

2 Property

Extending a flat needs freeholder's agreement on paper

QUESTIONS ANSWERED

John Robson

I OWN a duplex flat that is one of four flats in a converted detached Victorian house. My flat is on the first floor and, approximately three years ago and with the permission of the freeholders I extended into the roof space by adding a loft conversion. The loft conversion now comprises a bedroom and en-suite shower room. The other three flats are rented out to tenants by the freeholders,

who are actually relations of mine, and they agreed to and gave their consent to the loft conversion. I am now selling my flat and have appointed both an estate agent and a conveyancing solicitor who has obtained a copy of the lease and leasehold title to my flat. I have been advised that when the loft conversion was created the lease was never amended, altered or extended to include the new bedroom and en-suite. This clearly creates a title problem and will prevent a sale of my flat. There are a couple of interested buyers as the flat is in a very desirable area of North Yorkshire and due to

the loft conversion is a spacious property. Please can you confirm the quickest and most cost-effective way to resolve this problem?

The loft conversion accommodation has been created in an area of the building which remains in the freehold legal ownership of the landlord freeholder, whom you state is related to you. With the freeholders' consent and co-operation, this issue can be resolved relatively quickly and the resolution can run alongside the conveyancing process involved in the sale.

Firstly, you will need to tell the freeholder that a new lease by way of surrender and re-grant is required incorporating a plan to Land Registry acceptable scale. Ordinarily, a freeholder would charge a consideration payment for this new lease as the additional accommodation will add considerably to the value of your property.

However, as the freeholders have agreed to the loft conversion which has been carried out and are relatives, I assume they may forego such payment.

An accurate plan detailing the loft accommodation will need to be prepared by a surveyor to a

Land Registry acceptable scale, usually 1:100. This forms the basis of the new lease and will be referred to in that document replacing the plan to the original lease.

The new lease will detail the parties being the freeholders and yourself and any co-owner. It will detail the existing lease. The description of the accommodation describing the flat will be altered from the original one level to include both levels and loft conversion rooms. If it is desired to also extend the term of the original lease, for example if it only has a relatively short term left to run, usually less

than 70 years, a new term can be granted within the body of the new lease.

Again, the freeholders would usually charge for the granting of a new term as it adds value to and increases the saleability of the flat.

This new lease will need to be prepared by the freeholders' solicitors and I would consider it only fair that you agree to pay the legal fees for this.

After all, you are obtaining a financial benefit of not having to pay a consideration for the new lease.

Once approved and signed, the new lease will form part of the

contract package produced by your conveyancer to send to the eventual buyers' conveyance. If your flat is subject to a mortgage the new lease can be legally completed contemporaneously with the sale of your flat avoiding the necessity of obtaining your lenders' consent to it. It is to be avoided any delay it is important the plan is prepared, the new lease drafted and agreed and hopefully what could have been a major expense to you will be covered by an administrative legal exercise.

John Robson is Residential Conveyancing Manager at Ford & Warren, Leeds.

German innovation finds ideal home in Yorkshire

Rod Kelly used German ingenuity to help him create the perfect Yorkshire home with a difference. Sharon Dale reports.

IT IS said that travel broadens the mind and after holidaying in Germany, Rod Kelly's architectural horizons were certainly expanded.

So when it came to building his own home, he shunned bricks and mortar for a pre-fabricated post and beam house manufactured in Germany.

The striking bespoke property is a mix of German know-how and Yorkshire ideas and is an exciting new addition to the landscape in the village of Upper Cumberworth, Huddersfield.

"We used to go to the Lake Constance area of Germany and stopped at quite a few different post and beam houses there. I was really impressed with the way they were built and with the amount of natural light inside.

"They just felt great and the space was really well thought out," says Rod, who already had some self-build experience. He and wife Maureen built a large, traditional stone property near Holmfirth and lived there for almost 30 years.

"The children had grown up. I got the itch to build again, which is when I started looking for land and ideas," he says.

He found a plot on the site of a redundant underground reservoir owned by Yorkshire Water. It was up for auction at £180,000 but bidding was intense and he paid £250,000 seven years ago. The land also came with permission for three houses, but Rod wanted just the one, with a generous garden and Kirklees Council agreed it was a good idea.

Even though the proposed property was totally different to its neighbours and didn't fit the residential character, there was keen to push design boundaries and granted permission for the spectacular Anglo-German eco-friendly home.

"We hired a planning consultant to put the case forward, but Kirklees Council was really interested in the house and very receptive to something new. In fact, the Building Control department put us forward for sustainability awards in recognition of the high standard

of construction," says Rod, who found a British agent for a post and beam house manufacturer in Germany and visited the factory where the components would be built.

He worked with designers there to create a bespoke house that suit both his needs and the unusual site.

The reservoir was a massive concrete structure with a vaulted ceiling and the Kellys were keen to incorporate some of the space by using it to create a lower ground floor with a sunken patio.

"We had a structural engineer's report and everything was fine. We also put in a floating concrete pad for the house to sit on," says Rod, who runs a commercial heating business in South Yorkshire.

With a firm base ready, a team of construction workers from Germany came over with three lorries carrying the prefabricated house that had been made in the factory complete with windows, internal walls with sockets, flooring and doors.

It took just one week to erect the basic shell topped with a concrete-tiled roof and neighbours watched in amazement at Cumberworth Lodge's speedy and efficient construction.

The property appears similar to the Hullfuts, made famous in Britain by Channel 4's *Grand Designs*, but unlike the steel-framed Huf, it uses super-strength layers of laminated timber that won't shrink or expand. It is also highly insulated and the internal walls and ceilings provide highly-effective sound proofing.

It is built on a grid system with posts two to three metres apart around the building, which means you can easily alter the layout of the internal walls to suit your needs.

When the German team left, Rod took over and project managed the fit out. He brought in contractors to plumb, wire and fit the house with luxury bathrooms and an In-Toto kitchen. The master bedroom suite, which has doors out a



GOING DEUTSCH: The shell of the house was pre-fabricated in Germany but the fit-out, eco-additions and landscaping were done by owners Rod and Maureen Kelly. Cumberworth Lodge is highly insulated and ground source heat pumps and solar panels further slash the energy bills.

large triangular balcony with views over the surrounding countryside, is five-star hotel standard with its own mini bar plus dressing room and en-suite.

He also added energy-generating features including a ground source heat pump using two bore holes 100 metres deep at a cost of £25,000 and solar thermal panels. The pumps run the under-floor heating

throughout the house and, together with the solar panels, supply all the hot water. The total energy bill for Cumberworth Lodge is just £900. Outside, Rod pushed the budget further with a garden room and garage to match the three-bedroom house, plus outdoor lighting and landscaping.

"The cost of the land was £250,000, the basic German shell was £200,000 and Rod splashed

out £380,000 on the fit out, eco-additions and exterior.

The pre-fabricated shell came at a premium. Rod says it was 50 per cent more than traditional brick and block construction, but well worth the extra.

"It's more expensive to build this way, but far less hassle and very quick, and the attention to detail that the Germans have is incredible. They consider every aspect of the build and the quality is second to none."

Cumberworth Lodge is now on the market for £735,000 after Rod and Maureen decided to downsize. "I spent a lot and I'm probably selling it short, but we're in our 60s and need something half this size," says Rod. "But I don't want to leave it because I can't imagine finding anything else that would give me the same amount of light and feeling of space. Other houses seem very dingy by comparison. This place is so light and that makes you feel so much better. I hope it will

encourage other people to have a go at building something similar. These houses look good and they enhance your quality of life."

Roan's Useful Contacts
Meisterstück Haus (UK) Tel: 0845 003 1363
Clifford Cooper Plumbing & Heating. Tel: 01422 372576
Smart Electrical & Alarms. Tel: 07702 753136
Velux Underfloor Heating. Tel: 01484 860811
In-Toto Kitchens. Tel: 01924 465541

David Rhodes (building works). Tel: 01484 605123

Lapidica for stone flooring. Tel: 01423 400100

Wiesmann ground source heat pump. Tel: 01952 675000

Solarlink UK for solar panels. Tel: 0800 678 3757

Farrar Bamforth Architects. Tel: 01484 424008

Bland & Swift Structural. Tel: 0113 231 0999

Floor & Wall Tiler, Paul Midwood. Tel: 07761 323168.

CUMBERWORTH LODGE: INSIDE AND OUT

The house is on three levels connected by a spiral staircase. The ground floor has an entrance hall, breakfast kitchen with units by In-Toto, a dining and sitting room, family room, study and shower room. On the lower ground floor, there is a games room, utility room, store, plant room and doors out to a sunken patio. On the first floor, there is a master

suite with dressing room and balcony, two double bedroom sharing an en-suite and balcony and a house bathroom. A ground source heat pump runs the underfloor heating, while solar thermal panels create hot water. Outside, there is a garden, garage and garden room. It is for sale through Carter Jonas, Huddersfield, for £795,000. Tel: 01484 842105.

Terry's house has sprouted a room in the garden

THE INSIDE STORY ON...

Sharon Dale

INNOVATIVE builder Terry Huggett has always had strong ideas about design, as his striking contemporary home in Mexborough shows.

The house, which is surrounded by conventional terraces and semis, is an eco-friendly work of art inspired by domestic architecture in California. Hillcrest was built with materials usually used on commercial buildings.

The insulated block work is covered with a silicone-based render and the cantilevered monolithic roof is zinc, while the large amount of glazing fills the house with natural light.

"I enjoy a challenge and trying something different," says Terry,



HIGHGHE: Terry's self-build house in Mexborough inspired the PODunlimited, a versatile garden room with a range of possible uses.



"It is a slice of contemporary architecture in your garden with endless different uses from home office, gym, second sitting room, cinema room or games room. The Pods are built with timber and steel frames and are super insulated and covered with a

silicone render or clad in cedar or larch with aluminium windows.

They start at £14,995 for the Econ, £17,995 for the Maxi and £19,995 for the Maxxi, and it takes just three days to erect one on site.

"The way we construct the POD

has a very low impact on the environment.

"We looked at the life cycle of it, from design, construction, operation, maintenance, and demolition.

"Our materials are designed with maximum life and minimum maintenance with LED lights as standard and options for green roofs and solar panels," says Terry.

"They comply with building regulations and the finishes are all that you would expect with sockets, switches, plasterboard walls, timber skirting etc, basically a home-from-home environment."

An armoured cable can be run from the house to supply the Pod with electricity, though this requires an electrician and costs extra.

Contact www.podunlimited.com; www.terryhuggettdesigns.co.uk

PROPERTY NEWS

Budget bonus for first-time buyers

THE Budget brought good news for first-time buyers with a new shared equity scheme. The first-buy scheme is for newly-built homes and buyers must save a deposit worth five per cent of their property's value, with the government and housebuilders putting up 10 per cent each through an equity loan, enabling people to qualify for a 75 per cent loan-to-value mortgage. The equity loan would be interest-free for the first five years, with interest charged at 1.75 per cent in year six, and at inflation plus one per cent thereafter. The £25m government pledge will only last for one year. The Budget also revealed that the Support for Mortgage Interest scheme, will be extended for another year from January.

Stamp duty change is welcomed

THE latest budget revealed a reform of stamp duty land tax for bulk purchases to encourage property investors.

Wendy Evans-Scott, president elect of the NAEA says: "The review of stamp duty, for which we have long campaigned, is a positive step and we believe the Chancellor is right to address planning laws and change of property use. However, without the ability to overcome the substantial capital barriers that are currently restricting property ownership, the market will stagnate in 2011."

The Chancellor also announced plans to make it easier to invest in REITs, Real Estate Investment Trusts.

Also, the Association of Letting Agents, welcomed the moves.

Agency prepares for first auction

CALDERDALE-BASED estate agency Charnock Bates has branched out into property auctions.

The first auction will be on May 24 in Halifax. The lots include an alluring mix of farmhouses and cottages to a derelict barn and a host of development opportunities.

The venue for the event is the new firm is a specialist in the sale of Georgian gem Somerset House designed by John Carr.

"We're very excited and Somerset House is the perfect place to stage our first auction," says Stewart Charnock-Bates, who founded his eponymous company in 1984.

The firm is specialised in the sale of country houses, listed buildings and period properties.

Prices lowest in eight months

PROPERTY values are at their lowest for eight months, according to property portal Zoopla.

It has a valuation tool which aims to track the value of every property in the UK using Land Registry data, to which it applies its own formula.

Zoopla said the tool showed the average value has fallen every month since last July, and that the total decline was 11 per cent.

Across Britain, average house prices are now 18.01 per cent (£45,590) below their peak, with the average at £201,911 compared with £247,505 in October 2007. The North-East has been hardest hit over the past few months, down 14.12 per cent since last July with average local house prices now at £146,242.

Awards recognise women in property

A NEW scheme to recognise and reward women working in the property industry has launched.

The Property Awards for Women will be a highlight at the new Inclusive Property Show on November 3 at Westbury Stadium.

The top award, for Outstanding Commitment to Excellence, will be presented by new TV 'dragon' Karen Brady. Other categories are for Woman Business Owner of the Year and PA of the Year, and the awards celebrate estate agents, financial services, new homes, conveyancing, training and customer service.

The awards celebrate the achievements of women working in all levels of the industry and at all sizes of office. Visit www.propertyawardsforwomen.co.uk