

## LICENCE TO ALTER

### BACKGROUND

A Licence to Alter is granted by the landlord of a property giving consent to alterations works being carried out by the tenant. A Licence is required if the lease granted on the flat specifically states that the tenant must not carry out any alterations without the consent of the landlord.

It should be noted that whilst the Lease may require the tenant to obtain consent, Section 19(2) of the Landlord and Tenant Act 1927 provides that such consent cannot be unreasonably withheld. If there are overriding leasehold interests in the property, the consent of all the parties may need to be obtained.

The Licence is an important document as it provides comfort to a prospective purchaser that consent has been given and it normally absolves the tenant from the need to reinstate the property to its original condition on expiry of the lease.

There are some leases granted that prohibit any alteration works being carried out to a property, and in these cases, it has been known for the landlord to request a premium for giving consent. Other landlords are more lenient, and will deal with the alteration works as if there was the clause in the lease.

### PREPARING FOR THE APPLICATION

The first step for the tenant wishing to carry out alterations is to find out from the managing agents whether consent is required. In very general terms, if the alterations relate to the refitting of a kitchen or bathroom, renewing a

service installation or redecoration, a Licence will not be required. If the intention is to carry out structural works, to rearrange the accommodation or to integrate separate accommodation into a single unit, a Licence will be required.

The following information will be required in order for the tenant to proceed with the alterations works and for a Licence to be granted:-

- *Plan drawings of the property, as existing, preferably to a scale of 1:50*
- *Plan drawings, with sections and details, as necessary, of the property, as proposed, to a scale of 1:50*
- *Plan drawings showing the proposed changes to the services installation within the property, and the means by which they are to be connected to any communal supply pipework*
- *Engineering details, including drawings and calculations, of structural alterations*
- *Specification of works to be carried out to the property*

The tenant will also need to investigate the possibility of asbestos in the property, and to put forward proposals for treatment. In most cases, a specialist contractor will need to be instructed.

### LEGAL CONSIDERATIONS

If consent to the proposed works is given by the landlord, the information requested will be sent to the solicitors acting for the landlord to prepare the Licence to Alter.

The Licence will set out the conditions of the landlord's consent, such as the working hours of the contractors, protection to common areas, minimum



disruption to other lessees and adequate insurance cover.

The Licence will also require a Schedule of Condition to be prepared on adjacent properties if there is likely to be damage caused as a result of the structural works, so that any damage can be identified easily for making good by the tenant.

If a solicitor is acting for the tenant, the draft Licence will be sent to them for approval, and when the wording has been agreed, counterpart Licences will be issued for signing by the landlord and tenant. It will be at this stage that the costs of consent will have to be paid by the tenant.

---

### STRUCTURAL CONSULTATION

---

It is also likely that the landlord will instruct a Consultant Building Surveyor to protect its interests in the carrying out of the alteration works.

The Surveyor will check all the information provided, to ensure that the works are being carried out in accordance with current regulations and local authority building controls. The Surveyor will inspect the works at regular intervals during the carrying out of the works and on completion, and will submit a report to the landlord.

In cases where structural alterations have formed part of the programme of works, the structural engineer appointed by the tenant will be required to give written confirmation that the works have been completed to their satisfaction, and in accordance with the submitted drawings and calculations.



*Building Surveyors may be instructed in alterations works*

---

### PROFESSIONAL ADVICE

---

An application for a Licence to Alter will be considered by the landlord in conjunction with its implications on all occupants of the property, both whilst the works are in progress and afterwards, and the precedent this may set for other applications from tenants in the property. For further information, please email us at [marketing@countystate.co.uk](mailto:marketing@countystate.co.uk) or alternatively contact your property manager.

---

### FURTHER READING AND ONLINE RESOURCES

---

- The Royal Institution of Chartered Surveyors (RICS)  
[www.rics.org](http://www.rics.org)
- RICS Books  
<http://www.ricsbooks.com>
- The Institution of Structural Engineers  
<http://www.istructe.org.uk>
- The Law Society  
<http://www.lawsociety.org.uk>

County Estate Management  
9 Harley Street, London W1G 9QF  
(t) 0207 436 2080  
(f) 0207 436 1040  
(w) [www.countystate.co.uk](http://www.countystate.co.uk)  
(e) [mail@countystate.co.uk](mailto:mail@countystate.co.uk)

*County Estate Management is a member of the  
Association of Residential Managing Agents*



© Copyright 2005, County Estate Management Ltd. All rights reserved.

