

# Information Sheet



## Licence to Alter

### What is a Licence to Alter?

Most residential leases have restrictions on Leaseholders right to alter their premises. This is necessary to protect the freeholders interest and the interest of other leaseholders and tenants.

Leases normally require formal consent to be obtained for internal building works except for any minor modernisation and redecoration. In particular, if a lease specifically prohibits the proposed works, such as structural alterations, a formal Licence to Alter (LTA) will need to be granted by the freeholder to the leaseholder.

In many residential blocks, specific rules and procedures have been drawn up for the management of leasehold works. This is because freeholders, management companies and managing agents have a responsibility to ensure that the freehold interest is not adversely affected by leaseholder alterations. Management guidelines will typically stipulate the type of work that will require formal application and the procedures to be followed.

### 1. Structural Alterations

If structural alterations are not carried out properly, this can affect other flats in the building and the overall structure of the building itself. It has become fashionable to have open plan living arrangements such as open plan kitchen and reception rooms. It is usual for the freeholder to appoint a surveyor or checking engineer to review the proposals put forward by the lessees designers.

The proposals have to take account of the structure of the entire building and not just the flat in question. Support may be removed from floors and walls in the accommodation above.

Temporary works such as propping are likely to be required. Consideration should be given to this being checked by an approved engineer, due to the high risk of damage.

Schedules of Condition are necessary for adjacent flats above and below the works to help assess liability for any damage that may be caused.

### 2. Installation of hard floor finishes

It is relatively common for residential leases to require carpets to be laid on floors to reduce the transfer of sound to flats below. Exceptions may be kitchens and bathrooms which require impervious floor finishes.

It is becoming increasingly popular to have hard floor surfaces such as engineered wood or laminate floor finishes and this can often create problems with noise nuisance to adjacent flats. This is particularly a problem in older flat conversions that do not meet Building Regulation standards and do not have modern standards of sound insulation construction. If the lessee simply replaces the carpet with hard flooring then they may be in breach of the terms of their lease and have to reinstate.

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Problems of noise nuisance may sometimes only become apparent with a change of ownership and new living habits of incoming occupiers.

Many landlords will not permit the installation of hard flooring. However, if this type of alteration is to be considered, then a policy can be put in place to minimise the risk of associated problems.

A suitable policy could include the following:

- An acoustic test to be undertaken to establish the performance of the existing flooring.
- A requirement for acoustic insulation material to be incorporated into the new floor finishes to take account the existing acoustic insulation value.
- A further acoustic test on completion of the works and a requirement that if the new floor does not meet the necessary standards, remedial works are to be carried out by the lessee or a requirement to replace the carpet.
- Another factor to consider is the need for a Schedule of Condition to check the condition of the flat beneath the new floors to record their condition and the responsibility of damage such as cracks that may occur.

### 3. Relocation of Wet Areas

Popular alterations include repositioning of kitchens and installation of new en-suite shower rooms or bathrooms. This type of alteration would usually require a formal Licence to Alter. The following factors need to be given due consideration:

- Sound transmission and noise nuisance may result from a change of use, such as forming a kitchen in a bedroom. Issues may arise from the use of hard flooring, noise from washing machines etc.
- Services may need to be relocated, such as water and drainage pipes. It is usual for mechanical extractor fans to be required as parts of Building Regulations for kitchens and bathrooms and consideration is to be given to their location.

- If the existing drainage runs are not conveniently situated, lessees may wish to install pumped waste devices such as macerators. These tend to be noisy, which can cause nuisance to other leaseholders.

### General Issues

Leaseholders will normally be required to meet the landlords reasonable costs associated with considering alterations which would typically include legal costs to prepare a Licence, Surveyors costs for considering applications, possible Schedules of Conditions and inspections before and after the works.

This provides a brief summary of the more common alterations carried out by leaseholders and the various issues that need to be considered.

For landlords and those responsible for the management of residential buildings, it is important that they appreciate the importance of properly considering the impact of leaseholder alteration works and it is advisable to appoint consultants to offer the necessary expert advice.

For leaseholders thinking of making alterations to a flat, it is important to ensure that the implications are properly thought out from an early stage and to ensure that adequate design details are submitted to the freeholder or managing company for consideration.

At Grumitt Wade Mason, we are regularly appointed by freeholders to act as landlords surveyor and by leaseholders wishing to make alterations.