Development Management – Delegated Officer Report

Application Number: AWDM/0134/26 Recommendation: REFUSE

Site: 66 Brook Way, Lancing, West Sussex

Proposal: Retrospective application for a flue on outbuilding in rear garden.

Date of Site Visit: 25th August 2026

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings

The application site is a two storey end of terrace dwelling house within a cul de sac of similar style properties. There is an alley to the side of the house leading to a side gate to the rear garden. This provides rear access to neighbouring properties.

There is an existing ancillary outbuilding within the rear garden, timber clad with windows and a door. Consent is sought retrospectively for the retention of a flue which is attached to the roof of the outbuilding. It is powder coated black. At the time of the officer's visit the flue was at 80cm, but it is now 155cm high.

The applicant has advised the following in relation to the flue and its use: -

"The site is not within a smoke free zone.

The stove and flue were fitted and tested by a HETAS qualified installer who fitted it all within the required distances, clearance's and tested the emissions.
In due course you should receive information from HETAS who have registered the stove along with the flue.

HETAS, adhere to UK building regulations and are an accredited and certified supplier.

While I understand the theoretical concerns raised regarding wind circulation patterns near taller_structures, I would like to highlight that the physical layout of the site already and naturally mitigates these risks.
The flue is located 5+ meters away from our next-door neighbour's main house and 3+ meters away from their conservatory and other buildings
The flue terminates over 1m higher from the nearest buildings ridge,
because of this separation distance, the flue sits well outside any localized down-draught zone.

I would like to add, the installation has been rigorously assessed and fully signed off by a certified HETAS engineer as being entirely compliant with Document J of the Building Regulations.

The height of 155 cm from the ridge was specifically calculated to balance necessary draft requirements while strictly limiting the visual impact on the residential area.

The stove that has been installed is a-
Woodford Carington wood burning/ Multifuel stove which is an
Ecodesign, Clear skies rated, Defra approved stove which is already legally compliant with Smoke free zone regulations and can even be used in smoke control areas due to its extremely high efficiency that meets or exceeds strict UK standards for low emissions and high energy efficiency and has very minimal smoke output compared to the traditional stoves.

We have always had the intention to Limit fuel use strictly to certified "Ready to Burn" ultra-low moisture wood or smokeless fuels.
This was all thoroughly looked in to before the installation.

We also only intend on using the appliance maybe 2 or at the most 3 times a week, only in the evenings in the 3 months of winter and that is it.
We have no intention of using the stove in the summer months or any time the weather is nice.

As HETAS signed off the installation and all areas are compiled to and we are committed to only using certified "Ready to Burn" ultra-low moisture wood or smokeless fuels."

Lancing Parish Council: - Support the application

Environmental Health: - The flue height is too low to allow adequate dispersion of wood smoke. It is at least equal to or below the roof height of adjacent residents and thus be detrimental to their residential amenity. Not only is this likely to cause nuisance and annoyance, but fine particulate matter within the wood smoke can also adversely affect human health.

Therefore I must object to this application in its current form.

To meet the requirements of environmental health it is advised that flues normally need to be similar or higher than the windows of the neighbouring buildings and preferably higher than the roof ridge. This would be problematic as the flue would be very tall and structurally unstable as well as visually harmful.

Compliance with Building Regulations Approved Document J is not in itself an indication that smoke issues won't occur, particularly in an infill site like this surrounded by taller buildings which will affect wind and circulation patterns in the vicinity.
See also https://www.labc.co.uk/news/chimneys-and-flues-dont-forget-the-neighbours

Further advice: - Stoves will normally be used when it is cold and the really cold weather comes when the wind is from a North/North East direction, which would carry any smoke, odour and fine particulates towards the nearest neighbouring

home. The flue looks like it has an anti downdraft cowl fitted, so any hot buoyant exhaust gases that would typically go straight up will be hindered by the cowl, which will affect dispersal.

When Environmental Health comments on planning applications we are considering primarily the land use and how this may impact on the amenity of neighbouring property. Once the land use is established by planning permission, the permission remains in place regardless of who is occupying the property. So we cannot take into account any assurances that may be made at the time of application. Once permission is granted there is no control over the use of the stove.

Final Comments: - The fact the appliance has been signed off by Hetas does not confirm a nuisance or loss of amenity will not result. Approved Document J Para 2.8 states "Flues should be high enough to ensure sufficient draught to clear the products of combustion. The height necessary for this will depend upon the type of the appliance, the height of the building, the type of flue and the number of bends in it, and an assessment of local wind patterns. However, a minimum flue height of 4.5m could be satisfactory." The intention of the document is not however. to confirm a statutory nuisance or loss of amenity result from an installation.

The proposed height is still lower than surrounding two story buildings. As such products of combustion, i.e. smoke, will be emitted at a height lower than the surroundings. On calm still days this smoke will linger in the area and the smell of smoke will be noticeable. Where a temperature inversion occurs this will act as a lid trapping smoke and the smell of smoke and is more likely to affect nearby residents. On windier days, whilst it can aid dilution and dispersion, the wind can also take the smoke and smell into neighbouring properties particularly at first floor level.

Relevant Planning Policies

Adur Local Plan 2017 Policies 15 and 34.
'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings''
National Planning Policy Framework (August 2026)

Planning Assessment

Principle

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the area.

Following further comments from Environmental Health the applicant has provided the following information: -

"*The cowl could be swapped but advised by Hetas that the distance is clear enough not to affect neighbours in the current position.*

The neighbouring, main property is over 5 metres away and this is the closest property.

Shed is built on the basis we will not be moving and made sure that all regulations where adhered to.

We guarantee to only use 'dry seasoned hardwood logs or certified ready burn hardwood with a moisture level below 20.

We have a well operated, modern log burned which would expel very little smoke from the flue during its use.

The flue can be changed when not in use as the stove will only be used after dark and in the winter so should not have visual impact. It is easy to replace and change."

Visual amenity

The existing flue is visible from the rear of all the neighbouring properties, those adjacent in the terrace, the neighbouring terrace and also the dwellings to the rear. The built environment is dense within this locality and overlooking to rear gardens is commonplace. The flue as existing is prominent being on the roof of the outbuilding. Visually it is not a feature that should be supported within the current built context. Flues attached to the side or rear of buildings are not as prominent they are viewed within the environment of the building as a whole. In this case, the flue stands alone and if permission were granted this could set a precedent for further similar development. Many flues at this height or higher on outbuildings within this locality would be harmful in visual terms.

Residential amenity

Environmental Health has advised that despite the supporting information submitted by the applicant that there is no safeguarding in this case to ensure that harm will not occur as a result of the existing flue. There would be no practical opportunity to limit its use, the fuel burnt and the removal of the structure in between uses. There are windows and a conservatory in close proximity and neighbouring gardens which will be impacted.

The proposed height of the flue is lower than surrounding two story buildings. As such products of combustion, i.e. smoke, will be emitted at a height lower than the surroundings. On calm still days this smoke will linger in the area and the smell of smoke will be noticeable. Where a temperature inversion occurs this will act as a lid trapping smoke and the smell of smoke and is more likely to affect nearby residents. On windier days, whilst it can aid dilution and dispersion, the wind can also take the smoke and smell into neighbouring properties particularly at first floor level. Its use is therefore deemed harmful.

Recommendation

REFUSE

1. The flue, by reason of its height, appearance and location, is an incongruous and visually intrusive feature at the rear of residential properties. It would set a precedent for future, similar development which would result in cumulative visual harm. The proposal is therefore contrary to Policy 15 of the Adur Local Plan and the NPPF 2026.

2. Due to its close proximity to neighbouring windows and gardens, the flue is likely to give rise to harm to residential amenity as a result of the smoke and fumes emitted from it. The local planning authority is not satisfied that the dispersal of smoke, particulate matter, and odours would not result in an unacceptable detriment to the living conditions and residential amenity currently enjoyed by the occupiers of the neighbouring dwellings. The proposal is therefore contrary to Policies 15 and 34 of the Adur Local Plan and policy P3 of the NPPF 2026.

Is recommendation contrary to letter(s) of representation N

Case Officer: Hannah Barker Date: 10th November 2026

Authorised by: Peter Barnett Date: 10 November 2026