

NEIGHBOUR CHIMNEY/FLUE DISPUTES

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This factsheet explains the process of a neighbour's flue dispute investigation by Gas Safe Register and the information required to indicate precisely the boundary line in order for the matter to be addressed.

What is a neighbour chimney/flue dispute

Occasionally a dispute of this type results from a newly installed gas boiler where a nuisance maybe caused by a visual 'plume' in close proximity to a property boundary.

Is there legislation governing the position of a chimney/flue in relation to a boundary?

Yes. This aspect is covered primarily by your Local Authority (LA) as part of the Building Regulations/Standards and; the Gas Safety (Installation & Use) Regulations. It is a legal requirement that the installing business is Gas Safe registered. Under the Building Regulations, (England and Wales) the installing business is required by law to notify the installation. Gas Safe registered businesses do this via Gas Safe Register on a 'self-declaration' basis. Your neighbour should have been provided with a Building Regulations Certificate of Compliance (England & Wales).

What other standards apply

Gas appliance manufacturer's instructions and relevant industry standards, which in the main are reflective of the Building Regulations/Standards in respect to chimney/flue locations.

Who enforces the legislation that determine how a chimney/flue is positioned?

The enforcement body that regulates and enforces building regulations is your LA. However, under Gas Safe Register's remit, we will investigate installation issues including compliance with legislation governing a gas boiler chimney/flue terminal position in relation to a neighbouring boundary location.

What is the guidance governing the position of a chimney/flue terminal in relation to a boundary?

Help with the requirement for the correct positioning of the chimney/flue termination will be provided by the manufacturer and building regulations and standards, such as within the installation instructions accompanying the boiler.

What should I do if I think there is a problem?

In most cases this type of problem can be dealt with in an amicable way by discussing your concerns with your neighbour/property owner and where relevant, in conjunction with the registered business that carried out the work.

How could Gas Safe Register help?

Unfortunately Gas Safe Register will not be able to determine the actual boundary of your property. Therefore, you will need to follow the guidance from Land Registry (www.legislation.gov.uk). Please make sure you have official documentary evidence to demonstrate the exact boundary location, not a general boundary. The 'red line' on your title plan/deeds will not provide the precise position of boundaries.

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Important Note 1; Specific Guidance can be obtained from the Land Registry Act 2002, in particular section 60.

What happens next?

Unfortunately, Gas Safe Register has no jurisdiction over your neighbour's boiler installation, as we have 'no rights of entry' i.e. Gas Safe Register would need to be invited by your neighbour into their home to investigate.

Where permission is granted to enter your neighbour's property.

Where you have a complaint which relates to neighbouring property, our Customer Services team will attempt to make an appointment with the person responsible for the property, for one of our Inspectors to investigate. Where your neighbour agrees for us to carry out a gas safety inspection, we may be able to address any concerns with the installer of the appliance, where registered. An inspection will be carried and a report will be produced for the owner of the property and will be subject to the Data Protection Act requirements (i.e. we will be unable to share a copy of this report with you, unless we have permission of your neighbour).

Where permission is not granted to enter your neighbour's property.

Where a visit directly to your neighbour's property is not possible, we will contact you to arrange a visual site inspection from your property. This type of inspection will be limited as we are not able to enter your neighbour's property. In situations like these it is possible that other organisations such as LA or Environmental Health may be able to offer further support.

Unsafe Situations.

If Gas Safe Register identifies an unsafe gas related situation, we will apply the Gas Industry Unsafe Situations Procedure (GIUSP).

https://www.gassaferegister.co.uk/media/1774/tb_001_-_gas_industry_unsafe_situation_procedure_-_giusp_edition-71.pdf

Inspection Feedback.

Gas Safe Register will confirm the outcome of our visual inspection from your property, via written communication to you, subject to the Data Protection Act.

The Inspector advises me that the chimney/flue position appears to meet Industry Standards but still causes a nuisance. What can I do?

Sometimes the chimney/flue appears to meet all Industry Standards but you find it a nuisance. Gas Safe Register is unable to arbitrate issues of this type. You should seek further advice from other sources, such as your Environmental Health department at your LA.

Important Note 2; Should you, or anyone you know, at any time feel unwell or affected by the plume exhausting from a chimney/flue terminal; the Gas Emergency Service Provider needs to be contacted and immediate medical attention must be sought.

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