

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

Date of Meeting	3rd September 2008
Application Number	08/01569/FUL
Site Address	3 John Aubrey Close, Yatton Keynell
Proposal	Erection of chimney flue
Applicant	Mrs H. Brain
Town/Parish Council	Yatton Keynell
Grid Ref	386719 176837
Type of applications	Full Application

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because five letters of objection have been received.

Summary of Report

This application is for the erection of a chimney flue on the side elevation of the dwelling. The site lies within a residential area of Yatton Keynell and within an Area of Outstanding Natural Beauty (AONB). The key points to consider when determining this application are as follows:

- Implications on DC Core Policy C3
- Impact of the development on the Area of Outstanding Natural Beauty (Policy NE4)

Officer Recommendation

PERMIT subject to conditions.

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Proposal and Site Description

This application is for the erection of a chimney flue on the side elevation of the property.

The development site is located within John Aubrey Close which is a residential development located within the village of Yatton Keynell. The area is characterised by a mixture of detached and semi-detached dwellings.

Planning History		
Application number	Proposal	Decision
84/00072/FUL	Extension	Permitted
82/00310/FUL	Extension	Permitted
78/00976/FUL	Extension	Permitted

Consultations

Parish Council – Objected to the proposal for the following reasons:

- Inappropriate choice of materials
- Sited in a prominent location in the AONB and surrounding area
- Design and Access statement has not been submitted
- Parish would support a chimney
- Contrary to Policy C3 (i) and (iii), Policy NE4 (a), (b) and (c) and Policy H8 (i), (ii) and (iii)

Environmental Health – No adverse comments

Representations

Four letters of representation have been received from local residents. The following concerns have been raised:

- Development will be unsightly and out of keeping
- Development will be visible from various public viewpoints
- Development will change the appearance of the property and the area in general and will have an adverse impact on the AONB
- Development will set precedent
- Development will produce greenhouse gases which will have an adverse impact on the ecology
- The stainless steel material will be out of keeping
- Flue should be enclosed by an external chimney breast where materials match that of house
- A Design and Access statement has not been submitted
- Upkeep and maintenance will be difficult and unenforceable
- Development would be contrary to Policy C3, H8 and NE4 of the Local Plan

Planning Considerations

Impact of the development on the character of the area and AONB

The proposal seeks to erect a 20cm diameter wide stainless steel flue on the side elevation of the

property to provide a chimney for the wood burning stove to be installed in the sitting room. The plans show that the flue is to be 60cm higher than the roof ridge of the property for building regulations purposes.

The Parish and local objectors have noted that a Design and Access statement was not submitted with the application. On the basis that the site is located within the AONB, such a statement is required and the applicant has now submitted this document.

Local residents are opposed to the development as they consider the flue will have an adverse impact on the character and appearance of the property, the area in general and the AONB. This concern has been taken into consideration however on the basis that the flue is to be erected on the side of the property and is to be only 20cm wide, it is considered that the development will only have a very minor impact on the character and appearance of the area.

The flue is to be erected in a residential part of the AONB and it would therefore be difficult to argue that the structure would have an adverse effect on the natural beauty of the landscape. Its height beyond the roof ridge is not considered to be excessive and will be no higher than existing TV aerials and surrounding chimney stacks.

In terms of the materials to be used, it is considered that providing the flue is painted a colour which is appropriate in this location, the development will have a very limited impact on the character of the area. It is proposed that a condition be attached to any permission granted requesting that a sample colour of the heat resistant paint to be applied to the flue be submitted to the Local Planning Authority prior to works commencing on site.

Recommendations and Proposed Conditions / Informatives

PERMIT subject to conditions:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the Local Planning Authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3. No work shall commence on site until a sample colour of the heat resistant paint to be applied to the flue has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be painted with the heat resistant paint colour approved.

Reason: In order to ensure the satisfactory appearance of the completed development and to comply with Policy C3 and NE4 of the North Wiltshire Local Plan 2011.

Informatives:

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or

structures and may also lead to prosecution.

- Site location plan received by the local planning authority 30th June 2008.
- Drawing showing proposed side elevation received by the local planning authority 4th July 2008.

2. The following policies of the Development Plan are relevant to this decision:-

Policy C3, H8 and NE4 of the North Wiltshire Local Plan 2011.

Reason for Decision

The proposal, by virtue of its siting, scale and design, will not be harmful to the character and appearance of the area or Area of Outstanding Natural Beauty and will not be detrimental to the amenities of adjoining occupiers. On this basis, the proposal accords with Policies C3, H8 and NE4 of the North Wiltshire Local Plan 2011.

Appendices:	<ul style="list-style-type: none">• None
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• 1.20• 3.03• 4.02• 4.04• 4.07