

# Guidance to leaseholders making applications to buy additional land and carry out alterations



This factsheet provides guidance on Homes for Islington's decision making process when leaseholders make applications to buy additional land and carry out alterations. It shows what types of requests normally will and will not be given permission.

## Reason for criteria:

- To ensure consistency and transparency of the decision making process.

## When guidance should be used

- When leaseholders apply to buy additional Council space/land;
- When leaseholders apply for permission to carry out alterations to their own demise;
- When leaseholders ask for retrospective approval for alterations.

## General guidance

- Each case will be judged on its own merits;
- Decisions will be made within 30 working days from the date full details are provided;
- We do not have an appeal system for cases that are refused, but complaints can be made through the complaints process.

## Permission would not normally be granted where the alteration or sale:

- Would have a negative impact on the future management of the property or surrounding property;
- Is likely to cause structural problems to the building;
- It would incur extra or potentially extra management and maintenance costs to Homes for Islington;
- It would adversely affect other residents;
- Is refused planning permission or building control consent.

## Permission would normally be granted where:

- Alterations are required for disabled access reasons and they have been agreed by planning and building regulations and will not adversely affect other residents

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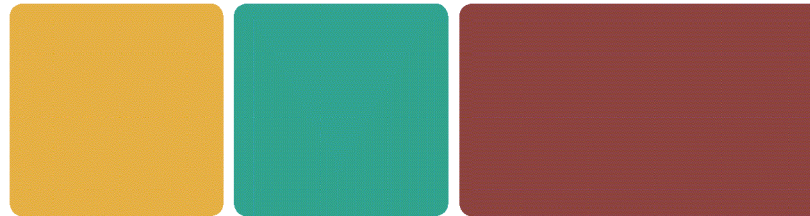
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# Guidance to leaseholders making applications to buy additional land and carry out alterations



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## Guidance on permissions for additional sales and alterations to leaseholders

Area	Permission would not normally be granted:	Risks and further factors to be considered before granting permission	Permission may be granted:
<b>Gardens (sales)</b>	<ul style="list-style-type: none"> <li>Where it is a communal garden whether at the front or back;</li> <li>Where it is part of a tenants' tenancy (even if they do not want it);</li> <li>Where the use is for non-recreational purposes such as parking.</li> </ul>	<ul style="list-style-type: none"> <li>Communal gardens are an amenity for all residents, current and future.</li> <li>Existing leases are likely to include rights of access and use of a shared garden.</li> <li>The tenancy agreement does not allow use for commercial or business purposes.</li> </ul>	
<b>Conservatories (alterations)</b>	<ul style="list-style-type: none"> <li>If there would be access issues to the block, for example where the conservatory would span the full width of the back wall;</li> <li>If above height of leaseholders flat.</li> </ul>	<ul style="list-style-type: none"> <li>Scaffolding problems to carry out works to rest of building;</li> <li>Access to underground drainage issues</li> <li>Rainwater run off issues;</li> <li>Any new opening in back wall may incur extra liabilities to landlord;</li> </ul>	

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		<ul style="list-style-type: none"> <li>• Other residents could pick up extra costs;</li> <li>• The structure would encroach on other resident's property.</li> </ul>	
<b>Back addition (alterations)</b>	<ul style="list-style-type: none"> <li>• If drainage issues;</li> <li>• If above height of leaseholders flat.</li> </ul>	<ul style="list-style-type: none"> <li>• Access to underground drainage;</li> <li>• Overload of existing drainage</li> <li>• The structure would encroach on other residents' property.</li> </ul>	<ul style="list-style-type: none"> <li>• If there are no drainage or other issues and the leaseholder takes all repair responsibilities including for the roof.</li> </ul>
<b>Vaults/coal cellars (sales and alterations)</b>	<ul style="list-style-type: none"> <li>• If communal access, and amenity for others;</li> <li>• If landlord liabilities increased.</li> </ul>	<ul style="list-style-type: none"> <li>• Usually communal area and gives access to other areas such as refuse bins and storage for other residents;</li> <li>• Could increase landlord's repairs liability including potential damp or structural issues (such as retaining walls in front gardens) if these liabilities could not be passed to leaseholder.</li> </ul>	
<b>Lofts (sales)</b>	<ul style="list-style-type: none"> <li>• If communal services in use eg water tanks;</li> <li>• If there is communal access.</li> </ul>	<ul style="list-style-type: none"> <li>• Area used for communal services which could not be moved or would be costly to move;</li> <li>• Area is an amenity for other residents;</li> <li>• Other leaseholders may have access rights.</li> </ul>	
<b>Lofts (alterations)</b>	<ul style="list-style-type: none"> <li>• If substantial changes to the roof structure, such as dormer windows are proposed.</li> </ul>	<ul style="list-style-type: none"> <li>• Danger in giving repairing responsibility to leaseholder where there is a significant change in the roof as have</li> </ul>	<ul style="list-style-type: none"> <li>• For installing velux windows</li> </ul>

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		<p>responsibilities to other residents to protect structure.</p> <ul style="list-style-type: none"> <li>• If Council retains responsibilities for dormer windows and roof alterations it is likely to result in higher maintenance costs and charges to other leaseholders.</li> <li>• Legal and administrative problems arising from splitting repairs responsibilities for roof structures.</li> <li>• Administrative issues about managing non-standard leases and ensuring costs correctly apportioned</li> </ul>	
<b>Flat roof areas / roof terraces (sales)</b>	<ul style="list-style-type: none"> <li>• If located above another residents flat;</li> <li>• If there is communal access.</li> </ul>	<ul style="list-style-type: none"> <li>• Potential noise problems and leaks to floors below;</li> <li>• Still a risk to other residents on floors further down the property. Potential leaks and overloading (causing cracks in back addition) may affect all residents below not just immediately beneath.</li> </ul>	<ul style="list-style-type: none"> <li>• If the leaseholder owned the space beneath the roof area but the affect on residents on lower floors should be considered.</li> </ul>
<b>Flat roof / roof terraces (alterations)</b>	<ul style="list-style-type: none"> <li>• If located above another residents flat;</li> <li>• If communal access;</li> <li>• If on main structural roof.</li> </ul>	<ul style="list-style-type: none"> <li>• Potential noise problems and leaks to floors below;</li> <li>• Problems with splitting repair responsibilities for surface and structure.</li> <li>• If there are structural problems there could be access issues due to the</li> </ul>	<ul style="list-style-type: none"> <li>• If the leaseholder owned the space beneath the roof area but the affect on residents on lower floors should be considered.</li> </ul>

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Area	Permission would not normally be granted:	Risks and further factors to be considered before granting permission	Permission may be granted:
		<p>leaseholder having to take up the terrace</p> <ul style="list-style-type: none"> <li>• If on main structural roof significantly altering roof see lofts above for reasons.</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• If there is a supplemental lease to cover additional costs of works to structure, and to give responsibility for covering ie asphalt</li> </ul>
<b>Cellars (sales)</b>	<ul style="list-style-type: none"> <li>• If communal services in use;</li> <li>• If communal access.</li> </ul>	<ul style="list-style-type: none"> <li>• Area used for communal services which could not be moved or would be costly to move;</li> <li>• Area is an amenity for other residents and if there are other leaseholders they will probably have access rights.</li> </ul>	
<b>Cellars (alterations)</b>	<ul style="list-style-type: none"> <li>• If cellar is not of full storey height and alterations include digging down</li> </ul>	<ul style="list-style-type: none"> <li>• Interference with the foundations potentially causing structural instability, insurance issues if subsidence as a result</li> <li>• Risk of future damp problems and drainage issues of creating habitable area where previously non-habitable and costs would come back to Council as part of the structure.</li> </ul>	
<b>Any communal areas – internal and external eg landings, balconies, hallways, light</b>	<ul style="list-style-type: none"> <li>• If communal access</li> </ul>	<ul style="list-style-type: none"> <li>• Not generally granted unless it could</li> <li>• not normally be let to anyone else and it could be incorporated into the existing demise and the Council could not develop themselves;</li> <li>• If other residents agreed to alteration</li> </ul>	<ul style="list-style-type: none"> <li>• Some communal areas do not have access issues and are not an amenity for others and could be sold and altered eg.</li> </ul>

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Area	Permission would not normally be granted:	Risks and further factors to be considered before granting permission	Permission may be granted:
wells, meter cupboards, understairs areas, bin sheds		<p>still may have to change other leases rights of access;</p> <ul style="list-style-type: none"> <li>• May be window and light issues or other amenity issues for other residents;</li> <li>• May be aesthetic issues for symmetry of building;</li> </ul>	stairwell to top flat.
<b>Additional storey to property</b>	<ul style="list-style-type: none"> <li>• If above another residents flat (not their own) and substantially changes the roof structure</li> </ul>	<ul style="list-style-type: none"> <li>• See lofts and roof terraces</li> </ul>	
<b>Additional dwelling to be created eg basement flat</b>	<ul style="list-style-type: none"> <li>• No permission</li> </ul>	<ul style="list-style-type: none"> <li>• Not allowed to sublet part of property;</li> <li>• Problems with relationship between leaseholder and their tenant and LBI;</li> <li>• Council may want to develop themselves.</li> </ul>	
Internal areas within the leaseholder's demise			
<b>New openings in walls</b>		<ul style="list-style-type: none"> <li>• Generally allowed subject to building control requirements</li> </ul>	
<b>Remove chimney breast</b>	<ul style="list-style-type: none"> <li>• If active flue</li> <li>• If building control do not allow</li> </ul>		
<b>Open up fireplaces</b>	<ul style="list-style-type: none"> <li>• No permission</li> </ul>	<ul style="list-style-type: none"> <li>• Additional repair liabilities to landlord</li> </ul>	
<b>Changing layout</b>	<ul style="list-style-type: none"> <li>• If living areas over bedrooms in other</li> </ul>	<ul style="list-style-type: none"> <li>• Noise and disturbance issues.</li> </ul>	

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Area	Permission would not normally be granted:	Risks and further factors to be considered before granting permission	Permission may be granted:
	residents property	<ul style="list-style-type: none"> <li>Leaseholder to get fire risk Assessment;</li> </ul>	
<b>Windows</b>	<ul style="list-style-type: none"> <li>If new openings</li> <li>If don't match existing</li> </ul>	<ul style="list-style-type: none"> <li>Additional maintenance issues.</li> </ul>	

Version 1 / May 2010

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