

## CROSS Safety Report

# Apparently simple home improvement work leads to dangerous situation

This month discusses how home improvement work, consisting of reroofing and a loft conversion, resulted in a 'near miss' with potentially dangerous conditions for neighbours.

### Report

Apparently simple home improvement work, in this case, reroofing and a loft conversion resulted in potentially dangerous conditions for neighbours, says a reporter.

During works by a contractor, a fireplace breast and chimney stack were removed with debris heard falling down a flue by the occupiers of the neighbouring property. The party chimney stack was completely removed and tiled over.

The occupier of the neighbouring property had not been forewarned of the works. Had they not been in the property at the time to hear debris fall down the chimney any blocking of the flue may not have been obvious to them, says the reporter.

The concerned neighbour called in a Gas Safe registered engineer who found that the flue serving a gas fire appliance was blocked. The engineer deemed it necessary to isolate and remove the gas appliance. Water ingress damage to the property also occurred which caused electric circuits to fail.

The reporter is concerned that apparently simple home improvement work is far more complex than untrained personnel believe.

Education within the building industry, and of the public, is needed to avoid life safety risks from such projects.

### Expert Panel comments

The report suggests that a chimney stack serving both properties was removed without the neighbouring occupiers being aware that their property would be affected by the works. Furthermore, it does not appear that adequate consideration was given to the impact of the works on an existing flue. The report does not say how the situation evolved to reach this position, however, a lack of care on the part of those involved in undertaking the works would seem likely.

The builder and anyone else with a building background should have been aware that work should not be undertaken on any part of the chimney serving the neighbouring property without first checking that the flues are redundant and that the neighbour was agreeable to the work being done. Blocking a live flue serving a neighbouring property would show gross ignorance or incompetence and present a high risk to life.

From the report, it appears in respect to the chimney stack and flue, that the neighbouring property

was damaged by the works. In common law, an owner has the right not to have their property damaged by someone else, and where a property is interfered with, they have the right for the damage to be remediated. Legal advice would

### Key learning outcomes

#### For clients and owners:

- | Blocking a flue serving a neighbouring property may present a high risk to life
- | The Health and Safety Executive provides guidance for domestic clients (see **Further reading**)
- | Check that your proposed builder has experience with similar projects

#### For construction professionals:

- | The government page *Party walls and building work* (see **Further reading**) provides advice on works to party structures and The Party Wall etc Act 1996
- | Removal of chimney breasts requires the remaining masonry to be structurally supported

#### For builders:

- | Work should not be undertaken on any part of a chimney without first checking that the flues are not in use



## WORK SHOULD NOT BE UNDERTAKEN ON ANY PART OF THE CHIMNEY WITHOUT FIRST CHECKING THAT THE FLUES ARE REDUNDANT

normally be taken to fully understand what liabilities exist in situations as reported here.

Works to convert a loft require building regulation consent. If a building control process is followed to completion, with input from competent persons, situations such as those reported should be avoided, as well as the law complied with.

Removal or changes to chimney breasts and stacks requires significant thought to ensure the stability of the structure is not adversely affected. Where chimney breasts are removed, structural support of the remaining masonry is required and will need building regulation consent. Clearly, live flues would also need to be properly considered and allowed for in any work.

It was likely that some of the works undertaken came under the scope of The Party Wall etc Act 1996. Under the Act, anyone intending to undertake in scope work, must give adjoining owners notice of their intentions. The Act lays down a framework of actions and timescales to assist parties to agree upon work that is desired or required. The Act is explained online (see **Further reading**). The seeking of an agreement under the Act would have almost certainly exposed that the works should not have proceeded in the form that they did. It should be noted that the Act is only relevant to England and Wales and does not apply elsewhere in the UK.

### Home improvement work can be complex

The reporter is right to be concerned that apparently simple home improvement work can be far more complex than might first appear. Nevertheless, clients, designers and executors of works, however simple, are responsible and accountable for doing things properly. If there had been casualties or fatalities from carbon monoxide poisoning, then ignorance would not be an excuse.

Clients have a duty to ensure they

engage competent people to design and execute their schemes. They also need to be satisfied that designers and contractors can complete the job safely without risks to health. This applies equally to domestic homeowners employing small builders with minimum formalities.

The full CROSS Safety Report, including links to guidance mentioned, is available on the CROSS website (report ID: 1173) at [www.cross-safety.org/uk/safety-information/cross-safety-report/apparently-simple-home-improvement-work-leads-1173](http://www.cross-safety.org/uk/safety-information/cross-safety-report/apparently-simple-home-improvement-work-leads-1173).

### FURTHER READING

- | **Party walls and building work:** [www.gov.uk/party-walls-building-works](http://www.gov.uk/party-walls-building-works)
- | **Health and Safety Executive: Are you a domestic client?** [www.hse.gov.uk/construction/areyou/domestic-client.htm](http://www.hse.gov.uk/construction/areyou/domestic-client.htm)

#### CROSS Safety Reports and Alerts:

- | The potential impact of scaffolding on fire safety (report ID: 1153)
- | Poor quality design leads to failure for a small design and build contract (report ID: 1088)
- | Risks associated with historic stone balconies (report ID: 1001)
- | Basement excavation under a semi-detached house causes collapse (report ID: 1063)
- | Dangerous building work on domestic project (report ID: 1062)
- | Boundary retaining wall collapse (report ID: 1119)
- | PV panels and structural adequacy of roofs (report ID: 589)
- | 'Design' for alterations to a dwelling carried out by an unsuitable person (report ID: 1236)

### What is CROSS?

Collaborative Reporting for Safer Structures (CROSS) helps professionals to make structures safer by publishing safety information based on the reports it receives and information in the public domain.

CROSS operates internationally in the UK, US, and Australasia. All regions cover structural safety, while CROSS-UK also covers fire safety.



### How reporting to CROSS works

The secure and confidential safety reporting system allows professionals to share their experiences to help others.

Professionals can submit reports on safety issues related to buildings and other structures in the built environment. Reports typically relate to concerns, near misses or incidents. Find out more, including how to submit a safety report, at <https://bit.ly/cross-safety>. Your report will make a difference.



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COLLABORATIVE REPORTING  
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