



To: Executive Councillor for Housing

Report by: Executive Councillor for Housing

Relevant scrutiny committee: Housing Scrutiny Committee

Wards affected: All

Report title: **SALE OF ROOF VOIDS IN LEASEHOLD PROPERTIES**

Key Decision

1. Executive summary

This is an update report looking at the issues that have arisen following the decision in March 2011 by the Housing Management Board to agree to the potential sale of roof voids to leaseholders. The report looks to reverse the decision to prevent the future sale of roof voids.

2. Recommendations

The Executive Councillor is recommended:

- 2.1 To continue to exclude the roof void from the Right to Buy sale of leasehold flats.
- 2.2 To no longer agree to the sale of roof voids to leaseholders.

3. Background

3.1 The report submitted in March 2011 advised that the majority of the Council's blocks of flats do not have pitched roofs, and therefore have no roof void. The Council's policy has always been to exclude the roof void in any Right to Buy sale of a top floor flat or maisonette.

3.2 The Council now manages more than 1160 Leasehold properties and under the terms of the Lease, remains responsible for the structure including the roof, ceilings, walls, floors, foundations and the roof void.

3.3 In 2011, the Council agreed to the potential sale of roof voids for those blocks that do have a pitched roof and if the property met certain criteria (Appendix 1) due to the positive benefit to leaseholders of having additional

space in their properties. At that time it was felt the additional roof storage space could provide additional storage.

3.4 In the six years since the decision was taken, there have been just eight enquiries from existing leaseholders to purchase the roof void, the majority of which did not proceed beyond the enquiry stage. Of these, only two leaseholders have proceeded to purchase the loft space and convert it into habitable space; and one application was refused as it failed to meet the criteria.

3.5 Most enquiries have been from non-resident leaseholders who wish to turn the roof void into habitable space, where the only material benefit is to increase the value of the leaseholder's property.

3.6 With hindsight, the Council are creating future leasehold management issues, including:

- Party Wall implications;
- Requirement for full Structural Engineers Reports on the condition of the original build and checks to ensure the foundations can take the additional weight of any proposed conversion;
- Complications regarding future maintenance to the shared roof, fascia's and gutters;
- Services that would no longer be able to cross the roof space, if required;
- Roof ventilation.

3.7 Whilst we also seek the views of other residents prior to any sale, we have now seen the implications for these other tenants living on a potential building site for months - where we have no control over the works.

4. Implications

(a) Financial Implications

There has been little take-up of the sale of roof voids and in light of our experiences by reverting to our former policy we are protecting the Council's interests. The valuation of both the sold roof voids yielded less than £10,000 income. The cost to the authority in managing the process was covered by the cost of the fees charged.

By not selling the loft space, we retain the ownership and limit any future costs to us as Freehold owners.

(b) Staffing Implications

None

(c) Equality and Poverty Implications

None

(d) Environmental Implications

None

(e) Procurement

There are no procurement implications.

(f) Consultation and communication

Internal departments including Estates and Facilities, Legal, and Property have been consulted regarding the report.

5. Background papers

6. Appendices

6.1 Appendix 1 – Criteria for the Sale of Roof Voids in Leasehold Properties.

7. Inspection of papers

To inspect background papers or if you have a query regarding the report please contact:

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Appendix 1

Criteria for the Sale of Roof Voids in Leasehold Properties

The following criteria to be used by officers when determining the sale of roof voids:

1. The relevant roof space must not contain any shared services;
2. The building must only have one property on the storey immediately below the roof void;
3. The entire roof space must be directly above the relevant flat/maisonette, and must not extend beyond its boundaries into common areas or other units;

4. Access to the void must be entirely within the relevant leasehold property and not in a common area and must be formed in accordance with a specification to be agreed with the Council;
5. Repairs, replacement and inspection access must be guaranteed;
6. All occupiers within the building must be fully consulted about the proposal and their views taken into account in coming to a decision;
7. There must be no detrimental effect on any other occupier of the block or to the Councils freehold or structural interest in the building;
8. There must be no immediate or future repair or replacement cost implications for the Housing Revenue Account;
9. Consent to undertake any major works or structural alterations to the roof structure could only be granted formally in writing.

This list is not an exhaustive list and may be added to.