

**Minutes of Spaldwick Parish Council Planning Meeting held at 8 pm  
Thursday 13 November 2008 at Spaldwick Primary School**

Present : Cllrs K Armer (in the Chair), R Johnson, B Plummer, J Shears, R Wooddisse, the Clerk (Mr D Stowell), and five members of the public.

1. **Apologies for absence** were received from Cllrs. W. Brown and J Pope

2. **HDC report on current enforcement case**

The following report from Steve Ingram, HDC Head of Planning Services was tabled without comment.

Ref. 0800319ENENG; Address : 2-6 Thrapston Road, Spaldwick; Officer : Mrs Karen Tozer

Action to date : Complaint received that a chimney has been built on the side of a roof in a conservation area without permission. Tel call with complainants stating that the chimney cannot be seen from the roadside and needs to be viewed from their garden. Appointment made to visit the complainants. Site visit conducted and the chimney is a flue for a wood burning stove that has been installed in the neighbouring property; the complainants are worried by the smoke and smell that the chimney may emit. The chimney is on the plane of the roof and does not appear to exceed the ridge height, therefore will be permitted development, however even if it exceeds the ridge height and technically requires planning permission it is not expedient to pursue the matter and the file is closed. Letter sent to owner stating that the chimney needs to be below the ridge height. Letter sent to the complainants stating that no further action to be taken. File closed 04/09/2008.

3. **Planning Application 0803106CLED**

Certificate of lawful development in respect of the installation of chimney flue, 2-6 Thrapston Road.

**Relevant legislation** - statement by the Clerk.

Andy Moffat, HDC Development Control Manager, has confirmed that a Certificate of Lawfulness may be granted if, in the opinion of the Local Planning Authority, the chimney would not have required planning permission. If the LPA is of the opinion that planning permission should have been sought, they may still issue a Certificate if they believe that permission would have been granted due to its minimal effect on the surrounding area. The LPA would, therefore, welcome any feedback from the Parish Council regarding retention of the chimney in its present form and location. A valid objection on planning grounds would be taken into consideration in deciding whether to grant a Certificate of Lawfulness.

The Town & Country Planning (General Permitted Development) Order 1995, gives details of development which can take place without planning permission. Amongst other things it states that development is not permitted under this order if

(a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the roof.

(b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which fronts any highway.

The Building Regulations Part J2 state that the outlet from a flue should be above the roof of the building in a position where the products of combustion can discharge freely and will not present a fire hazard whatever the wind conditions. Flue outlet positions which can meet the requirements in common circumstances are shown - the relevant one being that where the flue passes through the roof within 500 mm of the ridge, the flue outlet should be at least 600 mm above the ridge.

The site is at the centre of a Conservation Area and should respect that fact.

**Public Participation** - At this stage the Chairman opened the meeting to members of the public, who were invited to speak on the matter

Mr W Smith of 1 High Street explained that he and Mrs Smith are concerned that smoke and fumes from the chimney will descend into their yard so that they will not be able to open their windows safely. He pointed out that a test carried out by the installers clearly showed this to occur. He suggested that the flue should have been taken across the room to a chimney on the opposite face of the roof. They believe the chimney as presently located will devalue their property.

Mr K Traynor, the applicant, explained that it is not his intention to use the stove day in and day out, the primary heating being electric. The chimney location was determined by the position of the appliance inside the building. He said that he asked the Building Regs people if he needed Planning Permission and they said he did not. As soon as he became aware of the need for Planning Permission, he applied for it. He was not aware of the disquiet of the neighbours until he was informed by the Parish Clerk. He said that he would consider changing the height of the chimney or adding a cowl if necessary, when some experience of its performance had been gained. The fire had not yet been lit. The test referred to was carried out with burning paper, not a proper fire. Following these statements the Chairman declared the public session closed.

#### **Discussion by Council on planning aspects**

Observations submitted by Cllr Brown.

- (1) Chimney flue very prominent. Could be moved to other side of roof and painted black or grey to blend with roof colour and surroundings.
- (2) Position of flue could cause smoke problem to adjoining property; could be remedied by (1) i.e. moving to other side of roof.

Members present discussed the matter at length, raising the following points :

There is as yet no evidence that the chimney will create a down draught into the neighbours' yard, and no evidence that the adjacent property will be devalued.

The chimney stands out prominently from its surroundings and, due to it being made of stainless steel, it is likely to retain its shiny appearance for a long time. On aesthetic grounds it should be treated consistently with other additions in similar locations in the Conservation Area e.g. the new lighting column in Church Lane has been painted black in accordance with the requirements of the Conservation Officer.

Whilst neither side of the roof faces the adjacent highway (Thrapston Road), the chimney is currently visible from the Village Green over the roof of the single storey part of the neighbouring property, and from Stow Road when the chestnut trees on the green are not in leaf. If placed on the other side it will be clearly visible from Thrapston Road.

On being put to the vote it was resolved by 3 votes to 2 to recommend to the LPA that the chimney be moved to the opposite side of the roof; and unanimously to recommend that it should be darkened in colour in keeping with its surroundings.

It was agreed to recommend to HDC that should the neighbours report a smoke or fumes problem when the installation is operational and which cannot be resolved between the two parties any investigation by Environmental Health should be funded by the District Council.

4. **Any other business**

**Planting at the Spaldwick Village Entry Signs**

It was noted that the wooden boxes are rotting away. It was agreed that they should be examined and removed if unusable.

**Resignation of Councillor**

Cllr J Shears stated that as he had now moved to Ellington he would be resigning from the Council forthwith. The Chairman expressed the thanks of the Council for the work he had done whilst a member of the Council. This was echoed by all present.

**Playtimes Signboard in Royston Avenue**

The Chairman said that he had received a complaint about the sign and asked the Clerk to investigate whether it is permissible to advertise in this way.

In the absence of any further business, the Chairman declared the meeting closed at 8.50 pm