
Appeal Decision

Site visit made on 5 September 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2019

Appeal Ref: APP/N4205/D/19/3233249

39 Alderton Drive, Westhoughton, Bolton BL5 2JD

- 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 Ms R Taylor against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 05603/19, dated 2 March 2019, was refused by notice dated 26 April 2019.
 - The development proposed is a multi fuel stove with flue to rear.
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Decision

1. The appeal is allowed and planning permission is granted for a multi fuel stove with flue to rear at 39 Alderton Drive, Westhoughton, Bolton BL5 2JD in accordance with the terms of the application, Ref 05603/19, dated 2 March 2019 and the plans submitted with it.

Procedural Matter

2. The Council altered the description of the development from 'installation of multi fuel stove with flue to rear' to read 'retention of multi fuel stove with flue to rear'. The stove and flue are already in place and the word "retention" is not an act of development so I have not included either word in the description of development.
3. The appellant has questioned the need for planning permission. Whether or not planning permission is required is not a matter for me to determine in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990. It is open to the appellant to seek a determination under S191 of the Act in relation to this matter. My decision on this appeal under Section 78 of the Act does not affect the issuing of a determination under Section 191 of the same Act.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the house and immediate area.

Reasons

5. The appeal property is a modern two storey house which forms one of a row of closely spaced detached properties on Alderton Drive. The appeal property and its immediate neighbours have rear gardens which rise slightly away from the houses towards an area of green space and school playing field behind. The

garden of the appeal property has boundary fencing which is stepped to follow the rise in level and this, together with the mature trees to the rear give the space an enclosed and intimate feel.

6. The appeal property has a rear conservatory which occupies most of the width of the house and contains the multi fuel stove and flue which is the subject of this appeal. The flue projects vertically from the conservatory roof for approximately 3 metres. Whilst the top of the flue rises to above the level of the eaves of the main house it is well below the ridge, it is narrow and is not visible from the street. The flue is visible, however, from the gardens of neighbouring properties in particular Nos 37, 41 and 43 Alderton Drive. However, due to it's small size in relation to the main property, I do not consider it to be harmful in terms of its appearance or to the outlook from these properties.
7. I conclude that the flue does not cause unacceptable harm to the character and appearance of the house and immediate area. I therefore find no conflict with Policies CG3 and CG4 of Bolton's Core Strategy 2011.

Other Matters

8. Neighbours have expressed concerns relating to fumes and odours being emitted from the flue. However, the Council's Environmental Health Officer, having inspected the flue during operation, did not raise any concerns about emissions. In the absence of such evidence, there is no reason to withhold planning permission on these grounds.

Conclusion

9. For the reasons given the appeal should succeed.

Rosie Morgan

INSPECTOR