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ASK THE EXPERTS

The solicitor

I own a flat that is one of three in a converted terraced house. I also own a third of the freehold. The owner of the top-floor flat wants to convert the loft space, which all three of us own in equal shares. What is the usual process for compensating the other freeholders?

AD, by email

The owner of the top-floor flat needs permission from you and the other freeholder to develop the loft space. In return for granting consent, you and the other owner can demand a share of any resulting increase in value of the top-floor flat. As the top-floor owner will have to fund and take the risks of the development, a fair share may be about half of the increased value, rather than two-thirds, but this is a matter for negotiation. Much will depend on how desperate the top-floor owner is to implement these plans and, accordingly, how strong your negotiating hand is.

You should also consider whether it would be appropriate to require the top-floor owner to pay a greater proportion of the building insurance and service charge, and to take greater responsibility for repairs to the roof. Seek to make them responsible for any legal or valuation costs as a condition of any consent.

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