

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7th November 2007

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1597/07/F – GREAT SHELFORD Flue (Retrospective Application) at 40 Church Street for F. Plaskassovitis

Recommendation: Approval

Date for Determination: 11th October 2007

Notes:

This Application has been reported to the Planning Committee for determination because the officer recommendation is contrary to the recommendation of Great Shelford Parish Council.

Conservation Area

Site and Proposal

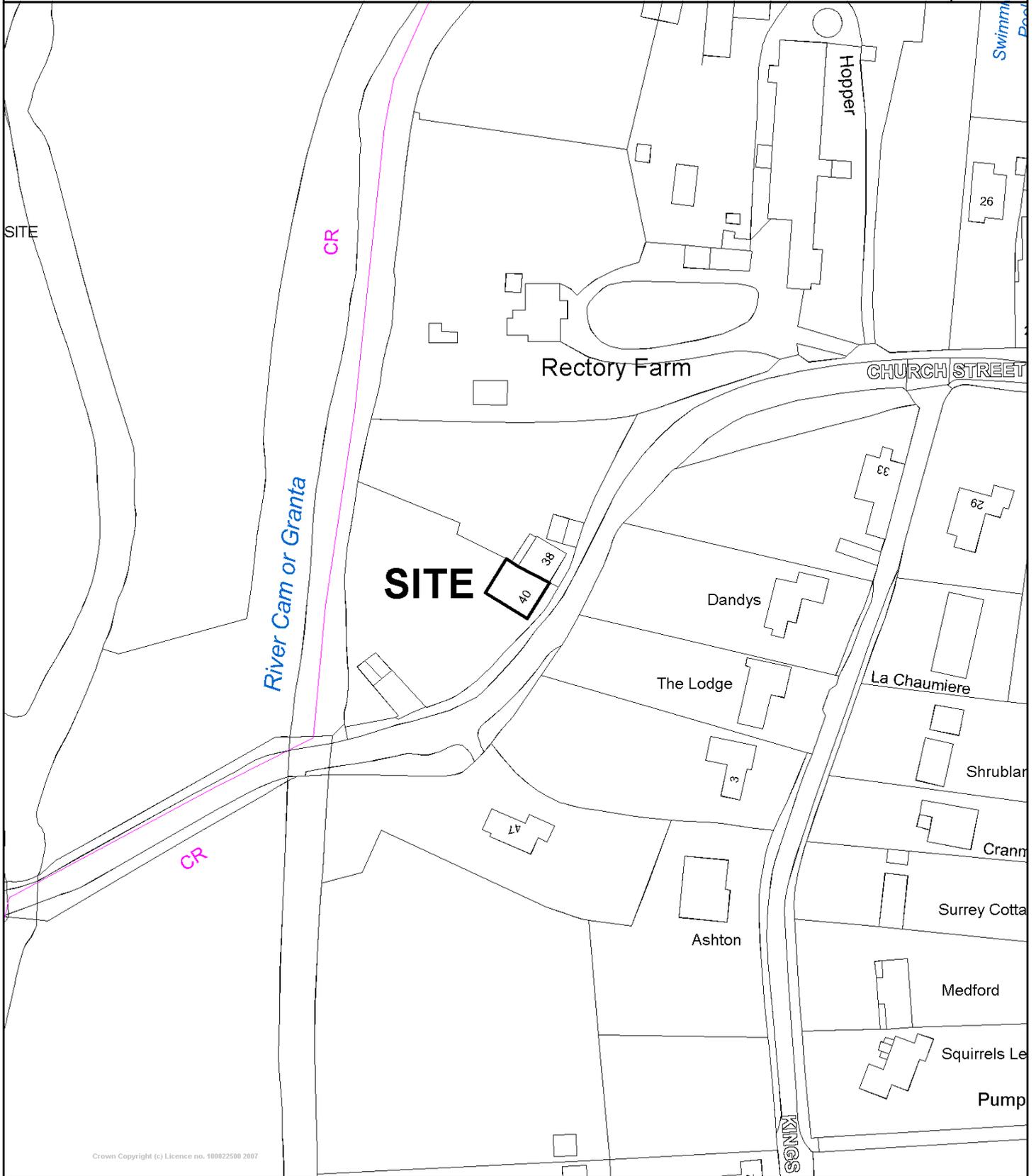
1. No. 40 Church Street is a two-storey, semi-detached, late 17th century/early 18th century, timber frame/render and plain tile grade II listed cottage that is situated within the Great Shelford village framework. It lies within the conservation area, a protected village amenity area, and flood zone 2 (medium risk).
2. The application, registered on 21st August 2007, proposes retention of the existing 1.6 metre high stainless steel flue on the roof of the 19th century two-storey rear extension. It is situated on the north facing roof slope and projects 0.3 of a metre above the ridge of the extension. It is situated 4.5 metres from the boundary with the neighbouring property at No. 38 Church Street. The flue was re-sited from its original position approximately 5 metres to the east, adjacent to the valley of the main cottage roof and extension.
3. No. 38 Church Street forms the remainder of the semi-detached cottage. It has a breakfast room at ground floor level, and a bedroom at first floor level adjacent the boundary. The lounge and master bedroom lie beyond. The patio area is situated immediately to the rear of the lounge.

Planning History

4. Listed building consent was granted in 2003 for re-siting of metal flue to wood burner and conversion to chimney (reference **S/1431/03/LB**).

Planning Policy

5. Policy **P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 and Policy **DP/2** of the South Cambridgeshire Local Development Framework Development Control Policies 2007 seek to ensure that all new developments incorporate high standards of design that respond to the local character of the built environment.



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Centre = 545703 E 251795 N

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6. Policies **CH/3** and **CH/5** of the South Cambridgeshire Local Development Framework Development Control Policies 2007 state that applications that affect listed buildings and conservation areas will be determined in accordance with legislative provisions and national policy in PPG15.
7. Policy **CH/4** of the South Cambridgeshire Local Development Framework Development Control Policies 2007 states that planning permission will not be granted for development that would adversely affect the curtilage or wider setting of a listed building.
8. Policy **CH/6** of the South Cambridgeshire Local Development Framework Development Control Policies 2007 states that development will not be permitted within or adjacent to protected village amenity areas if it would have an adverse affect on the character, amenity, tranquillity or function of the village.
9. Policy **GB/3** of the South Cambridgeshire Local Development Framework Development Control Policies 2007 states that where development proposals are within the vicinity of the Green Belt, account will be taken of any adverse impact upon the Green Belt.
10. Policy **DP/3** of the South Cambridgeshire Local Development Framework Development Control Policies 2007 states that planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity, village character, countryside/ landscape character, and/or flood risk, or result in environmental disturbance such as noise, odour, noxious emissions or dust.
11. Policy **NE/11** of the South Cambridgeshire Local Development Framework Development Control Policies 2007 states that applications in relation to flood risk will be judged against national policy in PPS25.

Consultation

12. **Great Shelford Parish Council** recommends refusal of the application and makes the following comments: -

“As the flue is in position and is obviously a nuisance to neighbours when in use, the Parish Council cannot support this application. The original listed building consent granted in September 2003 required that details of the height, bricks, mortar and coping to the chimney should be submitted to the LPA. This has never been done; in fact the height of the chimney has not been resolved. As a planning application was not submitted at the same time as the listed building application and the neighbours were not informed by S.C.D.C. of the latter application so could not express their concerns at the time, this retrospective application is an opportunity for all interested parties to resolve the nuisance issue.”

It also states the following in a letter dated 2nd October: -

“It has been brought to the notice of the Parish Council that the emissions from the flue are causing a nuisance to the neighbours. As this is not solely planning, listed building issue but also involves building regulation and environmental health, the council hopes representatives of the various departments could meet on site to try and resolve this long running issue.”

13. The **Conservation Manager** has no objections. However, the plans are inaccurate as they show the flue nearer the gable than its existing position.
14. The **Corporate Manager (Health and Environmental Services)** considers that there are no significant noise or environmental pollution impacts.
15. The comments of the **Building Inspector** are awaited and will be reported verbally at the meeting.

Representations

16. The occupier of No. 38 Church Street objects to the application. The main points of concern are summarised below: -
 - a) The position and height of the flue does not allow sufficient dispersion of the smoke, fumes and particulate matter;
 - b) The flue causes a nuisance and is prejudicial to health and the enjoyment and amenity of the property, especially when outdoors in the garden;
 - c) The flue is dirty, battered and constructed of metal and not considered to enhance the area or be appropriate on the roof of a 1660 timber frame cottage;
 - d) The application is in a conservation area and must be advertised on site;
 - e) The application is incomplete and does not take account of the representations received during the course of the listed building application;
 - f) The design and access statement is inaccurate and incomplete as it is believed that the flue is not replacing a legal structure;
 - g) The application does not address relevant building regulations and environmental issues; and,
 - h) The application should be refused and enforcement notice served so that the flue can no longer be used at its present height and position.

Planning Comments – Key Issues

17. The flue has been situated in its current position since November 2003 and it is currently an unauthorised development. This application seeks to regularise the situation. The main issues relate to the impact of the development upon the listed building, conservation area, green belt/countryside, environmental issues, neighbour amenity, and flood risk.

Listed Building

18. The flue is not considered to detract from the special character and appearance of the listed building itself or damage the setting of the pair listed cottages, as it does not dominate the listed building in scale, it is of traditional form and design, and is constructed of appropriate materials.

Conservation Area

19. The flue can be glimpsed from Church Street but it is not visually prominent to the extent that it has an unacceptable impact upon the appearance of the street scene and conservation area, as it is set back 11 metres from the road and is seen against the backdrop of existing buildings and vegetation. Whilst I acknowledge that it is

clearly visible from the rear gardens of No. 38 and 40 Church Street, I consider that it preserves the character and appearance of the conservation area and does not adversely affect the protected village amenity area, as it is seen against the backdrop of the roofs of the existing dwelling and extension.

Green Belt/Countryside

20. The flue is situated 35 metres from the boundary with the Green Belt/ countryside and would not be visually conspicuous in the landscape, given the dense screening along the rear boundary of the site.

Environmental Impact

21. The flue is not considered to cause an undue environmental nuisance to the neighbour or surrounding area through noise, odour, noxious emissions or dust. Whilst I acknowledge the concerns of the neighbour, the site has been visited a number of times and the flue has not been witnessed in use by the Council's Health and Environmental Services department. No statutory nuisance has, therefore, been proved through observation.

Neighbour Amenity

22. The flue is positioned on the roof, with its base being approximately 5 metres from ground level and 4.5 metres from the boundary of No. 38 Church Street. Its relationship with the neighbouring property is that it is 8 metres from the first floor bedroom windows in the rear elevation at an angle of 45 degrees and 0.5 of a metre higher, 10 metres from the first floor master bedroom at an angle of 20 degrees and 1 metre higher, 6 metres from the ground floor breakfast room windows in the rear elevation at an angle of 20 degrees and 3 metres higher, 10 metres from the lounge window in the side elevation at an angle of 90 degrees and 3 metres higher, and 10 metres from the ground floor lounge window in the rear elevation at an angle of 0 degrees and 3 metres higher.
23. Although visible from 40 Church Street, I do not consider that the flue seriously harms the amenities of the neighbour through resulting in a prominent development that is unduly overbearing in mass or by affecting the outlook from the main habitable room windows, patio and garden area of that property, given its position and height.
24. The flue does not result in a loss of light or significant overshadowing that harms the amenities of the neighbour.

Flood Risk

25. The flue is situated 35 metres to the west of the River Cam. As a result of its position on the roof of the dwelling, it does not increase the risk of flooding to the site and surrounding area.

Building Regulations

26. The flue projects 0.4 metres from the ridge of the roof of the extension. Confirmation is awaited from the Building Inspector as to whether the flue complies with building regulations Approved Document J.

Other Matters

27. The current plans that form the application are inaccurate, as they do not show the flue in its correct position. Amended plans have been requested.
28. A site meeting will be organised with the agent and representatives of the planning section, conservation section, building control section and environmental health department to discuss the application. Any comments will be reported verbally at the meeting.
29. The applicant no longer wishes to erect a chimney. As the consent is part implemented, there is no requirement that states that the chimney should now be constructed.
30. There is no statutory requirement to notify neighbours of a listed building application. However, a notice was posted on site and an advert placed in the local press. With respect to the current planning application, I can confirm that all relevant neighbours and statutory consultees have been notified, a notice was posted as close to the site as possible, and an advert placed in the local press.
31. I do not believe that the planning application is incomplete. The applicant does not need to justify the issues raised from the representations received during the course of the listed building application. The legality of the previous flue is not relevant to this application. The granting of any planning permission does not imply that the structure complies with building regulations and this is not a planning consideration that would normally be considered during the course of a planning application. The environmental issues will be considered during the course of the application.

Recommendation

32. Approval subject to receipt of amended plans that show the accurate position of the flue and the following condition:
 1. The flue shall be painted matt black unless otherwise agreed in writing by the Local Planning Authority.
(Reason- To ensure that the flue does not detract from the character and appearance of the listed building and preserves the conservation area.)

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/3 (Sustainable Design in Built Development)
 - **South Cambridgeshire Local Development Framework Development Control Policies 2007:**
CH/3 (Listed Buildings)
CH/4 (Development Within the Curtilage or Setting of a Listed Building)
CH/5 (Conservation Areas)
CH/6 (Protected Village Amenity Areas)
GB/3 (Mitigating the Impact of Development on the Green Belt)

DP/2 (Design of New Development)
DP/3 (Development Criteria)
NE/11 (Flood Risk)

Background Papers: the following background papers were used in the preparation of this report:

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Development Framework Development Control Policies 2007
- Planning File References S/1597/07/F and S/1431/03/LB

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