

Appeal Decision

Site visit made on 13 February 2023

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01st March 2023

Appeal Ref: APP/B1740/D/22/3312839

19 Arnolds Close, Barton-on-Sea, Hampshire BH25 7JW

- 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 and Mrs Searle against the decision of New Forest District Council.
 - The application Ref 22/11116, dated 28 September 2022, was refused by notice dated 15 November 2022.
 - The development proposed is for a flue to an existing outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for a flue to an existing outbuilding at 19 Arnolds Close, Barton-on-Sea, Hampshire BH25 7JW in accordance with the terms of the application Ref 22/11116, dated 28 September 2022 subject to the conditions set out below:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in complete accordance with the following approved plans: LP.01 Revision A, L.01 Revision C and V.01 Revision B.
 3. The matt black finish to the flue shall be maintained in perpetuity.

Procedural Matter

2. At the time of my site visit a 2m stainless steel flue projected from the roof of the outbuilding the subject of this appeal, and which serves a wood burner to provide heat to the interior, for purposes incidental to the residential occupation of 19 Arnolds Close.
3. I had the opportunity to view the appeal site from both 1 Barton Drive and from a gap between 28 and 30 Keysworth Avenue, on the pavement, prior to visiting the site itself.
4. The proposal is to replace the existing flue with one that is 1m high and finished in a matt black paint and I have determined the appeal on this basis.

Main Issue

5. The main issue is the effect of the appeal proposal upon the character and appearance of the area.

Reasons

6. From my site visit it is quite clear that the existing flue is highly visible within the rear garden scene and by virtue of its metallic nature it does appear rather obtrusive to the occupants of neighbouring residential properties.
7. The proposal before me, as described above, would be for a replacement flue of half the height, and being matt black would catch the eye significantly less than the current situation. Indeed, I consider that whilst the flue and the outbuilding it would serve are in close proximity to the rear garden boundaries of both 1 Barton Drive and 30 Keysworth Avenue, nonetheless by virtue of its narrow width and relatively modest height, it would not give rise to material loss of outlook. Whilst it may be slightly more unusual to have a flue emanating from the roof of an outbuilding as opposed to a dwelling, nonetheless it is a domestic feature which I consider would not appear unduly alien within the rear garden scene.
8. Therefore I find that the proposal complies with Policy ENV3 of the New Forest District Local Plan 2016 – 2036 Part 1: Planning Strategy which, amongst other things, requires proposals to be sympathetic to its environment and context, whilst avoiding unacceptable effects by reason of visual intrusion or overbearing impact or other adverse impacts on local character and residential amenity.

Other Matters

9. I note the concerns raised by the Town Council and third parties regarding detrimental effects upon the environment in terms of air pollution through a shortening of the flue and the impact that this could have upon local residents' health. In response to this issue the Council stipulates that any substantiated complaints could be dealt with under the Environmental Health legislation if a public nuisance was established, with this view stemming from the consultation response of the Council's Environmental Health (Pollution) Department. I therefore consider that this is not a determining factor in this appeal.
10. I acknowledge the discrepancy between the dates that the work was started and completed on the outbuilding itself and the installation of the existing flue; whilst I am not in a position to dispute whether the dates set out within the planning application are correct or otherwise, they do not affect my assessment of the substance of the case in hand. I appreciate that the presence of the flue could not reasonably be concealed, however respectfully, there is no right to a view within the planning legislation.

Conclusion and Conditions

11. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
12. Other than the standard time limit condition the Council recommends that a condition is imposed that requires the development to be carried out in accordance with the approved plans and that the new flue is kept with a matt black finish in perpetuity. I consider that in the interests of maintaining the character and appearance of the area that these conditions are necessary.

C J Tivey

INSPECTOR