from the rear of properties on Heald Close. Members will also note that attempts have been made to mitigate the adverse impacts of the flue through its black colour and slim diameter. It is considered that planting could also be used in the rear gardens of properties on Heald Close to reduce its visual impact if the residents so wished.

Officers have reached an on balance decision, concluding that the extension and associated flue are acceptable.

9. RECOMMENDATION

That Members resolve to grant planning permission, subject to the conditions listed in Section 10 of this report.

10. CONDITIONS

1. The development is approved in accordance with the submitted application form Ref: 2019/0374 signed 27/08/2019 and the submitted plans:

- Location Plan, Title Number LAN183476
- Block Plans, Drawing Number 2020/21-03 A
- Proposed Plans & Elevations, Drawing Number 2020/21-02 A

Reason: To define the permission and in the interests of the proper development of the site.

2. All external facing materials of the development shall be retained in accordance with the materials detailed on the submitted proposed plans drawing number 2020/21-03 A and application form Ref:2019/0374.

Reason: In the interest of visual amenity.

INFORMATIVE

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:
http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.