



Appeal Decision

Site visit made on 1 December 2020

by **Mr Kim Bennett BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/V2255/D/20/3248711

Rosalyn, Chestnut Street, Borden ME9 8DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Viccars against the decision of Swale Borough Council.
 - The application Ref 19/503814/FULL, dated 1 November 2019, was refused by notice dated 9 January 2020.
 - The development proposed is a 3 metre flue from a wood gasification boiler in existing rear shed (retrospective).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the visual amenities of the occupiers of adjoining residential properties.

Reasons

3. The appeal site comprises a semi-detached chalet bungalow located on the south side of Chestnut Street. It forms part of a ribbon of development on this side of the road, which backs on to open countryside. There are adjoining bungalows to either side in close proximity to the appeal property. At the rear of the property, there are a number of wooden sheds and one of these accommodates a wood gasification boiler. In order to vent the boiler, a large flue has been mounted on the roof of the shed and permission is sought to retain this.
4. From a visual point of view, the appellant argues that the flue is similar to other domestic paraphernalia and it needs to be the height it is in order to avoid fumes or odour being experienced in adjoining gardens. It is also considered that its silver colour blends with the sky. However, the flue is some 3 metres in height above the roof of the shed, which itself is some 2.3 metres in height according to the Council. It is also visually apparent, having a diameter of 0.4 metres, a larger cowl on top and supported by 2 stays. Together with its stainless steel finish, it resembles an industrial type of structure and not one which would normally be expected to be seen in a domestic situation such as this. In that respect therefore I do not consider it is typical of normal domestic paraphernalia. It also directly adjoins the rear common boundary with the adjoining property to the west, Meadowview, and is in full view from the rear of that property as evidenced by the photograph

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submitted by that occupier. My own on site observations also confirmed that. Similarly, It is also in view from the property on the other side, Ivy Cottage, albeit that it is further from the rear common boundary in that case.

5. Having regard to the above, I find that the size and appearance of the flue, and particularly its proximity to Meadowview, is harmful to the outlook and visual amenities of the occupiers of that property and to a lesser extent the occupiers of Ivy Cottage. I do not consider that harm could be overcome simply by painting the flue in a more subdued colour. I note that the flue may be able to be sited elsewhere on the roof of the main bungalow under permitted development, subject to certain criteria, but that would at least not be in full view of the outlook from the rear gardens of properties to either side.
6. In reaching the above finding, I acknowledge the carbon emission benefits that a wood gasification boiler has in that wood burning is carbon neutral because the same amount of carbon dioxide that is released in the burning process is later re-absorbed by growing plants. In that respect it is generally consistent with guidance within the National Planning Policy Framework which encourages sustainable development, and also in line with Government targets to have a carbon neutral Britain by 2050. However, a balance needs to be struck between differing considerations and such objectives do not necessarily override harm in other respects which would be the case here.
7. I note the concerns from neighbours in that notwithstanding the height of the flue, they have experienced odour from the boiler. In response, the appellant has advised that the boiler only requires a limited number of burns to achieve its maximum temperature. The Council says that it does not have specific technical information on this issue in order to make an informed response. Similarly, such information is not before me. However, whilst acknowledging that there might have been particular problems with odour emissions at some stage, it seems to me that such boilers do not usually cause odour problems and as the appellant notes, they do not produce the same level of smoke as a normal wood burner. If it does, there are other remedies available under Environmental Health legislation which the Council could pursue if emissions became problematic. As such, and in the absence of specific technical information before me, I do not consider such issues would justify withholding permission on that basis.
8. Notwithstanding the above, and despite the wider environmental benefits generally, I conclude that the size, form of construction, colour and siting of the flue in its current location causes unacceptable visual harm to the amenities of the occupiers of adjoining properties. As such it is contrary to Policies CP4 and DM14 of the Council's Bearing Fruits 20131: The Swale Borough Local Plan, in that it is not a good design or appropriate to its surroundings and causes significant harm to amenity.
9. Accordingly, the appeal is dismissed.

Kim Bennett

INSPECTOR