

Application No: W 10 / 0162

Registration Date: 08/03/10
Kenilworth

Town/Parish Council:

Case Officer: Liz Galloway
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11 Park Hill, Kenilworth, CV8 2JG

Increase in height of flue on rear extension and increase in size of W.C.
(retrospective application) FOR Mr I Connell

This application is being presented to Committee due to an objection from the Town Council having been received.

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection on the following grounds-

1. The proposal would change the character of the street scene.
2. They considered it to be unneighbourly.
3. The increase in height of the flue would have a negative visual impact on the surrounding area.
4. The potential adverse environmental impact on neighbours. Officers were requested to examine this aspect in detail.

Public Response : 1 public response (13 Park Hill dated 8.1.10): Objects on grounds of smoke and fumes drifting onto property, the position of the wood burning stove and size of previously approved extension roof. Further objections made on 16.2.10 on grounds of the chimney visually being an eyesore and smoke nuisance. Further objections made on 29.3.10 on grounds of odours, height, fumes and smoke in a smokeless zone, appearance and environmental health issues.

1 public response (9 Park Hill). This letter refers to application ref: W09/0536, however, the letter is dated 15.2.10 and refers specifically to the proposed flue (chimney). This neighbour objects on grounds of the chimney visually being an eyesore and smoke and fumes nuisance. Further objection made on 23.3.10, however, no reasons for objection given. Further objections made on 29.3.10 relating to colour, design, position within close proximity, view and amenity of the use of garden.

Environmental Health: I write in response to the above retrospective application for the increase in flue height at 11 Park Hill. After reviewing the relevant documents and visiting the site I would make the following comments:

Environmental Health raises no objection.

The increase in height of the wood burner flue is likely to further reduce the risk of nuisance from exhaust products affecting neighbouring premises.

However, if nuisance from smoke or fume affects neighbouring premises, it can still be treated as a statutory nuisance. To minimise the chance of a statutory nuisance occurring, where practical, all flues should discharge at a level higher than any adjoining premises. The likelihood of a nuisance occurring can be increased due to a down draft from the pitched roof of a nearby higher building

- i.e. wind blowing across a roof forces smoke down rather than allowing it to rise.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

8754 - Granted for erection of a bedroom and kitchen extension

W09/0536 - Granted for erection of a single storey rear extension (after demolition of existing bedroom and dining room).

KEY ISSUES

The Site and its Location

The application property is a modern detached bungalow set amongst various designs and located to the West of Park Hill. The property is not a Listed Building and does not lie within a Conservation Area. The neighbouring properties consist of a detached bungalow, set on a higher ground level, to the North of the application site (number 13) and a two storey property located to the South of the application site (number 9).

Details of the Development

The applicant has erected a chimney (stove flue) on the flat roof of a recently approved and constructed single storey rear extension.

Assessment

The principal issues are the impact on the street scene and the neighbouring properties in Park Hill.

A planning application (Ref number W09/0536) was received on the 7.5.2009 for the erection of a single storey rear extension which showed the position of a wood burning stove chimney (flue) situated on the rear flat roof adjacent neighbour number 9 Park Hill. After consultation with the adjoining neighbours and Town Council, no objections were made relating to the single storey rear extension, however, neighbour number 9 Park Hill did have concerns relating to the wood burning stove chimney (flue). Due to the concerns from this neighbour, the applicant was asked to move the proposed chimney from its original position and relocate the chimney to a position further away from this neighbours boundary. Amended plans were submitted and no objections were received from Environmental Health regarding the proposed chimney, therefore, with the combination of the design of the single storey extension and the relocation and height of the flue, the application was Granted under delegated powers.

The proposed single storey rear extension was subsequently constructed in accordance with the plans, however, the proposed chimney was not and instead of being 0.8 metres high, it was constructed approximately 1.8 metres high, which triggered the need for a revised application showing the height, design and position of the retrospective chimney, which is the subject of this planning application.

By way of background, the general permitted development rights for chimneys or flues on dwellings (Class G) are such that they can be installed without permission on existing dwellings so long as they are not on a roof slope of a principal or side elevation which fronts a highway and do not exceed the highest part of the roof by 1 metre or more.

The retrospective chimney will be partially visible within the street scene, however, it is situated a sufficient distance away from the public footpath/highway on the rear of the application property and is not considered to have a seriously detrimental impact on Park Hill. The design of the chimney has been slightly altered since it was originally constructed after consultation between the Environmental Health Department and the applicant. The applicant was advised that the chimney would benefit from an alternative cowl, and this alteration has been carried out. The design of the retrospective chimney is in keeping with the contemporary style of the existing extension and forms an appropriate part of the development.

Objections have been received from the Kenilworth Town Council, neighbour number 9 Park Hill and neighbour number 13 Park Hill. All the objections received relate to the design, position and visual impact of the flue on the street scene and the neighbours. Also, concerns that were raised on the previous application (Ref no W09/0536) relating to the environmental impact, including the fumes and smoke from the chimney, have been reiterated. I am of the opinion that the design of the retrospective chimney is in keeping with the contemporary style of the existing extension and whilst the flue is visible from the street frontage and neighbours gardens, I do not consider that painting in a dark colour is necessary in this instance.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted shall be retained strictly in accordance with the details shown on the approved drawing 175-04 Rev D , and specification contained therein, submitted on 12th April, 2010 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development is considered to have an acceptable impact on the street scene and on neighbours amenities and does not materially prejudice policies DP1 and DP2.
