

**Mid Devon District Council**

**Improvements to Council Properties Policy**

Policy Number: HSG v3.6

**December 2015**

## Version Control Sheet

*Title:* Improvements to Council Properties Policy

*Purpose:* To review the Improvements to Council Properties Policy in accordance with good practice and any changes in legislation.

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*Status:* Review of Policy

*Review Frequency:* **Every 4 years or sooner if required and in accordance with changes in good practice and legislation**

*Next review date:* **December 2019**

*Consultation* **This document was sent out for consultation to the following:**

Cabinet Member

Staff

Tenants Together

Management Team

PDG Decent & Affordable Homes

## Document History

This document obtained the following approvals.

<b>Title</b>	<b>Date</b>	<b>Version Approved</b>
Cabinet Member	<b>05/2015</b>	
Tenants Together	<b>11/06/2015</b>	
Management Team	<b>17/11/2015</b>	
PDG Decent & Affordable Homes	<b>01/12/2015</b>	
Cabinet	<b>17/12/2015</b>	<b>3.6</b>

## 1. Introduction

This policy statement outlines the approach of Mid Devon District Council (MDDC), to responding to requests from tenants, leaseholders or freeholders for permission to carry out alterations or improvements to their property at their own expense and for dealing with unauthorised alterations or improvements which have been carried out and identified.

## 2. Scope

This policy sets out how the Council will respond to and manage permission requests relating to structural alterations and improvements to Council properties. It covers the following points and should be read in conjunction with the related documents as stated below:-

- Permission requests and refusals
- Satellite dishes and aerials
- Laminated and wooden flooring
- Retrospective and conditional consents
- Building regulations and planning permissions
- Right to compensation for improvements
- Freehold and leasehold requests

## 3. Related Documents

- a. Tenancy Agreement
- b. Recharge Policy
- c. Department for Communities and Local Government (CLG), "A better deal for tenants: Your Right to Compensation for Improvements" leaflet
- d. Compliments, Comments and Complaints Procedures

## 4. Definitions

An 'alteration' is where the tenant:

- alters, removes or replaces any of the existing building fabric, its grounds or boundaries.

An 'improvement' is where the tenant:

- replaces a MDDC fixture or fitting with one of their own which is of a higher quality or standard;
- installs an item where there is none at present, for example, a new shower;
- extends the floor area of the property in any way, for example, a conservatory or porch;
- the carrying out of external decoration.

"Fixture" means items which are attached to and form part of the land and/or buildings which are therefore included as part of the property.

“Fittings” do not form part of the land, but may be any item that is free standing or hung by a nail or hook.

## **5. Permission requests**

- 5.1** All permission requests must be made in writing. The applicant must not make any improvements without written consent from the Council. All requests will be considered subject to conditions.
- 5.2** Only secure tenants will be allowed to make improvements and structural alterations to a property. However, introductory and flexible tenants will be given a discretionary right to apply for permission to carry out improvements (not structural), for example to address a health and safety need. These will be considered on an individual basis.
- 5.3** All works to the property must be completed to an appropriate standard of workmanship, within a reasonable time and in accordance with any other conditions contained in the written consent. The tenant is required to notify the Neighbourhood Officer when works have been completed.
- 5.4** The Council will not be responsible for any costs associated with any works or future maintenance.
- 5.5** If a tenant intends to restore or reinstate an existing fixture on termination of their tenancy. The tenant must agree to store the original fixture in a safe and secure environment where it will not deteriorate or be damaged. The Council will not be responsible for any costs incurred.
- 5.6** Tenants are responsible for finding alternative accommodation, at their own expense, if they have to move out of their property during any works they carry out.
- 5.7** Where a tenant applies in writing and includes a clear description of the proposed works with a detailed plan and any other relevant information requested. The Council will provide a copy of any information held on their asbestos register about that property.
- 5.8** However, the tenant is still responsible for finding a qualified and approved asbestos surveyor to carry out a ‘Refurbishment and Demolition Asbestos Survey’. This will need to be done before any refurbishment or demolition work, internal or external, where structural alterations or improvements are carried out. The tenant will be required to supply a copy of this survey to the Council prior to works commencing. Any costs incurred will be the responsibility of the tenant.
- 5.9** Permission will normally be granted subject to the following conditions:
- Where Planning Permission, Building Regulations and/or any other statutory approvals are required, the tenant will be responsible for obtaining these and providing the Housing Service as landlord, with the original copies before works commence.

- Where Building Regulations approval is required, the tenant is requested to provide the Housing Service as landlord, with the original copy of the Completion Certificate after the work has been inspected and approved by Building Control.
- Where work on gas and/or electricity supplies is involved, the tenant is required to provide originals of the safety inspection certificates issued on completion of the work.
- Any work undertaken on party walls or boundaries complies with the Party Wall Act.
- Any damage caused to other parts of the property or neighbouring properties during or as a result of any works carried out will be made good at the tenant's expense.
- Any improvements or alterations made to a Council property must be returned to a suitable standard as outlined in the Tenancy Agreement when a tenant vacates their property unless agreed otherwise. Where a tenant does not comply with this, they will be recharged to bring the property back to an acceptable standard.
- If the improvement affects neighbouring properties, for example, fencing or walls along a boundary line or a gate on a shared footpath, the tenant will be required to consult with neighbouring properties.
- That there are no breaches of the tenancy agreement, for example rent arrears.
- Any asbestos disturbed must be removed, sealed or repaired by a qualified and approved contractor with an appropriate licence. The tenant is required to supply the Council with copies of waste consignment notes.
- The Council reserves the right to withdraw any permission granted where it has resulted in causing a nuisance to others. The tenant will be given every opportunity to put things right prior to permission being withdrawn.

**5.10** Depending on the type of work proposed, additional conditions or restrictions may be applied. This is to ensure that the works are carried out to the required standard and/or to limit the environmental impact on adjacent properties or areas.

**5.11** Examples of structural alterations or improvements include but not limited to:-

- The installation, removal or replacement of any walls, the building of any parking space, hard standing, patio, conservatory or similar structure;
- Any new outbuildings, for example sheds, greenhouses, aviaries, decking or fencing or the replacement of these;
- The removal of trees;

- The replacement of a kitchen or bathroom suite including the installation of a shower, bath and mixer taps;
- The fitting of an aerial or satellite dish to the property;
- Any electrical, gas or heating installation or alterations;
- The creation of a pond;
- Installation of an outside tap;
- External decoration.

## **6. Permission refusals**

**6.1** Permission will not be unreasonably withheld, however it will be refused if the intended work:-

- Makes the property unsafe;
- Reduces the living space (except where a Statement of Need makes a recommendation to adapt a property);
- Breaches planning, building or conservation area regulations;
- Does not comply with relevant regulations, for example, health and safety;
- Reduces the value of the property;
- Appears unsightly or out of keeping with the character of the development or surroundings;
- May result in making the property difficult to let in the future;
- Restricts access to service points such as stopcocks;
- May cause potential structural, shading or access issues to existing or future solar photo voltaic installations;
- It is detrimental to the property.

## **7. Satellite dishes and aerials**

**7.1** Tenants are expected to apply for permission to erect a satellite dish or aerial at their property. Where permission is granted the Council expects the aerial or satellite dish to be sited in a way that minimises its visual impact on the external appearance of the building and is of an appropriate size. Any aerials or dishes no longer required should be removed.

## **8. Laminated and wooden flooring**

**8.1** A tenant must seek permission before installing laminated or wooden flooring. The type of property will be considered for its suitability before granting permission. If flooring is laid without permission, the tenant may be asked to remove it.

**8.2** Where permission is granted to install this type of flooring, this will be subject to the tenant installing adequate insulation to prevent noise transferring into neighbouring properties. The Council reserves the right to inspect this insulation before the new flooring is laid. If the flooring contributes to or increases noise nuisance to neighbours, the tenant may be asked to remove it. In such circumstances, the Council will not be liable for any cost of its removal or its replacement with an alternative form of floor covering.

**8.3** If works need to be carried out to a tenants home which requires the above flooring to be removed or lifted, the Council will not be liable for the cost of its removal, replacement or the cost of relaying it. The tenant will be responsible for lifting up any flooring prior to any repair or maintenance works being carried out.

## **9. Retrospective and conditional consent**

**9.1** A tenant who does not apply for written consent before carrying out work will be required to seek written retrospective consent, once the Council becomes aware of the issue.

**9.2** A tenant who has been refused permission but continued to carry out works will be required to reinstate the property to its original condition. Failure to do so will result in the Council arranging for the works to be undertaken. The tenant will be recharged for the full costs of reinstating the property and the cost of rectifying any defects or damage resulting from the works.

**9.3** In cases where the safety and integrity of the structure and/or the Health and Safety of the tenant, any household members, visitors or members of the public are at risk, the Council will arrange for all necessary works to be undertaken. The cost of the work and any other associated costs will be recharged to the tenant.

**9.4** Consent for improvements may be given by the Council subject to certain conditions. Failure by a tenant to satisfy a condition imposed by the Council shall be treated as a breach of the tenancy agreement.

**9.5** All recharges will be dealt with in line with the Council's Recharge Policy.

## **10. Building regulations and Planning Permissions**

**10.1** Some types of improvement, for example a porch, garages, sheds, extensions, satellite dishes and fencing, may need planning permission. Extra planning restrictions apply if a tenant lives in a conservation area. When a request is received, the Neighbourhood Officer will send details to Planning Services to establish if any building regulations or planning permissions are required.

**10.2** Where building regulations or planning permissions are required it is the responsibility of the tenant to make an application and pay any fee for Planning permission before the works commence.

**10.3** Improvements may need building control approval, whether planning permission is needed or not. This is to ensure good construction standards are adhered to. Where required it is the responsibility of the tenant to seek advice from Building Control before any works commence.

## **11. Right to compensation for improvements**

**11.1** A Secure tenant may be eligible to apply for compensation for qualifying improvements on termination of tenancy. Further information can be obtained from

the DCLG leaflet, “A better deal for tenants: Your Right to Compensation for Improvements”.

- 11.2** Rent arrears, or other monies due to the Council when the tenancy ends (including any costs the Council may incur by failure of the tenant to abide to the terms of the tenancy agreement when vacating the property) will be off set against any compensation due under the policy.
- 11.3** No compensation will be paid if there was a court order for possession of the property based on breach of tenant’s obligations, written consent was not obtained or the improvement was replaced during its notional life.

## **12. Freehold and leasehold requests**

- 12.1** When a request is received from leaseholders or freeholders to make any improvements or structural alterations approval will be granted subject to the request being allowed under the conditions of the conveyance or lease. The freeholder or leaseholder will be responsible for checking if planning permission or building regulations approval are required and for any costs related to the works.

## **13. Complaints**

- 13.1** The Council will deal with any complaints about its service in accordance with its Complaints Procedure details of which are available on the website at [www.middevon.gov.uk](http://www.middevon.gov.uk) or available by telephone on 01884 255255.

## **14. References**

- Secure Tenants of Local Authorities (Compensation for Improvements) Regulations 1994

## **15. Equality and Diversity**

- 15.1** The Council will tailor its services to meet the diverse needs of individuals. They will foster good relations with people when providing services to eliminate discrimination and to promote equality of opportunity.

## **16. Review**

This Policy has been written in line with good practice and current relevant legislation. Unless there are any changes to such legislation beforehand, the next review of this Policy is due December 2019 and every four years thereafter.