

**9 DCNW2008/0030/F - PROPOSED WOOD BURNING OVEN, FLUE AND REPLACEMENT ROOF LIGHTS (RETROSPECTIVE) AT THE JOLLY FROG, TODDINGS, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LX**

**For: Mr & Mrs M Emsen per Wall, James & Davies, 15-23 Hagley Road, Stourbridge, West Midlands, DY8 1QW**

**Date Received:**  
4th January 2008

**Ward:**  
Mortimer

**Grid Ref:**  
41040, 75213

**Expiry Date: 29th February 2008**

Local Member: Councillor LO Barnett

### **1. Site Description and Proposal**

- 1.1 The application site consists of a three-storey detached public house/restaurant and its rear curtilage. Located in open countryside, the site is adjoined by a pair of semi-detached cottages, alongside its rear northern elevation and a detached cottage adjoining its south-eastern elevation. Adjacent to the southern boundary of the site is the A4113 public highway.
- 1.2 The application is 'retrospective' for retention of a wood burning oven 'flue pipe' and two replacement roof lights, all located on the north eastern elevation of the property.

### **2. Policies**

#### **2.1 Herefordshire Unitary Development Plan 2007**

S1 - Sustainable development  
S2 - Development requirements  
DR1 - Design  
DR2 - Land use and activity  
DR3 - Movement  
DR4 - Environment  
E8 - Design standards for employment sites  
E11 - Employment in the smaller settlements and open countryside  
LA2 - Landscape character and areas least resilient to change

### **3. Planning History**

- 3.1 NW04/3904/F - Proposed decking areas, creation of bin store and general landscaping - Approved 26th January 2005.
- 3.2 NW04/2516/F - Erection of decking areas, some over existing double garage, creation of bin store underneath and general landscaping of gardens - Refused 3rd September 2004.

#### 4. Consultation Summary

##### Statutory Consultations

4.1 None.

##### Internal Council Advice

4.2 The Transportation Manager raises no objections.

4.3 The Environmental Health Manager raises no objections to amended plans indicating an increase in overall height of the flue pipe.

#### 5. Representations

5.1 Leintwardine Parish Council have made the following comment:

"This work was done without any consideration for neighbours who are aggrieved by the nuisance. If the application had been made in the proper way the Parish Council would have objected.

The applicants have a track record of being inconsiderate to neighbours and ignoring planning rules and it is wholly improper to grant this application retrospectively."

5.2 Letters of objection have been received from the following:

- Mr J Tilson, The Brambles (No 2), Toddings, Leintwardine
- Mr and Mrs J Hopkinson, The Toddings, Lower Todding, Leintwardine

Objections raised refer to:

- a) Smoke discharge from the flue pipe
- b) Visual impact of the flue pipe

5.3 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

#### 6. Officer's Appraisal

6.1 The key concern with regards to this application centre around the 'flue pipe'

6.2 The application is retrospective for retention of a flue pipe and two roof lights, all located on the eastern elevation of the property. No objections have been raised in respect of retention of the roof lights, these are considered acceptable, with no adverse impact created by their installation into a flat roof section of the property.

6.3 The flue pipe discharges smoke, which due to its limited height, and the fact that it is located on a single-storey extension of the property, is unable to sufficiently disperse from the oven, and due to the prevailing wind partly flows down into the direction of the adjacent property alongside the application site's south-eastern elevation, having an impact on the amenity standard of the dwelling's garden curtilage, as well as internal accommodation.

6.4 In response to concerns raised, an Environmental Health Officer of the Council and the Case Officer visited the site to inspect the chimney while in operation (chimney is used to discharge smoke from a wood burning oven that cooks fish and pizzas).

- 6.5 As a result of this visit, it was concluded that the smoke did have a detrimental impact on the amenity of the dwelling alongside the south-eastern elevation of the application site, but not on the amenity of any other properties within the vicinity.
- 6.6 As a result of these concerns, the applicant has agreed to submit amended plans indicating an increase in overall height of the flue pipe, in order to further disperse smoke emitted. The Environmental Health Manager considers this to be acceptable with no objections raised.
- 6.7 However, the increase in height of the flue pipe will further impact on the amenity of the surrounding area due to its stainless steel colour and, therefore, a matt black pipe is preferable, in order to better integrate visually the development into the surrounding area.

**RECOMMENDATION:**

**On receipt of amended plans that planning permission be granted subject to the following conditions:**

- 1 - **The development hereby permitted shall be fully installed in accordance within 30 days of the date of this Decision Notice, unless otherwise previously agreed in writing by the Local Planning Authority.**  
**Reason: In order to protect the amenity of the surrounding area.**
- 2 - **The flue pipe will have a dark matt finish in a colour to be agreed with the Local Planning Authority in accordance with the details contained in condition number 2 above.**  
**Reason: In order to protect the visual amenity of the surrounding area.**

**Informatives:**

- 1 - **N15 - Reason(s) for the Grant of Planning Permission**
- 2 - **N19 - Avoidance of doubt**

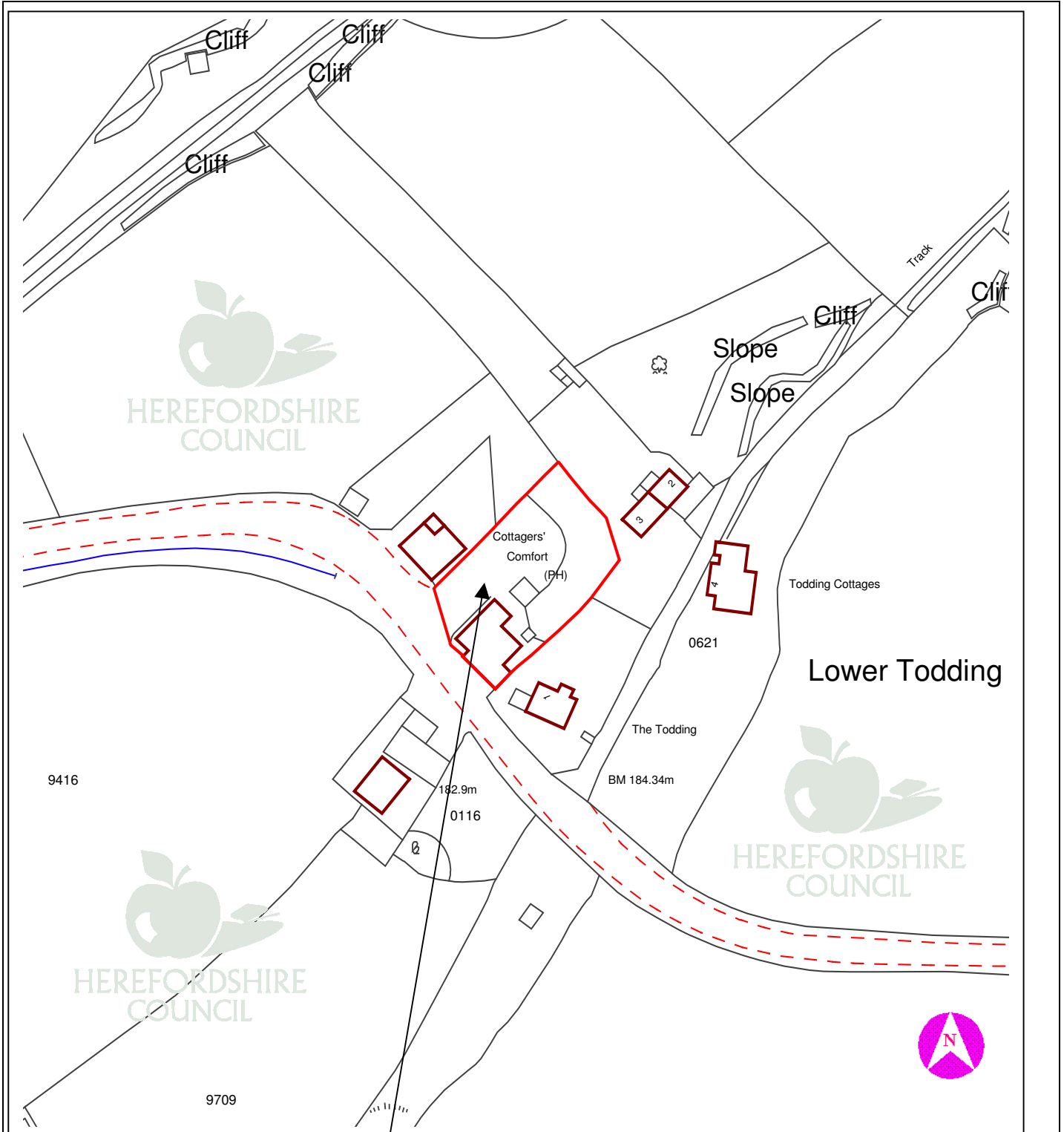
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2008/0030/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** The Jolly Frog, Toddings, Leintwardine, Craven Arms, Herefordshire, SY7 0LX

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