DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0121/23/HFUL
Proposal: Retrospective application for a woodburner flue in existing garden shed.
Location: 134 Harton Lane
South Shields
NE34 0PW

Site Visit Made: 15/03/2022

Relevant policies/SPDs

1 DM1 - Management of Development (A and B)

2 SPD9 - Householder Developments

Description of the site and of the proposals

The site is a brick and tiled constructed semi-detached property that includes a driveway to front and side and a rear garden. The applicant property is part of a collection of semi-detached properties constructed from brick and tiled roofs that include driveways to front and side and rear gardens. The property is bounded by 132 and 136 Harton Avenue with St Wilfreds College located to the rear of the property.

The applicant seeks retrospective planning permission for a woodburner flue in an existing garden shed/outbuilding. The flue is a manufactured flue that is located in the corner of the existing garden shed with the flue located in the northern corner of the garden near to the common boundary with 132 Harton Lane.

Publicity / Consultations (Expiry date 23/04/2022)

1) **Neighbour responses**

Two objection letters received from 136 and 132 Harton Lane which can be summarised as:

- Significant smell of smoke in garden and property
- Burning of scrap wood/any wood and not treated wood
- Fire hazard of a wood burner located in a wooden shed near to a wooden fence
- Smoke entering house when woodburning

2) Other Consultee responses

Environmental Protection - I have no concerns regarding the installation from a planning angle, although I would prefer a better cap on the top as the current one will restrict smoke escape which may be one reason you have received negative representations from neighbours. If the neighbours wish to complain regarding potential nuisance from smoke they can get in touch with our contact centre and the complaint will be allocated to the appropriate officer, no such complaints have been received from any neighbour regarding this use. No objections or further comments to make.

Other Relevant Matters

The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. The requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the

recommendation in this report.

In this instance it is considered that the proposals do not raise any specific implications in these respects and therefore it is not considered that a full Equality, Diversity, Cohesion and Integration Impact Assessment (EDCI) is required.

Assessment

LDF Policy DM1 seeks to preserve residential and visual amenity.

SPD9 sets out guidance for householder developments.

Design and Character

The retrospective woodburner fire is a relatively small woodburner (approx. 5KWh) located in the corner of the rear garden shed/outbuilding. The flue is through the side elevation of the garden shed towards the common boundary with 132 Harton Lane and bends 90 degrees up and extends approximately 1.4 metres. It includes a cap on the top. The flue is small in scale and occupies a relatively inconspicuous location within the rear garden area. Overall it is considered acceptable in terms of its visual appearance with regard to impact on the character and appearance of the host dwelling and locality.

Residential amenity

Overdominance/ Loss of outlook:

The proposed woodburner fire and the flue are relatively modest in size and scale and will not result in significant overdominance/loss of outlook to 132 Harton Lane or towards 136 Hartlon Lane due to the nature of the works. Again due to the nature of the works it will not result in significant overdominance/loss of outlook to St Wilfreds RC college.

Overshadowing/ Loss of Light:

The proposed woodburner fire and the flue are a relatively modest in size and scale and will not result in significant overshadowing or loss of light to 132 Harton Lane or towards 136 Harton Lane or to St Wilfreds RC college due to the nature of the works.

Overlooking/Privacy Concerns:

The proposed woodburner fire and flue will not result in significant overlooking/loss of privacy to 132 Harton Lane, 136 Harton Lane or to St Wilfreds RC College to the rear due to the nature of the proposed works.

Neighbour Objections

Two objection letters were received from 136 and 132 Harton Lane, followed by the councils reply to the comments below in italics:

- Significant smell of smoke in garden and property
- Burning of scrap wood/any wood and not treated wood
- Fire hazard of a wood burner located in a wooden shed near to a wooden fence
- Smoke entering house when woodburning

The Council's Environmental Protection Officer has been consulted on the application. Whilst expressing a preference for an alternative cap to the flue in order to restrict smoke emissions to a lesser extent, he nevertheless raises no objections on planning grounds and states that if neighbouring residents have

concerns regarding smoke emissions then a complaint should be made to the Environmental Protection team which will be investigated under the environmental protection legislation.

A further material planning consideration is that the proposed flue is considered to be permitted development under Class G of Part 1 to Schedule 2 of the Town & Country Planning General Permitted Development Order as it does not exceed the highest part of the roof to either the outbuilding it is affixed to or the host dwelling by more than 1 metre.

Recommendation

In conclusion it is considered, taking the above and all other relevant material planning considerations into account that the application should be recommended for approval. No conditions are required given that this is an application for retrospective approval.

Conditions

None

Informatives

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.

List of plans for standard note

Plan Reference

Site and Roof Plan received 20/02/2023

Proposed Elevations Drg No 1 received 20/02/2023

Case officer: Drewe Russell
Signed: D.Russell
Date: 29/03/2023

Authorised Signatory: G.Horsman
Date: 30/03/2023

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