

PLANNING APPLICATION: 08/00081/FUL

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

- This is an application to install a wood pellet boiler and the associated flue on a dwelling house.

The Site

- The site lies within in Findhorn Conservation Area where an Article 4 directive restricting householder development rights is currently in force.

Policy / Objections-Representations / Consultations - See Appendix

History

None relevant.

Advertisement

Advertised under the current Listed Building and Conservation Area Regulations.

Observations

The main determining issues are as follows:

Impact of Development Upon the Amenity of the Surrounding Property and Area (L/IMP1, IMP1 Development Requirements)

Impact of Development Upon Conservation Area. (L/ENV15, BE3 Conservation Areas)

The flue is the main concern as the boiler is internal to the house. As this is a retrospective application it is easy to judge the impact on the character of the area.

At approximately 1.5 metres above the boiler room roof it is not considered that the flue adversely detracts from the character of the Conservation Area.

It is linked to a sustainable fuel source (wood pellets) and is an integral part of the system.

The issue of amenity in respect of neighbouring properties has been raised by objectors and is covered below.

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APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2000

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

- f) conserving and enhancing the areas built heritage resources and their settings.

Policy L/IMP1: Development in Built-up Areas

In areas covered by this policy, (i.e. all land within settlement boundaries and rural communities), the Council will, in considering applications for planning permission, try to ensure that proposals for development do not harm the general character of the surrounding area. Applications will therefore take account of the main uses of land and buildings in the vicinity, the mix of such uses and the architectural quality of the area. The main concern of the Council is to ensure that development proposals should neither conflict with nor detract from the character, amenity and design of an area. This policy will not preclude appropriate new development and is not intended solely to maintain the status quo.

In interpreting and clarifying this policy, the Council will take into account the guidelines on Character, Amenity and Design.

Guidelines on Character, Amenity and Design (L/IMP1)

a. Character

The character of an area is assessed by the;

- (i) main uses;
- (ii) appropriateness of a diversity of uses; and
- (iii) desirability of introducing a development which may detrimentally alter the existing balance of usage
- (iv) architectural style of the area.

b. Amenity

The amenity of an area is assessed in terms of both the people who will occupy the development site, and the adjoining occupiers. In short, new developments should be "good neighbours". Where there is an inherent incompatibility of neighbouring developments, or where remedial action cannot be made effective, applications are likely to be refused.

The important aspects of amenity which the Council considers are worth protecting are:-

- (i) **Privacy** - for both the occupants of a proposed development and surrounding neighbours. Loss of privacy can be minimised by re-orientation, reducing the densities of development reducing the size of buildings, and attention to building levels or by design modifications, for example, window proportion and size.

- (ii) **Traffic** - the introduction of increased traffic movement and resulting noise, can significantly detract from the amenities of an area.
- (iii) **General Disturbance** - protection from activities which create unreasonable levels of noise, smells and other discomforts including wheeled bin locations.
- (iv) **Sunlight/Daylight** - adequate levels of sunlight and daylight, and to a lesser extent, outlook, should be safeguarded for surrounding properties and afforded to new developments.

c. Design

Design of new development should not only relate to the type of development in the immediate vicinity but also to the wider issues of context and setting. This need not be restrictive to new or innovative architectural expression.

Applicants should, therefore, avoid design proposals which compromise the appearance of design characteristics of the surrounding area.

In considering the appropriateness of a design the Council will have regard to:

- (i) The scale of adjoining development.
- (ii) The materials, finishes and colours used in nearby development.
- (iii) Any features on or near the site worthy of reproduction, protection or enhancement, e.g. trees, hedges, views and other features of public importance.
- (iv) Principles of site sensitive design e.g. that pitched roofs are preferred to flat roofs, piended dormers to box dormers, vertical windows to horizontal picture windows etc., where these features predominate in an area.

Policy L/H6: House Alterations and Extensions

House alterations and extensions will normally be approved provided that the appearance of the house and surrounding area is not adversely affected. Approval is, however, unlikely to be granted where the siting and scale of the extension significantly affects the amenity enjoyed by the occupants of adjoining property (and that will include considerations of sunlight, daylight and privacy) as specified in the Implementation Chapter. Pitched roofs will be preferred to flat roofs, piended dormers to box dormers. Existing stone walls should, as far as possible, be retained. Guidelines on house extensions are to be produced separately. Special guidance is available for replacement windows in flats, and domestic satellite antennae.

Policy L/ENV15: Conservation Areas

(i) New Developments

Applications for new developments which affect conservation areas will require to be submitted in detail and will be advertised as necessary. New developments must preserve and enhance the Conservation Area.

(iii) Rear and Side Elevations

The rear and side elevations of buildings must be treated with the same care as front elevations where, as in many conservation areas, the rear and/or side elevation forms an important element in lanes side streets and views of towns from approach roads.

Emerging Moray Local Plan 2008 - Material Consideration

IMP1: Development Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

H5: House Alterations and Extensions

House alterations and extensions will normally be approved if the appearance of the house and the surrounding area is not adversely affected in terms of style, scale proportions or materials.

BE3: Conservation Areas

Development proposals within Conservation Areas will require to be submitted as full detailed planning applications and will be refused if they adversely affect the character or appearance of the Conservation area in terms of scale, height, materials, colour, detailed design and use.

All development within a Conservation Area should preserve or enhance the established traditional character and appearance of the area.

Development proposals involving the demolition of buildings within a Conservation area will be refused unless the building is considered not to make a positive contribution to the character and appearance of the area. Where redevelopment is proposed, consent to demolish will only be granted where there are acceptable proposals for the site. Conditions will be attached to any planning permission/conservation area consent prohibiting demolition until contracts have been let for the redevelopment of the site.

Boundary walls, fences and ground surfaces must relate to the individual building and to the established amenity of the Conservation area. Boundary walls and fences will not be permitted over the height of 1 metre in the interests of existing character, amenity and safety unless the character of the area suggests otherwise.

Shop Fronts and Security Devices

Shops in conservation areas should retain original signs where possible. Where archive drawings and/or photography exists the Council will encourage the reinstatement of the original shop fronts which have been lost. New shop fronts must be designed in relation to the whole elevation of a building so that the new shop front relates to established doors and windows; floor height and vertical alignment of buildings. They should be constructed in materials appropriate to the original building and be of painted timber construction. Security devices in the form of removable and/or fold away grilles are preferred although perforated roller shutters will be permitted provided that box devices do not project beyond the building line.

Satellite Dishes and Other Fittings

The Council will approve in principle external fixtures to important buildings, which are deemed to be essential to the use of that building e.g. satellite equipment, TV aerials, telecommunication cables, security boxes, CCTV where they do not adversely affect the character or fabric of the building.

Advertisements

Advertising within Conservation Areas will be permitted where it is sensitive to the historic nature of the area. New signage should respect the historic fascia line and height on the adjoining properties and be finished in a matt non reflective finish.

Illumination will only be permitted where an appropriate discreet projecting light source can be provided. No internally illuminated signage will be permitted. Projecting hanging signs should be fixed at fascia level and if illuminated this should be provided with a discreet projecting light

source. Projecting light sources and internal illuminated signs will not be permitted. Internal illuminated plastic fascias will only be permitted if no alternative solution can be found.

Article 4 Directions

The Council may apply to the Secretary of State for Article 4 Directions for its conservation areas which will permit the Council to require planning applications for matters otherwise classed as permitted development.

OBJECTIONS-REPRESENTATIONS

Two letters of objection have been received from neighbouring properties as listed below: -

An objection has also been received from Findhorn Community Council - see Consultations below.

- T E Booth, 21 Findhorn
- Christopher and Chloe MacGillvray, 38 Findhorn

They raised the following concerns: -

- Height of flue low compared to traditional chimney height.
- Coal or wood may be loaded into the boiler causing soot/smuts to blow.
- Main windows and doors are in close proximity.
- Flue is unsightly and out of character.
- Fumes could be blown into neighbouring windows.
- Plan is incorrect.

Agents Comments: The system can only burn wood pellets. The system operates a clean and efficient combustion at all times. The ignition system is electronic and lighter fuels etc. is not required. Emissions, if visible, are water vapour produced from heat mixing with outside air.

Comment: The height is lower than a traditional chimney but is not considered to impact on the Conservation Area. Due to the concerns raised confirmation from the stove supplier has been sought on the way in which the system operates.

It is considered that the information provides sufficient comfort to the Planning Service that there will not be an adverse impact on neighbouring properties.

The plan also gives sufficient information to identify the location of the flue on the house.

CONSULTATIONS

Environmental Health Manager, Development Services - No objections.

Contaminated Land Section, Development Services - No objections subject to informative note added to decision.

Findhorn Community Council - Raise concerns re the flue and asked that a "competent risk assessment" be included in the Councils consideration of the application. It is considered that the concerns have been addressed above.