
APPLICATION NO.	P08/E1342/RET
APPLICATION TYPE	Minor
REGISTERED	17 December 2008
PARISH	Henley-on-Thames
WARD MEMBER(S)	Ms Joan Bland Miss Lorraine Hillier
APPLICANT	Phyllis Court Club
SITE	Phyllis Court Club, Marlow Road, Henley on Thames
PROPOSAL	Change Chinese hat terminal to vertical jet extract cowl to improve flue dilution and reduce sound.
AMENDMENTS	None
GRID REFERENCE	476246/183129
OFFICER	Susannah Mangion

1.0 **INTRODUCTION**

- 1.1 This application has been submitted following a planning enforcement investigation alleging the installation of an external vent without the benefit of planning permission.
- 1.2 The application is before Planning Committee because the officer recommendation conflicts with the view of the Town Council.
- 1.3 The Phyllis Court Club is located within the Henley Conservation Area. It occupies a large plot and is relatively isolated from neighbouring properties. However, the following properties, comprising apartments/flats, have views towards the western elevation of the Phyllis Court Club: Molyms House, Marmyon House, Grandison House, and Swinnerton House. The Phyllis Court Club plot is bounded by the River Thames. There is a grade II listed grandstand on the riverbank for viewing Henley Royal Regatta.
- 1.4 A site location plan is **attached** at Appendix 3.

2.0 **PROPOSAL**

- 2.1 This retrospective application seeks planning permission for the retention of a vertical jet extract cowl which replaces the previous “Chinese hat” cowl to the extract flue. The flue is required in connection with the operation of a commercial kitchen, which caters to members of the Phyllis Court Club. The proposed terminal is taller than the previous one by approximately 1.4 metres and is of a different style and appearance. The cowl has been painted to match the exterior paintwork of the Phyllis Court Club. The alteration was made so as to reduce the noise level emitted by the flue, to disperse the flue gases more efficiently and to prevent kitchen smells from entering guest bedrooms at the Phyllis Court Club.
- 2.2 A plan showing the new vertical jet extract cowl installation and the existing extract cowl are **attached** at Appendix 2.
- 2.3 **Attached** at Appendix 3 are plans showing the location of the kitchen flue terminal in relation to the neighbouring properties, the grade II listed grandstand and the River Thames.

- 2.4 The proposed flue terminal is located to the rear of the Phyllis Court Club adjacent to the kitchen/delivery area of the building. No landscaping has been undertaken in connection with the proposal but existing trees within the site partially conceal views of the flue from some viewpoints.

3.0 **CONSULTATIONS & REPRESENTATIONS**

3.1 Henley-on-Thames Town Council:

The application should be refused as it is aesthetically unacceptable and is an inappropriate design for a Conservation Area.

3.2 Henley Society:

No objection.

3.3 Conservation and Design:

The building is within the Henley Conservation Area. Phyllis Court Club has a grade II listed grandstand within its grounds. This proposal has been judged against local and national conservation and design policies and, as the replacement cowl is not widely seen, there is no conservation objection. The proposed cowl is only slightly larger than the previous cowl.

3.4 Environmental Services:

No objection to the changes which have been made to the extract flue, which will have resulted in better flue dilution and improved odour dispersal. Defra guidance states that the use of Chinese hat cowls is not recommended.

Records show that Environmental Services has not received any complaints about noise or odour.

3.5 Neighbour Objectors (1):

Aesthetically unacceptable.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 In April 2008 a report was received by the Council's planning enforcement team that changes had been made to the extract flue at the Phyllis Court Club without the benefit of planning permission. In response to the planning enforcement investigation, the applicant submitted the current planning application.

- 4.2 There have been a numerous developments within the grounds of the club and a number of extensions to the club house itself.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Local Plan 2011 policies:

- G2: Protection of the environment
- G6: Promoting good design
- C3: The River Thames and its valley
- CON7: Proposals affecting a conservation area
- D1: Good design and local distinctiveness
- EP2: Noise and vibrations.
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5.2 Government guidance:

- Planning Policy Guidance 15: Planning and the Historic Environment
- Planning Policy Guidance 18: Enforcing Planning Control
- Planning Policy Guidance 24: Planning and Noise.

5.3 South Oxfordshire Design Guide.

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues in this case are:

- the impact of the development on the character and appearance of the area, which is within the Henley Conservation Area
- the impact of the development on the amenity of neighbouring residents.

Character and appearance of the area

6.2 Policy CON7 states, 'Planning permission will not be granted for development which would harm the character or appearance of a conservation area. The following will be required when considering proposals for development in conservation areas;

- i) the design and scale of new work to be in sympathy with the established character of the area; and
- ii) the use of traditional materials, wherever this is appropriate to the character of the area.'

6.3 The Council's Conservation and Design Officer has not objected to the development, which is not particularly prominent from within the Henley Conservation Area. The development is not visible from the east (front) of the building, from the grade II listed grandstand or from the river bank.

6.4 The main area of concern for Henley Town Council and for the neighbouring resident who object to the proposal is the visual impact of the development. However, the flue is located at the rear, service area of the Phyllis Court Club where it is not particularly prominent.

6.5 It is acknowledged that there can be problems from commercial facilities which are located in close proximity to residential properties. In this case the development relates to the commercial catering for members at the Phyllis Court Club. The extract flue is visible from a number of residential properties but it is located at a distance in excess of 45 metres from any of the neighbouring properties.

6.6 The alterations undertaken have resulted in a structure which is only 1.4 metres higher than the previous "Chinese hat" terminal. The cowl has been painted to match the exterior of the Phyllis Court Club. The visual appearance of the development is not considered to be harmful to the character and appearance of the Henley Conservation Area and therefore accords with the aims of policy CON7 of the South Oxfordshire Local Plan 2011.

The amenity of neighbouring residents

6.7 Policy EP2 states, 'Proposals which would be reason of noise or vibration have an adverse effect on existing or proposed occupiers will not be permitted, unless effective mitigation measures will be implemented.'

6.8 There are no complaints or concerns relating to noise generated by the extract flue, and the Council's Environmental Services team has advised that the development will result in better flue dilution and improved odour dispersal. They note that DEFRA guidance states that the use of "Chinese hat" cowls is not recommended. The proposal therefore accords with the aims of policy EP2 of the SOLP 2011.

6.9 A neighbouring resident is concerned about the aesthetic impact of the cowl which is visible from neighbouring properties. However, there is no right to any particular view and the development does not give rise to an unacceptable outlook or give rise to

undue concerns regarding its impact on the visual amenity of neighbouring residents. The development is acceptable at this particular location where commercial and residential uses are in relatively close proximity.

7.0 ENFORCEMENT CONSIDERATIONS

7.1 As this application is retrospective, the refusal of planning permission will result in consideration being given to pursuing formal enforcement action in respect of the development. The decision as to whether or not to take enforcement action is delegated to officers. PPG18 encourages local authorities to pursue enforcement action where it is expedient to and planning harm is identified. Action should be proportionate to the breach of planning control and should take account of the general public interest in preventing inappropriate development.

8.0 CONCLUSION

8.1 The dev complies with the relevant development plan policies, particularly policies G2, G6, C3, CON7, D1 and EP2. Subject to a planning condition requiring that the vertical jet extract cowl shall be maintained so that its exterior is painted to match the exterior paintwork of the Phyllis Court Club, the development does not have an unacceptable visual impact on residents of neighbouring properties and does not have an unacceptable impact on the character and appearance of the Henley Conservation Area.

9.0 RECOMMENDATION

9.1 **It is recommended that planning permission be granted subject to the following condition:**

- 1) **That the new vertical jet extract cowl shall be retained with a painted exterior to match the colour of the external walls of the Phyllis Court Club.**

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