



# Alterations and Improvements Policy

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## 1.0 Scope

The Alterations and Improvements Policy sets out the approach that Broxtowe Borough Council takes when a request is made from a tenant. Alterations and improvements are always made at the sole expense of the tenant and the tenant is responsible for carrying out the work themselves or appointing a suitable and competent tradesperson to undertake the work.

The policy only applies to Council properties and tenants and not leaseholders.

The policy does not cover the interior decoration of properties or minor DIY. It also does not cover any policies or regulations that specifically surround Planning or Building Control.

For the purpose of the policy, an alteration is defined as work that

- Alters, removes or replaces any of the existing fabric of the building, its grounds or boundaries
- Replaces a Broxtowe Borough Council fixture or fitting with one of the tenants own which is or a similar quality or standard as the original
- Permanently removes a Broxtowe Borough Council fixture or fitting

For the purpose of the policy, an improvement is defined as work that

- Replaces a fixture or fitting with a tenants own which is of a higher standard or quality
- Installs an item where there is currently not one present or is or a different type to the one installed
- Extends the floor area of the property in any way

## 2.0 Purpose

Tenants may wish to make alterations and improvements to their properties to make their homes more suitable for their needs and lifestyles.

The Policy provides a framework for how requests will be processed and the steps that the tenant and the Council should take when requesting or processing a request for an improvement.

## 3.0 Aims and Objectives

The aims and objectives of the policy are

- To clarify how alteration and improvements are requested

- The types of tenancy and how they affect the rights to make alterations and improvements.
- To explain how the Council considers alteration or improvement requests.
- To explain what measures the Council may take to monitor or control alterations and improvements.
- To clarify how alterations and improvements link to aids and adaptations
- The actions that Council will take when a tenant makes an alteration or improvement without seeking permission.
- To explain what considerations the Council will make when properties are returned with alterations and improvements present.
- To explain the process surrounding compensation for improvements

## **4.0 Regulatory Code and Legal Framework**

The Landlord and Tenant Act 1985

The Housing Act 1985

The Housing Act 1996

Gas Safety (Installation and Use) Regulations 1998

Electrical Equipment (Safety) Regulations 1994

Control of Asbestos Regulations 2012

Health and Safety at Work Act 1974

The Housing Act 2004 (Housing, Health and Safety Rating System)

## **5.0 Policy Outline**

### **5.1 Requests for Alterations and Improvements**

The Council requires that a tenant requests alterations and improvements in writing wherever possible. The Council will make reasonable adjustments or provisions who may not be able to fulfil this request.

The Housing Act 1985 S.97 (1) determines that it is a term of a secure tenancy that the tenant will not make any improvement without the written consent of the landlord.

The Council will make the decision on whether the information provided by the tenant is enough to make a determination on the alteration or improvement or whether any additional information is required from the tenant. If additional information is required from the tenant, the Council will request it from the tenant.

## **5.2 Types of Tenancy and Alterations and Improvements**

Only Secure Tenants have the right to make alterations and improvements within the legislation.

Introductory Tenants do not have the same rights in accordance with their tenancy, however, the Council will consider requests from Introductory Tenants but may refuse alterations and improvements in certain circumstances, particularly those that are likely to cause significant changes to the property, such as;

- Where structural change is requested
- Works that change the size or composition of the property

## **5.3 Considering the Requested Alteration or Improvement**

The Council will require full details of the alterations or improvements that are being requested, this may include drawings or other permissions from Planning or Building Control. Any costs that are incurred from making these enquiries will be met by the tenant requesting the works, even if the works are refused at any stage.

It may be necessary for relevant officers of the Council to carry out home visits to assess the works and consider the request.

The Council may request any additional information be provided before granting or refusing the request. The Council will do this in a timely manner. The tenant may be given a timescale to respond to the Council's enquiries.

Where significant works are being requested, the Council may request financial information from the tenant to provide reassurance that the works can be completed and that the Council will not be left with a significant liability if works are not completed satisfactorily.

Certain works will need to be completed by a competent tradesperson, such as any gas or electrical work. The Council will require details of the person completing the works, the exact detail and scope of the works and will request the appropriate certification be provided on completion of the works. The Council may take on the repair and maintenance responsibility for these works once completed and therefore may make special requirements on the detail and scope of works.

Any refusal from the tenant to cooperate with the Council in making its enquiries will lead to the refusal of the works.

Once the Council has all the information, the Council will respond to the alteration or improvement request to grant or refuse and it will do so in writing. The granting of a request will be subject to conditions set by the Council being met. These will be specified to the tenant in writing.

The Council will consider requests for alterations and improvements to aspects of the home where it is an existing component that the Council has a liability to maintain, such as

- The installation of a new kitchen or bathroom
- Redecoration of the outside of the home
- Any insulation related works
- Request to change any gas or electrical installations

The Council will consider requests to change the fabric of the building or property, such alterations may require planning or building control consents, such as

- Extensions
- Conservatories or lean-to
- Any outbuilding or shed of any kind or construction
- A driveway or car port
- Replacing fencing

Additionally, an alteration that has no negative effect on the composition or value of a property or the value its neighbouring properties are considered, for example

- Installation of a satellite dish subject to planning permission
- Installation of a water meter or an energy smart meter
- Installation of a water butt

The Council will not unreasonably refuse permission for an alteration or improvement. The criteria that the Council may refuse an alteration is as follows.

- It is likely to present to health and safety risk to those in occupation, those visiting or those living around the home
- That the alteration or improvement will change the use of the property, such as for running a business
- That the alteration or improvement will make a change to the property that will negatively affect the ability for the Council to let it in the future. Such as removing bedrooms

- The alteration is refused planning, building control or party wall approval
- That it removes amenities that Broxtowe Borough Council or partners have provided at the property to make the home suitable for an occupant or occupants with specific needs
- That it alters, exposes, encloses or partitions a communal area
- If the property is a new build and is within a warranty or guarantee period
- Where there is a preservation or conservation order in place that could be contravened by the alteration or improvement
- Where the alteration encroaches on another parties' land or on to land that is not owned by Broxtowe Borough Council

## **5.4 Monitoring and Control of Alterations and Improvements**

In the case of significant alterations and improvements, particularly those that require structural change or a change to an installation within the property, such as to gas or electrical installations, the Council may request access to the property during the works to check the progress and to ascertain whether the works are within the scope of what has been given permission for.

Following the completion of the works, the tenant should notify the Council when requested to do so in order for the Council to assess the works and request any certification to be provided.

Tenants should work proactively to complete the works in a timely manner to minimise disruption to neighbours and to ensure that the property does not remain in an untidy condition for a lengthy period. If the Council considers that the works are taking too long and the Council does not receive appropriate assurances about completion and progress, the Council will consider taking tenancy enforcement action.

## **5.5 Alterations and Improvements Requests and Aids and Adaptations**

The Asset Management and Development Service will look to facilitate aids and adaptations for those with mobility needs and will act in accordance with its Aids and Adaptations Policy when deciding whether the Council should carry out works or not.

## **5.6 Alterations made by tenants without permission**

Where alterations or improvements are made without the permission of the Council, the Council will first consider whether it wishes to grant permission retrospectively.

This may be applicable to minor alterations and improvements, such as those referred to in 5.3 as not affecting the composition or value of a property, the Council should advise the tenant that they are in breach of their tenancy and do so in writing. However, the Council will confirm in writing that the works are granted retrospectively.

In situations where this is not possible, the Council will request that the property be put back to the condition it was before work started and the Council will confirm the works that are required to the tenant.

If the tenant does not cooperate with the Council's request, the Council will carry out the work on behalf of the tenant and a recharge will be raised for the full costs of doing so. The Council will also consider whether tenancy enforcement action is appropriate.

If the tenant does not cooperate and allow the Council to complete the works or obstructs the Council in completing the works, the Council may apply to the Court for an Injunction to gain access to the property and complete works and take tenancy enforcement action. The tenant will be recharged for all costs that are incurred by the Council. Possession action will also be considered against the tenant if considered proportionate to do so.

## **5.7 Properties returned to the Council with Alterations or Improvements**

When a property is returned to the Council with alterations and improvements and it is required that they be removed before it is relet, the Council will check if the works carried out had permission. If the works did not have permission, the tenant will be recharged for the costs that the Council incurs in putting the property into a condition where it can be let.

If alterations or improvements can remain, the Council will make clear to the incoming tenants as part of their tenancy sign-up and specify within their tenancy agreement the works that are non-standard and therefore the Council may not be able to maintain or replace them if they should require repair or replacement.

## **5.8 Compensation for Improvements**

The Housing Act 1985 S.99 gives secure tenants the right to compensation for certain improvements.

Claims for compensation must be made no more than 28 days before and no more than 14 days after end of the tenancy.



Tenants may be eligible for compensation if

- They are a secure tenant
- The works were carried out after the 1<sup>st</sup> April 1994
- That the works had the permission of the Council

Tenants who have moved by mutual exchange or who have transferred must make their claim at the time that they move.

Tenants who have gained the property as a result of a succession may be eligible, even if they did not carry out the improvement works.

Tenants who were assigned the property by an order of the Court from the tenant who carried out the improvement work may also qualify.

The Council will request that receipts of invoices are provided for the works completed that are being claimed for.

The method of calculation, the qualifying improvements and notional life of each qualifying improvements that is eligible for compensation is outlined in the Compensation for Improvements Procedure.

## **6.0 Related Policies, Procedures and Guidelines**

This policy should be read in conjunction with the:

- Alterations and Improvements Procedure
- Aids and Adaptations Policy
- Compensation for Improvements Procedure
- Repairs Policy
- Repairs procedures
- Tenancy Management Policy
- Tenure Policy
- Tenancy Agreement

## **7.0 Review**

This Policy will be reviewed every 3 years unless there are significant changes in legislation.

## **8.0 Document History and Approval**

Date	Version	Committee Name
16/1/19	1.0	Housing Committee
9/2/22	2.0	Housing Committee