
Site Address: 1 Kingsey Avenue, Emsworth, PO10 7HP
Proposal: Variation of Condition 7 of Planning Permission APP/14/00171 to permit single flue for wood burning stove.
Application No: APP/14/00637
Applicant: Mr Cunnison
Agent:
Ward: Emsworth

Expiry Date: 15/08/2014
Team: Team 2
Case Officer: Daphney Haywood

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site comprises a detached 4 bedroom chalet bungalow situated on a corner plot at the junction of Kingsey Ave and Kings Road. The area is primarily residential in character comprising a range of property types of mixed design and materials.

2 Planning History

APP/14/00171 Removal of existing ground floor extension and existing roof to the main building. Extension to first floor with raised roof design and additional gable to the south, (front entrance). A single storey rear extension. Roof lights to new roofs. Permission 16/4/14

3 Proposal

Variation of Condition 7 of Planning Permission APP/14/00171 to permit single flue for wood burning stove. condition 7 states:-

Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no chimney shall be added to the roof of the single storey rear extension hereby approved.

Reason: Because further consideration would be needed as to the effect of any chimney in this position on neighbouring amenities, in accordance with policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

4 Policy Considerations

National Policies
NPPF

Core Strategies 2011 forming part of the HBLDF
CS16 (High Quality Design)
DM10 (Pollution)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health Manager, Community Group

I'm still concerned that irrespective where the flue is sited on the extension, there is a good likelihood it will affect the neighbour to the north and possibly others. Ideally any flue / chimney should discharge about 1 metre above the highest point of the building to which it is attached.

The neighbour to the north who has a concern that it may impact on his property, might well have a valid point, especially if the SW prevailing wind blows & the wood burner is not operated correctly.

Having said that, I believe that as per your e-mail, the client has stated that the wood burning stove has been designed to burn smokeless fuels. I know that in those local authorities which have smoke free zones, there are certain smokeless fuel stoves which have been approved for use. I would think that if you are able to condition them to burn these smokeless fuels only, that there would be less chance of future interference with the neighbouring properties. I suspect that, as Planning, you may not be able to enforce a condition that would require them to burn smokeless fuels only, if they don't.

From past experience in dealing with complaints of smoke given off from wood burners, its often a low height flue (i.e on a bungalow especially below normal chimney height), as in this case, which tends to be problematic, especially to houses in close proximity. Although we have also had problems with those flues which go just past the gutter height on a house, those that emit at the same height as a normal chimney are seldom problematic, unless of course the occupier is burning chemically treated or green / wet wood, which can then cause similar problems to those that bonfires sometimes do.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 19

Number of site notices: one

Statutory advertisement: Not applicable.

Number of representations received: 0

Summary:

Comment:

7 Planning Considerations

- 7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact on the neighbouring properties.

- (i) Principle of development

7.2 The site lies within the built up area and within an area where extensions and alterations to residential properties are acceptable in principle subject to development control policies.

- (iii) Impact on the neighbouring properties.

7.4 The main impact relates to No 3 Kingsey Avenue which lies to the north, and down wind of the prevailing wind and therefore any fumes could be blown towards that property, which is a 2 storey house with bedrooms at first floor. In order to address the concerns of the neighbour the flue has been set back to the rear of the single storey extension and smokeless fuel would be burned. The Environmental Health officer has advised that if smokeless fuels are burned then there would be less chance of future interference with the neighbouring properties. However, a condition in this respect would be difficult to enforce and therefore not appropriate and an informative is recommended. In the event that fumes were a nuisance there is legislation under the Environmental Health acts requiring the nuisance to be addressed. This could possibly involve the provision of a fitting to the top of the flue to disperse fumes or alternative flue/chimney arrangement.

7.5 Whilst the flue could potentially result in nuisance, the proposal incorporates measure to address this and further measures could be taken under the Environmental Health legislation should this be necessary. It is therefore considered that the application should be approved as other legislation is in place to cover nuisance from fumes.

8 Conclusion

8.1 The proposed development is considered acceptable subject to conditions and the recommendation is to grant permission.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00637

subject to the following conditions

- 1 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, with the exception of the flue hereby approved, no additional or larger chimney or flue shall be added to the roof of the single storey rear extension approved under application APP/14/00171.

Reason: Because further consideration would be needed as to the effect of any chimney or flue in this position on neighbouring amenities, in accordance with policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed plans Ref 13133/PL101
Design Statement - Revised chimney

Reason: - To ensure provision of a satisfactory development.