



Tenant's Alterations – Guidance Note July 2009

Introduction

The lease of your property will under normal circumstances contain covenants regarding alterations. The covenants will not be the same in every lease: some may include a strict ban on alterations known as an 'absolute prohibition' whereas others may only require you to obtain permission for alterations to the structure and/or exterior of the premises. Therefore alterations you wish to carry out may require the approval of The Portman Estate (the Estate).

Approval may be by letter licence but for larger, more complex projects, and for those taking place in commercial units there will be the requirement for the parties to enter into a solicitor's standard Licence to Alter document. Dependent on the lease covenants and the type of work proposed, other legal documents might also be required. You will be responsible for the payment of the Estate's solicitors' fees in any event.

Please note that unfortunately there may be instances where we simply will not be able to accept or approve a scheme.

Procedure

The procedure for applying for our approval is summarised below:

1. Your written application (which can be a simple letter) should be addressed to the Building Surveying Team, marked for the attention of either Simon Clark or John Jenkins at the Portman Estate office.
2. The letter should ideally be accompanied by the following information, although it is understood that in some circumstances this may not be available at the outset:
 - a. A summary of the work proposed.
 - b. Scaled existing and proposed drawings together with sections and elevations (where applicable).
 - c. Drawings and calculations relating to any structural alterations.
 - d. Confirmation with regard to progress of statutory applications from the Local Authority. Alternatively copies of Planning and/or Listed Building consents should be provided.
 - e. Copies of the Building Control application either via the Westminster District Surveyors' Service or the 'approved inspector' route. Alternatively copies of the Building Regulations approval should be provided.
 - f. Cost of works to a builder's finish.

Please note, applications from subtenants must be submitted via the headlessee.



3. Once you have advised the Estate that you wish to carry out works, we will send you a standard form entitled '**Application for Landlord's Approval to Carry out Alteration Works**'. This should be completed and returned to the Estate office.
4. We will require an application fee to be paid to cover the costs of administration for the application. The fee formula will accompany the Application form. Please note that a minimum fee will apply to small projects. We also reserve the right to levy supplementary fees, for example where a project becomes, in our sole opinion, unusually protracted, complex, or changes significantly.
5. In general we will appoint an agent to process your application. Our agents or sometimes one of the Building Surveying team will carry out an inspection of the proposed works either with you, or with your professional adviser(s), in order to give direction on the application process and guidance on what additional information is required to support the application. At the same time we will be able to give you an indication of any particular requirements we might have in regards to any subsequent approval (e.g. type of finishes and matters relating to fenestration in order to preserve the character of the property). Our guidance and advice will hopefully be consistent with that you have obtained from the Local Authority.
6. It is possible that once your proposals have been considered some amendments may be required to your scheme. We will endeavour to provide guidance as to what modifications will be required in order to be able to consider the application favourably. **Please note that unfortunately there may be instances where we simply will not be able to accept or approve a scheme.**
7. From time to time we require further specialist advice to consider the scheme fully. Where this is the case we will write notifying you of our intention to instruct other specialist consultants. You will be required to provide a written undertaking regarding costs incurred by us in processing the matter. The undertaking should be provided promptly so as to avoid delays in processing the application.
8. Occasionally, (where for example the work involves the creation of additional space or perhaps where the use of all or part of the building changes) you may be required to pay a premium to the Estate as a condition of the approval. You will generally be advised on this point at the initial site meeting. The Estate's Asset Managers will calculate the premium unless specialist advice is required (refer to point 7 above).
9. Once we are satisfied with the proposals and all the relevant information has been received, written authority to carry out the works will be provided by way of a conditional approval letter in the case of straightforward schemes. This letter will refer to the 'approved drawings'. Where a solicitor's Licence to Alter (or other form of legal document) is required, a similar letter will be issued. However in this instance the letter itself will not constitute consent under the terms of the lease, (consent will only be provided once the licence completes) but the letter aims to set out the relevant technical considerations upon which the licence will be based.
10. Once the conditions of the approval have been complied with, and the application fee has been paid in full, you will be permitted to commence the works (that require consent under the lease) subject to you obtaining the necessary statutory approvals such as planning consent, Building Regulations approval and the like.



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11. You will be required to keep the Estate informed as to the progress of the works. Any design changes must be assessed and where applicable approved by the Estate or our agents prior to those works being undertaken.
12. Dependent on the scale and complexity of the works 'occasional' site visits will be carried out. A final inspection will always be carried out.
13. It should be noted that responsibility for formal supervision of the works/contract lies with you/your project team. We will expect you to appoint suitably qualified persons to design the works, and to supervise and administer the building contract.
14. All materials and workmanship shall be the best of their respective kinds in accordance with the relevant British Standard and in accordance with good current practice.
15. You will be required to carry out your works giving due regard to the interests of your neighbours. To safeguard your and the interests of adjoining owners/occupiers we advise you to record schedules of condition of the adjoining buildings (whether or not the Party Wall etc. Act 1996 applies to your works). You should also consult with your neighbours (where possible) at an early stage. **Please note for particularly large or sensitive projects we may impose the requirement for you to pay a deposit to us that will be reimbursed at the end of the project, providing no unreasonable nuisance has occurred.**
16. You and your professional team must take responsibility for ensuring that both the design and works take into account health and safety. You must ensure compliance with the Construction (Design and Management) Regulations 2007 and other applicable legislation.
17. Copies of 'as built' drawings must be provided upon completion of the project. Where these are produced in CAD a CD with the drawing files in .dwg (AutoCAD 2000) format should also be provided.
18. All documents should always be kept safely with your lease or tenancy agreement and a copy will also be kept on The Portman Estate property register.

The Portman Estate, its agents and legal advisers will make every endeavour to process the application through to completion promptly and this is normally achieved by working to targeted guidelines, as follows:

1. We will endeavour to respond to (or acknowledge at minimum) your initial letter and all correspondence whether by email or post within seven days of receipt.
2. We will endeavour to process your application within three to four weeks of the site inspection referred to in item 6, provided that all the relevant information requested is provided promptly. This of course depends on the complexity of the works, among other factors.

For further assistance, please do not hesitate to contact the Building Surveying Team at The Portman Estate:

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