

REPORT TO THE SOUTHERN AREA COMMITTEE

Date of Meeting:	25/10/2012		
Application Number:	S/2012/1189		
Site Address:	The Old Chapel, Tuckingmill, Tisbury, SP3 6JA		
Proposal:	Installation of a stainless steel flue, painted black, (retrospective)		
Agent:	Mr Simon Fowler		
Parish Council	West Tisbury		
Electoral Division	Tisbury	Unitary Member	Cllr Tony Deane
Grid Reference:	E 394050 N 129312		
Type of Application:	Full		
Conservation Area:	Tisbury		
Case Officer:	Mr Matthew Legge	Contact Number: 01722 434398	

Reason for the application being considered by Committee

Cllr Tony Deane concerned that this matter needed to be determined by Committee due to the concern expressed from neighbours and the Parish Council:

- 1) Scale of development
- 2) Visual impact upon the surrounding area
- 3) Relationship to adjoining properties
- 4) Environmental/highway impact

"If this had been consulted on BEFORE construction an existing flue at the rear could have been used, the stainless steel would therefore not exist and would not need painting which is only a short term solution with high maintenance. I have heard people say that downdrafts in the area cause the smoke to enter local buildings, this is not acceptable especially with the chance of asthmatics living in the area."

1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **Granted** subject to conditions.

2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact upon visual amenity and landscape character
- Impact upon neighbour amenity

The application has generated an objection from West Tisbury Parish Council.

Neighbourhood Responses

1 letter has been received objecting to the proposal.

3. Site Description

The Old Methodist Chapel is located within a Conservation Area and additional within an AONB. The application site also located within close proximity to Oddford Brook and is in an area of flooding.

4. Relevant Planning History

Application Number	Proposal	Decision
S/2010/1026	To provide a kitchen/canteen to the north west end (to the rear) of the chapel workshop to include a shower and toilet facility within the extension.	AC
S/2010/0492	To provide a kitchen/canteen to the north west end (to the rear) of the chapel workshop to include a shower and toilet facility within the extension.	WD
S/1995/1058	For existing use of buildings and land as workshop and store in connection with the business of a general builders	AC
S/2012/0394	Installation of stainless steel flue (retrospective)	WD

5. Proposal

Installation of a stainless steel flue, painted black, (retrospective)

6. Planning Policy

Adopted policies; G2, D3, C4, C5, CN8 as saved within Appendix C of the adopted South Wiltshire Core Strategy.

Paragraph 28 of the National Planning Policy Framework

7. Consultations

West Tisbury Parish Council – Object:

- *“The primary concerns are the emissions from the flue. They are unpleasant and can cause health problems.*
- *The immediate neighbours are adversely affected by the emissions from the flue pipe and are suffering a detriment.*
- *The applicants state that the flue pipe is necessary for heating, but a flue is already in place at the rear of the chapel. One flue is sufficient for heating purposes. There should be no necessity for a second flue.*
- *The applicant previously proposed that the flue could be resituated on the other side of the chapel roof, which would resolve the problem.*
- *The current application to paint it black is not a significant change and the flue is still an eyesore.”*

WC Conservation – No objections

WC Environmental Health – *“I refer to the above mentioned planning application. Having looked at the application regarding the installation of the steel flue on the roof of the Tuckingmill Methodist church I have concerns that the smoke emitted from the chimney has the potential to be detrimental to the amenity of the surrounding residential properties. I note there have been complaints from neighbouring premises since the installation was carried out.*

I recommend the following condition to be applied to the application.

1. *The cowl be removed from the stainless steel flue and replaced by an accelerator cone.*

- Explanation: to aid the dispersion of smoke, protect amenity of nearby residents*
- 2. That the scheme be implemented within three months of approval of this application.”*

8. Publicity

1 Letter of objection has been received:

“In summary, therefore, we would like strongly to recommend that this planning application should be refused.

- The installation is ineffective and causes a detriment to neighbouring properties*
- There is an environmental health hazard from the smoke which pervades our properties*
- There is already a new stove pipe installed at the rear of the Old Chapel which ought to be sufficient for heating purposes. However, if another stove pipe is necessary, consideration could be given to an installation on the northern elevation which would be out of sight and away from neighbouring homes.*
- The installation is an eyesore in this Conservation Area and in the Area of Outstanding Natural Beauty”*

9. Planning Considerations

9.1 Principle of development

Officers are keenly aware of the need to support rural enterprises as set out within the National Planning Policy Framework (NPPF):

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:
 - support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;

The Local Planning Authority wishes to comply with the aims of the NPPF and wishes to equally support appropriate development of and the expansion of rural businesses. The principle of a flue or chimney on the Old Chapel is acceptable and in this instance requires planning permission as the use of the chapel is for a business.

9.2 Impact upon visual amenity and landscape character

This application seeks retrospective planning permission for the installation of a stainless steel flue which has been proposed (within this application) to be painted black. This application follows the withdrawal of application S/12/394 which notably received an objection from the Parish Council and a Wiltshire Council Environmental Health Officer. This application has not proposed any alteration to the design of the flue but has proposed to paint it black in an attempt to mask its appearance within the immediate area. Officers note that a Conservation Officer has not objection to this application but that the visual appearance of the flue has received an objection from the Parish Council and an immediate neighbour at No.103 Tuckingmill. Officers consider that the unpainted shiny stainless steel flue could be considered to be visually inappropriate on the exposed southern roof slope of the Old Chapel. However, it is considered that once the flue is painted in a matt black, the

flue would be less dominant within the street scene and would be therefore acceptable. It is considered that the flue once painted black would have a limited impact on the wider Conservation Area/AONB; indeed the Conservation Officer has raised no objection to this application. The painting of the flue could be controlled via an imposed condition upon any approval.

9.3 Impact upon neighbour amenity

This application (*like the last withdrawn application*) has received objections from the Parish Council and the neighbouring property (known as No.103). Concern has been expressed that the omissions from the flue would be detrimental to the health and amenity of local residents. The concern from omissions has been investigated by a Wiltshire Council Environmental Health officer who is noted in this instance to have not objected to this application. An Environmental Health Officer has recommended a condition which would require the installation of an accelerator cowl which would direct the omissions further up and away from the ridge and this reducing the potential of smoke interfering with neighbouring properties. This suggested flue would therefore in the opinion of an Environmental Health officer reduce the detrimental impact to neighbouring amenity. As no objection to this application has been raised from Environmental Health it is considered that with the suggested accelerator flue suggested impacts to neighbouring amenity would be limited.

10. Conclusion

It is considered that the proposed flue could be treated in such a way so to preserve the character of the surrounding area and altered with resultant improvements to the suggested impact to neighbouring amenity whilst also still providing the desired support to a rural business.

11. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed retrospective installation of an black (painted) stainless steel flue serving a wood burning stove is considered on balance to be acceptable by virtue of its scale, design, siting and materials, with no significant impact to neighbouring amenities or the AONB/Conservation Area and is therefore compliant with adopted policies; G2, D3, C4, C5, CN8 as saved within Appendix C of the adopted South Wiltshire Core Strategy and paragraph 28 of the National Planning Policy Framework.

And subject to the following conditions:

(1) Within 3 months from the date of this permission, the retrospective stainless steel flue hereby approved shall be painted black and shall have a matt finish.

REASON: In the interest of the preserving the visual character of the Conservation Area and the AONB.

POLICY: D3 (Design) CN8 (Conservation Area) C4 & C5 (AONB)

(2) Within 1 month from the date of this permission, a scheme for an accelerator chimney cowl shall be submitted to and be approved by the Local Planning Authority. Such an approved scheme shall then be carried out within 3 months of the date of the Local Planning Authority's approval letter.

REASON: In the interest of neighbouring amenity.

POLICY: G2 (General)