

**PLANNING APPLICATION**

**5 High Street Innerleithen Scottish Borders EH44  
6HA - 17/00257/FUL 17/00028/RREF**

**PROPOSED DEVELOPMENT:**  
**flue**

**Replacement windows and installation of chimney**

**APPLICANT:**

**Mr & Mrs David & Jane Gordon**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW  
PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**HEARING STATEMENT BY MR CRAIG MILLER – PRINCIPAL PLANNING  
OFFICER**

The Local Review Body will be considering the following three matters at the Hearing into the review of this application. It is understood that they are also seeking a statement from the Environmental Health Officer on two of these matters. It would be my intention, therefore, to concentrate on the remaining matter in relation to the implications of increasing the length of the flue.

- **The technical elements regarding the use of a chimney flue, specifically in relation to the proposed use of an ABCAT flue gas filter.**

The applicant had submitted this information with the planning application, outlining a gas oxidizing catalytic converter to reduce nuisance from wood stoves and boilers. Output information and particulate tests before and after the converter were also supplied. Environmental Health objected to the proposal and it was concluded that Local Development Plan Policy EP16 Air Quality could not be complied with. Despite the mitigation proposals, Environmental Health maintained that the flue height was too low in relation to surrounding windows belonging to residential property.

- **Nuisance issues associated with the proposed chimney flue**

Based upon the guidance from the Environmental Health, the installation and flue would be likely to convey smoke and air pollution issues to nearby residential windows, even allowing for the fact that the premises seeking the flue are commercial shop/office premises which would only be likely to be seeking heating during office hours. However, if there is a demonstrable problem with lack of flue height and proximity of residential windows, then any restrictions in operating hours as initially suggested by the applicant are unsatisfactory and masking a more fundamental problem. It would also be difficult to effectively enforce.

- **Consider the implications of the increase in length of the flue.**

The flue, as proposed, caused no significant aesthetic issues as it was grey coloured and of modest height emerging from the hipped roof of the office and terminating just above the office ridge. Whilst visible from the northern end of Leithen Crescent, the flue would be a maximum of two metres in length and its grey colour and minimal projection above the ridge of the office roof meant that there were no Conservation Area reasons to oppose it. Impacts from the junction of

Leithen Crescent and the High Street were minimised by the modest height and existing buildings.

The taller the flue in this location, the greater the impact from Leithen Crescent, the High Street junction and on the visual amenity of the Conservation Area and nearby properties. I did feel that even raising the flue a further metre in height would increase the impacts to the extent that any subsequent application may be unlikely to be supported, even if Environmental Health had accepted an additional metre. My understanding, however, was that they were objecting unless the flue terminated above the height of the nearest affected residential windows at second floor level on the rear of the High Street. This would mean the flue would need to be raised at least another 3.5 metres which would appear isolated, intrusive and ill-related to the modest building and roof to which it would be attached. The scale of such a flue would dominate the buildings and surroundings and may also require a form of stayed attachment. It would also increase visibility from the High Street junction and be dominant as one approaches that junction from Leithen Crescent. It would also be in direct line of sight south from the rear of properties on the High Street.

Unlike another extended flue case in Innerleithen to the rear of the St Ronan's Hotel, a significant increase in the flue height in this location would be far more prominent in the Conservation Area and impact on the public realm in a more obvious, significant and adverse way. Such a solution to meet air quality issues would be likely to create insurmountable aesthetic and visual amenity impacts in this location.

The historical photograph provided by the applicant indicates a traditional gable chimney structure which did not appear to exceed the top of the first floor windows on the High Street. Whilst this historical evidence does not alter my opinion about the aesthetic and intrusive impact of any proposed flue to reach top of second floor window height, it will be re-considered as a factor should any planning application be resubmitted with a lower flue height, assuming the air quality issues are resolved to permit this.

#### List of Supporting Documents

- Scottish Borders Local Development Plan
- Handling Report site photographs
- Applicant Historic Photograph

Craig Miller  
Principal Planning Officer  
25 September 2017