APPENDIX 1

TENANT AND LEASEHOLDER’S HOUSING ALTERATIONS AND IMPROVEMENT POLICY

CIVIC CENTRE, TANNERY LANE
ASHFORD, KENT, TN23 1PL
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*Please note that 'alterations' and 'improvements' are used interchangeably in this document for the same meaning.*
INTRODUCTION

OVERVIEW OF PRE AND RETROSPECTIVE HOME IMPROVEMENT APPLICATIONS

Tenants must be encouraged to respect their homes and keep them in suitable conditions regardless of the length of their tenancy. Some tenants choose to carry out alterations and improvements in their home over and above the repairs needed. These could range from creating a new flowerbed to building a single storey extension or attaching a conservatory.

This policy sets out to create a standardised procedure for dealing with tenant and leaseholder requests for alterations both inside and outside of the home. Created in partnership with Ashford Borough Council’s Tenant Scrutiny Panel, it enables the Council to protect its interest in the property and safeguard it from anything that may de-value or reduce its letting potential. The Council also seeks to advise tenants on sensible precautions and actions to protect their interests when commissioning works and the choice of works to be done. New tenants are given an equivalent policy to be used in conjunction with this when requested. Current tenants will be informed of the new policy available to them through the tenant’s newsletter.

Section 2.0 covers rights to home improvements and those that are covered by The Town and Country Planning (General Permitted Development) Order 1995 (GPDO 1995). All applications must be made in writing by post or email to the Housing Department who will process the application.

The council cannot refuse reasonable requests for home improvements under the Housing Act 1985, Section 97(1); however Ashford Borough Council may define occasions when they will be refused, usually due to rent arrears or anti-social behaviour. The effect of alterations on neighbours during works and following the completion of alterations must also be considered by the Council and applicant. Improvements carried out without prior permission will be reviewed on an individual basis to comply with current relevant policies.

Planning application and building control requirements are detailed in Section 7.0. If the Area Managers are not permitted to authorise the application, they must pass it to the Planned Maintenance team to action. Information on dropped curbs, television aerials and garden sheds are specifically detailed, with regards to needing particular planning consent for these.

Target times to process planning applications are detailed in Section 8.0. If applications are refused, the applicant has the right to appeal the decision.

Following this review of current procedures, tenants and leaseholders must request permission before carrying out home improvements as they are obliged to under their tenancy agreement or deeds respectively. It is expected that Area Managers will deal with initial enquiries from tenants, passing these on to other sections as required by protocol.
2.0 RIGHTS TO HOME IMPROVEMENTS

Tenants have the right to request permission to make improvements to their property, which the council cannot unreasonably refuse. Section 3.0 details the criteria for tenants who are unlikely to be considered for alterations, including those in non-secure tenancies, with rent arrears and those with other tenancy issues. Home improvements are a privilege for our tenants, so the length of the tenancy and the occupant’s conduct can be taken into account when making the decision.

The Housing Act 1985, Section 97(1) states that tenants must obtain written permission from their council/social landlord before carrying out any alterations to the property they rent.

2.1 PERMITTED DEVELOPMENT

Permitted Developments are defined by The Town and Country Planning (General Permitted Development) Order 1995 (GPDO 1995). The information below is an example of current regulations, however these are subject to changes so must be verified for individual applications.

The GPDO includes reasonable alterations to a property and the land around it that can be made without formal planning permission. For example an extension can be built up to 3 metres out from the back of a semi-detached/terraced house without planning permission*. Planning permission is defined by Parliament and not the local authority; it is subject to anomalies dependent on ‘designated’ or conservation areas. It is anticipated that most requests will fall within this category; however Section 7.0 explains situations when full planning permission will be needed.

*From 30/05/2013 to 30/05/2016 planning law has changed to allow permitted development extensions to be double their current boundaries. For example, if a semi-detached or terraced house has an extension built within this time period, it can be 6 metres from the end of the house instead of 3. If the local authority does not reply to a tenant’s request within 42 days, then permission can be assumed and extensions can go ahead regardless of neighbour’s objections.

3.0 CRITERIA FOR IMPROVEMENTS

A financial statement may need to be completed before an application can be authorised and written permission given, thus ensuring that tenants are able to meet their rent obligations.

Tenants who have breached their tenancy agreement due to anti-social behaviour and those known to the Area Management team for causing nuisance in their neighbourhood, will not be considered unless an Acceptable Behaviour Agreement is signed and complied with for at least a 3 month period.

The likely disruption to neighbours and local residents during and after construction periods will be considered before permission is given.
All property improvements must meet the council’s health and safety standards and Building Regulations. Ashford Borough Council will not give permission for lockable security gates or grilles if they will be a fire safety hazard. Alterations that may need to be removed at the end of the tenancy should not be approved unless it forms part of a disability adaptation. Home improvements must not de-value the property; adversely affect the accommodation or the ability to re-let the property. Work must be carried out by competent individuals so as not to cause undue expense or expose unreasonable maintenance costs to the council in the future.

3.1 DIY

Tenants are permitted to carry out improvement works to their homes themselves provided they can prove to the council their level of competency. It is at the discretion of the council whether they will permit tenants to undertake their own works or hire independent contractors, depending on the size of the alterations and experience of the tenant. In some instances the council will insist that a contractor, with relevant insurances, undertakes the work because the risk of injury to persons or property may be too high and the applicant could not cover the risk themselves.

4.0 ASHFORD BOROUGH COUNCIL LEASEHOLDERS

Leaseholders have the right to carry out improvements to the inside of their property. They are allowed to redecorate and replace interior fixtures and fittings without asking council permission. Leaseholders must obtain formal, written permission before undertaking any work to elements of the building which are not included in the demised property. This typically means the external envelope of the building and any internal load bearing walls. With regards to windows and doors the Council will consider requests from leaseholders but will typically ask that replacements match the existing in pattern and appearance for the sake of the block aesthetics and that the product meets a particular minimum specification. Leaseholders will not be allowed to remove any structural walls, do anything that might damage the structure of the building or impair shared services.

The council is unlikely to refuse permission for improvements unless the work affects the safety of the building, does not meet certain product specification, causes a nuisance to neighbours, or is in conflict with the terms and conditions of the lease. If leaseholders do not obtain permission then the council may replace the items or restore the property to its pre alteration state at the leaseholders’ expense.

Initial advice regarding home improvements may be obtained from the Council’s Planning and Building Control Departments. Leaseholders will need to consider the additional costs that may be required when undertaking any works, such as professional fees etc., and employing a competent contractor. More information can be found in the Leaseholder’s Handbook (Section 2.1.4) or by contacting the council.

5.0 IMPROVEMENTS COMPLETED WITHOUT PERMISSION

Tenants may have made improvements to their home without the Council’s knowledge. In these instances it is at the discretion of Ashford Borough Council whether they will accept and issue retrospective permission for the changes or request they be reinstated. A full property inspection must be undertaken by surveyors/building control to ensure the safety
of the building and that it meets current building standards before a decision is made, this will be at the cost of the tenant.

Tenants will be charged for any damage they have caused and for the cost of returning the property to its original state if required. Where acceptable improvements have been made to the property, the Council may make an agreement with the tenant to maintain the alteration(s), provided it meets certain health and safety requirements. The decision to maintain a tenant’s home improvements will be made by the planned maintenance manager. If alterations are approved it is assumed that they will be left in place when the tenancy comes to an end. However, removal of such alterations during the void process (in order to re-let the property) will result in the outgoing tenant being re-charged for the cost of the alteration.

6.0 CHOOSING A BUILDER

Advice is given in the tenants home improvement guide (available on the website) on how to choose a reputable builder, including asking family, friends and neighbours who have had similar work done and looking for contractors with the trust mark accreditation (www.trustmark.org.uk or www.checkatrade.com)

Tenants are advised to get quotes from a minimum of three contractors before deciding who will carry out the work. The tenant should try and negotiate a fixed price and duration of construction before commencing work, and not to pay until works are satisfactorily completed. Where possible they should request to view previous work carried out by the builder/contractor and speak to other clients. It is also recommended that they check the contact details given and try to choose a builder/contractor where they can visit an office to ensure the builder/contractors cannot disappear after payment or incomplete work.

7.0 BUILDING CONTROL

Property improvements must conform to Building Regulations and be approved by building control where relevant, as a condition of any Landlord’s approval. Failure for property changes to meet set standards will result in the alterations being removed at the tenants cost. Some discretion may be shown in instances where minor alterations, at the cost of the tenant could make the work comply with building control standards.

7.1 DROPPED CURBS, TV AERIALS & GARDEN SHEDS

Applications for dropped curbs should be submitted directly to Kent County Council. Tenants should be advised to seek their landlord’s permission before paying any fees to Kent County Council.

Only Kent County Council can give permission for dropped curbs. The work must be undertaken by contractors approved by Kent County Council. This is due to the very high liability insurance requirements that contractors must have prior to commencing work, owing to the risks of damaging underground fibre optics and utility cables.

Planning permission is not required to erect domestic TV aerials although radio masts and satellite dishes have more stringent requirements. A normal television aerial must protrude no more than 2 metres above the highest point of the dwelling-house (including chimney), and there should be no more than 2 antennas on each house. Listed buildings and those in
conservation areas are subject to different criteria. Ashford Borough Council has installed aerials for all tenants and leaseholders in flats with communal areas.

Pre-fabricated timber and metal garden sheds of modest dimensions are likely to be permitted, providing they comply with planning regulations. Planning permission is required if it is made to be used as a bedroom, has a toilet installed, or is to be used for business purposes. The shed must be at least 1 metre from the property, take up less than 50% of the garden and not obstruct any windows or passageways.

The Planned Maintenance team should be consulted for brick built structures or if Area Managers, tenants and leaseholders are unsure of any of the above. (Refer to Section 10.0 for Useful Links)

8.0 PLANNING APPLICATIONS

Area Managers cannot give permission for larger alterations. In these cases the application should be passed to the Planned Maintenance team to action.

Emphasis also needs to be made about the Council as Landlord and the Council as development control. The landlord cannot grant planning permission. Similarly the Planning Department cannot grant landlords permission. It is advised to get Landlords permission first (which is free of charge) before seeking planning permission (fees apply) to avoid abortive costs.

Tenants should understand that the Housing Department’s permission for home improvements will always be subject to formal planning permission being granted where necessary before works can begin.

A financial statement will need to be completed before an application can be authorised and written permission given, thus ensuring that tenants are able to meet their rent obligations.

(See http://www.ashford.gov.uk/making-planning-applications for more info)

9.0 APPLICATION PROCESS

Area Managers will acknowledge receipt of applications within 3 working days. A maximum of 20 working days is allowed for a response to an application as it may require home visits or surveys to be carried out to enable a decision to be reached.

On receipt of an application the Area Manager must register it and send the tenant/leaseholder an acknowledgement before deciding whether they are permitted to authorise the work.

- Area Manager able to authorise works – letter sent confirming consent for alterations and log updated.
- Area Manager unable to authorise works – application passed to Planned Maintenance team and log updated.
9.1 APPEALS PROCESS

When applications are refused and the applicants wish to appeal against the decision, they must submit their appeal in writing to the Manager of the Planned Maintenance team. The Manager will then review the application and notify the applicant in writing of their decision within 15 working days.

The appeals process will follow the same protocol as the complaints procedure. Receipt of appeal will be acknowledged in 3 working days and the applicant will receive a written decision in 15 working days.

10.0 USEFUL LINKS

A guide to knowing when planning permission is needed:

http://www.planningportal.gov.uk/permission/house
http://www.ashford.gov.uk/making-planning-applications
Email: planninghelp@ashford.gov.uk

This link provides details on how to choose a reputable builder to undertake property work and useful links to CAB, the office of fair trading and approved building federations.

http://www.ashford.gov.uk/choosing-a-builder

It would be worth tenants checking the link to ABC’s 3 year maintenance plan to see if their property is due for any upgrades before they carry out work themselves.

http://www.ashford.gov.uk/housing-maintenance

Includes how to apply for planning applications, how to contact building regulations and how to inquire about dropping curbs outside property.

http://buildingregulations.co.uk/

There is also a handy guide to Extending your Home which can be found at:

http://www.extendingyourhome.com/ashford

Dropped curbs information and applications.

http://www.kent.gov.uk/roads_and_transport/highway_maintenance/applications_and_licences/vehicle_crossings.aspx

FENSAs is the industry standard for replacement window and door installers self-certifying compliance with the building regulations.

Tel: 020 7645 3700
www.fensa.co.uk