

Robert,

Further to below, as discussed, and as per your request for inclusion under separate cover – there are opportunities to mitigate the impact of an active domestic chimney to reduce the risk of nuisance arising;

- Construct the chimney with a porous insulating flue material, e.g. a pumice liner, that would permit the omission of a cowl (flue liner would absorb rainwater, preventing excessive ingress into the appliance), and would also maximise emission temperatures (as pumice is an insulator); both factors would support optimal efflux velocity & thermal lift, assisting in elevating the plume out of the zone of influence of the adjacent structures.
- Construct the chimney in a different location, ideally with similar design (i.e. elevation from roof surface of ~1.5-2.25m), or projecting above ridge-level;
 - A position within the proposed extension to the West elevation either running up the existing gable end to the ridge, or running through the hipped/pitched roof to the eastern end of the of the single storey, would increase the distance to the nearest neighbour at least 4-fold with prevailing wind direction, and around 3-fold to nearest neighbour.
 - Installation of a flue to the single-storey (e.g. the extension) is not ideal, but it is permissible in Building regulations and whilst more susceptible to building effects (friction, turbulence), this would be induced by the applicant's own property (where effects might be most notable); increased distance would be achieved between the emission and the neighbouring properties, within which significant dilution & dispersal will occur, reducing the potential for nuisance.
 - If installed on the north elevation, projection from (above) the roof surface, and/or distance from the ridge will be important to lift the flue terminal (point of emission) out of the zone of air turbulence caused at the ridge, and at the eaves; provided this is achieved, the dispersal zone would be fairly open/clean, with reasonable separation-distance to the nearest neighbours.

Notwithstanding (or irrespective of-) the above-referenced mitigation options, it remains possible that a WBS at this location could lead to complaints for the reasons discussed, and because inappropriate fuel or poor fire management are not

structural/planning issues and are therefore unrelated to the form of development, given that consent is required for the chimney, and not for the appliance it will ultimately serve. To some extent, whether or not complaints are received will be a matter of attitude of the present occupiers of those properties – nuisance is concerned with the impact upon the ‘average reasonable person’ (or the ‘man on the Clapham omnibus’) – much more likely to be upheld as proposed (as a structural issue, relating to the form of development), relative to ‘as amended in line of one or all of the mitigation options suggested above’ (which would mitigate structural issues).

NB, I mis-typed prevailing conditions in the message below – prevailing wind directions are (from) SW/WSW (to SE/ENE) – corrections in line **[bold]**. Apologies for any confusion.

Best Regards,

Jon

Jonathan Driver

Environmental Control Officer

Havant Borough Council Environmental Health

Public Service Plaza, Civic Centre Road, Havant, Hants, PO9 2AX



From: Driver, Jonathan

Sent: 27 August 2025 18:00

To: Riley, Robe

[Redacted]

[Redacted]

Subject: APP/25/00491 - 25 Tower Street. Residential Chimney

Robert,

Given that the property does not have an existing chimney that would require amendment to accommodate the proposed alterations to the hipped roof & East elevation; I would infer that the flue is likely to be required to serve an appliance. With reference to the ground floor, I would assume a wood burning stove.

On this assumption, whilst the installation will almost certainly comply with building regulations requirements – I would stress that the Building Regulations are about absolute safety (e.g. not allowing acutely harmful concentrations of CO to enter buildings via vents & openings), and are not designed to ensure the prevention of a nuisance.

The context of this property would lead me to conclude that complaints are more likely to arise from the use of the proposed chimney to serve a woodburning stove (WBS). The south elevation of the property is exposed, with the flue terminal ~0.75m below ridge, on the east elevation in an isolated position (i.e. remote from other parts of the host building, so isolated from any localised building effects – subject only to flue effects). That would be good for dispersal were the flue to be installed without a cowl e.g. as a traditional installation serving an open fireplace. However, WBS's require a more efficient flue, typically consisting of an impermeable internal flue liner – steel or resin construction, that will direct rainwater into the stove. A cowl is typically used, and while effective for this purpose, it does rob the emission of efflux velocity & thermal lift, making the plume more vulnerable to loss of elevation; harming dilution & dispersal.

WBS installations are sensitive to fuel quality, flue cleanliness, proper fire building, and good fire management – all of which may contribute to lower firebox combustion temperatures, contributing to the same phenomenon – i.e. a 'heavy' smoke emission that will be prone to dropping. The spatial context adjacent to the flue position is narrow & constrained up to 2 storeys. Whilst the adjacent building at no. 8 has no windows on its west elevation, there is a window on the north elevation at the west end of the building – based upon typical layouts, likely serving a habitable room. The roof of the building at no. 8 is at an approximately equivalent height to the proposed flue

terminal, making the emission vulnerable to building friction effects under prevailing **[(South-Westerly)]** wind conditions – whether via the flat roof (turbulence over parapet) or at the SW corner (turbulence around the vertical junction between north & west elevations). This will tend to exert a downwards influence on the smoke emission in approximately the location of the window to the habitable room, and tending to drop the smoke into the physically constrained & sheltered lee of the building at no. 8 [**exacerbating/amplifying any fuel or fire management issues that may periodically arise**].

Given these factors, I would expect that complaints from the existing occupants of no. 8 are fairly likely in response to use of the proposed chimney to serve a WBS. In policy terms, there is no specific provision relating to nuisance or amenity; however, statutory nuisance under the Environmental Protection Act 1990 is determined by case law to distinct from private nuisance insofar as it must generally relate to physical harms to health (meaning disease, not injury), or to nuisance affecting personal comfort, and therefore both physical and mental health (not being related to disease). Given this convention, I am comfortable in treating nuisance as a matter of health, and would suggest that the proposed development may be contrary to local policy DM10 1., *“Development that may cause pollution of water, air or soil or pollution through ...smell, smoke, fumes, gases,..., dust...”* should only be permitted where *“The health... of ...nearby occupiers and residents is not put at risk”*.

This policy interpretation is supported by NPPF paragraph's;

- 8 b) *“...support communities’ health, social and cultural well-being”* (the core planning objective, social limb of sustainable development) and
- 135 a) *“will function well and add to the overall quality of the area”,* & f) *“create places... which promote health and well-being, with a high standard of amenity for existing and future users”*(applies to decisions)

Similarly, whilst not directly applicable, the guiding principles outlined in the following NPPF paragraphs also provide useful guidance;

- 124 – *“safeguarding and improving the environment and ensuring safe and healthy living conditions”* (relates strategic policy), and

- 198 – “*decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions, ...*” (relates noise/light, both statutory nuisances)

On the basis above, I believe that an objection to the chimney could be sustained.

Best Regards,

Jonathan Driver

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