

# Licence for Alteration

Structural alterations and purchasing additional land



Leaseholder Services

020 7974 4444

## **Structural Alterations and purchasing additional land**

This guide covers the Council's requirements and process should you request landlords consent for external structural alterations to your leasehold flat.

### **Structural Alterations**

Your lease says if you make any alterations or additions to the internal layout of your property you must ask for our permission first by requesting a licence for alterations.

The Council will also consider applications for works that alter the structure of the building such as:

- rear and side extensions on garden land already owned by you
- changing a window into a door.

In these cases as well as a licence for alteration the Council will issue a deed of variation to your lease. The deed will make you responsible for 100% of the future maintenance costs relating to your alterations.

If the proposed work extends beyond your demise you will need to make an application to purchase the area. Examples would normally include:

- loft conversions,
- enclosing balconies
- creating roof terraces
- building extensions or conservatories on garden land not included within your lease.

If agreed, as well as the deed of variation and licence for alterations for structural alterations, the area of land required will be sold to you on a supplemental lease.

### **Types of work or usage likely to be denied.**

Under the permitted use clause of your Right to Buy lease you must keep your property as a self-contained residential flat. There are important management reasons for including this clause within your lease. The following requests are therefore likely to be denied:

- subdivision of a flat into separate units.
- combining two separate flats into one larger unit.
- using the flat as a House in Multiple Occupation (HMO) under the statutory scheme.
- using your flat for short term holiday lets
- any scheme which alters the room stacking arrangement of the building causing a potential noise nuisance to the flat below.

The following developments are also likely to be denied:

- developments which include basement excavations
- loft conversions where the loft contains working Council services such as water tanks or pipework
- developments on communal estate land
- developments on communal shared gardens.

In the context of the above, we strongly advise leaseholders not to incur costs for architectural plans and professional fees if it is likely the development could be denied.

### **The landlord's consent process**

The decision as to whether landlord's consent can be granted lies with the neighbourhood housing manager. Architectural standard plans of the proposed alterations must be sent to leaseholder services. We will register your request and forward it to the neighbourhood housing manager for consideration. The neighbourhood housing manager will seek technical input, consult with residents and attempt to respond to you and tell you whether the application can be progressed within 12 weeks. It may take longer depending on the information you provide and the resources available. Please note the neighbourhood housing manager's letter does not constitute landlord's consent to the proposed works, which will only be provided on completion of the formal licence.

The neighbourhood housing manager may ask you to provide a structural engineers report covering your proposals.

If the neighbourhood housing manager agrees that your case can progress, it will be subject to you obtaining all necessary statutory consents. You will need to have full architectural plans drawn up.

If additional land needs to be purchased e.g the loft space then it is at this stage that a valuation is carried out by the Council's valuer. Applications to purchase additional land are valued on the basis of the Council claiming 35% of gross development value i.e construction costs will not be taken into account.

You will have two months to accept the valuation. Once you have accepted the valuation payable, we will produce the deed of variation/licence for alterations and supplemental lease. It is difficult to provide an accurate timescale due to the many varied issues that can be involved in structural alterations.

You will need to appoint a solicitor to act on your behalf and register the deed at the land registry. If you have a mortgage your mortgage company must be a party to the deed of variation.

We also reserve the right to amend the conditions allowing the case to progress, amend the legal documentation or request further information from you at any time until the sealing of the deed.

### **Statutory consents**

You are also legally required to obtain all necessary statutory consents in relation to the alterations you wish to make, such as planning permission and building control consent. Camden will not give formal landlords permission without first receiving copies of these consents. Please note, obtaining statutory consents is not landlord permission. If you therefore obtain statutory consents before landlord permission that is at your own risk (including any professional fees incurred).

Work to the structure of the building will normally involve planning permission and building control approval although there may be other consents that you will require. You must seek advice about which consents are necessary. The planning department customer service team can help with this and can be contacted on 020 7974 4444.

Planning's fees are available on our website:

**[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)**

The works will also require building control approval. You must submit a **deposit of plans application** to the building control service. A building notice application **will not** be sufficient for us to be able to give landlord's permission.

Camden's **building control service** can be contacted on

Telephone: 020 7974 6941 (option 4)

Email: [building.control@camden.gov.uk](mailto:building.control@camden.gov.uk)

Website: **[www.camden.gov.uk/buildingcontrol](http://www.camden.gov.uk/buildingcontrol)**

Camden building control also offers a non-statutory separate service including free pre-application meetings, access to a duty surveyor, free general advice and checking of plans. They are also able to undertake fire risk assessments.

### **Insurance**

If your proposed works are likely to affect the sum insured for the building an insurance revaluation will be carried out. The new sum insured will take effect after the works have been completed and the licence will require you to tell us once you have completed the works. If you do not inform us we will be unable to increase the sum insured and you will be liable for any resulting uninsured loss.

### **Further approval for land being purchased**

If the accepted valuation is over £30,000 further approval for the sale of land will be needed from the Executive Director Supported Communities and that will add approximately a further two months to the process. The valuation will remain valid as long as the Council's solicitors have been instructed within six months of you being notified of the valuation. We reserve the right to carry out a further valuation and charge a further valuation fee if we decide the valuation is no longer valid.

### **Retrospective Licence for Alterations**

Your lease says you must obtain the licence **before** any building work commences. If structural work has been carried out without the required licence you have breached your lease. We can still consider giving permission in the form of a retrospective licence for alterations.

The process is the same with the Council issuing a deed of variation as well as a retrospective licence. The exception is you will need to obtain a "regularisation certificate" from the building control department.

You should note that if landlords consent is denied you will be required to reinstate the property to its former position at your own cost.

### **Leasehold Services Fees**

You must pay our administrative, technical and legal fees. The fees for producing a deed of variation incorporating a licence for alterations and any a supplemental lease (if required) are detailed on our website. <http://www.camden.gov.uk/leaseholders>

The fees you would need to pay are;

- Valuation fee
- Camden's Administration (including administration, lease plan, amendment, technical fee)
- Legal fee (Deed of Variation – incorporating licence, and a supplemental lease)

Other items of expenditure which you may incur include:

- Our premium for the additional area
- Architectural plans
- Surveyor fees
- Structural engineers report (if applicable)
- Your own legal fees
- Statutory consent fees

## Summary of process

- Leaseholder registers application with leaseholder services
- Leaseholder services refer application to neighbourhood housing manager for consideration
- Neighbourhood housing manager seeks technical input
- Neighbourhood housing manager consults with residents
- Neighbourhood housing manager makes decision on whether application can progress to next stage.
- Neighbourhood housing manager writes to leaseholder with decision.
- If agreed leaseholder services request valuation fee from leaseholder (if sale of land required)
- Leaseholder services instruct external valuer to value land being sold (if sale of land required)
- Leaseholder services sends valuation to leaseholder (if sale of land required)
- If agreed valuation over £30,000 then leaseholder services obtains further approval from Executive Director Supported Communities (if sale of land required)
- Leaseholder services request administration fees and statutory consents (if not already supplied) from leaseholder
- Leaseholder services arrange for new lease plans to be drafted and agreed with leaseholder
- Leaseholder services instruct Camden external solicitors to draft deed of variation incorporating licence for alterations and supplemental lease of land (if required).
- Camden external solicitor sends draft documents to leaseholder's solicitor for agreement.
- Camden external solicitors issue landlord consent documents.

(It is only at this stage that leaseholder has landlords consent to begin works)

The time taken from the registration of the application to the issuing of consent documents can vary significantly. We are therefore unable to provide specific timescales.

There is a separate, simpler, process for licence for alterations where only internal layout changes are proposed.

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