

Taking Ownership of Your Windows

Leaseholders can take ownership of the windows in their flat by paying for a Deed of Variation.

The Deed of Variation is a legal document that records agreed changes to the lease. The deed will confirm that the ownership of the windows and the responsibility of future repair, maintenance and renewal have passed from the freeholder (the Council) to the leaseholder (you). You will still have to pay your share of the cost of any works relating to any communal windows in your block.

Permission will be granted if:

- the correct fee is paid; and
- there is no known breach of lease (e.g. no service charge arrears, no unpaid admin or legal fees, no unauthorised alterations or non-registered sublet); and
- the property is below the sixth floor; and
- in cases where the council is planning major works to replace or repair the windows in your block, your application for a deed of variation (including the fee) is received by Home Ownership Services by the section 20 (notice of estimates) consultation deadline.

How to apply

Write to your Leasehold Officer in Home Ownership Services asking for a deed of variation to take ownership of the windows in your flat. You will also need to enclose the appropriate fee with your application. Home Ownership will advise you of the correct fee to be paid.

When you receive the Deed of Variation, you must register the deed at the Land Registry. The Land Registry will charge for this service. You are advised to seek legal advice about this.

Replacing your windows

If in future you decide to replace your windows you will need to do the following:

- Choose your windows from a FENSA approved installer. These should usually match the appearance of the windows in the rest of the block.
- Contact the council's Planning Department to check if planning permission is needed, and obtain permission if required. This is required for a wide range of developments including minor alterations that may affect the appearance or use of buildings or land.
- You may also need to apply to the council's Building's Control department for approval under Building Regulations.
- If you live in a conservation area additional considerations may apply.

You will also need to consider the following:

- Additional admin fees for Planning permission and Building Control approval.
- Scaffolding costs if your property is above the ground floor.

Retrospective Permission

If you have already replaced your windows without obtaining landlord's permission from Home Ownership Services, this is a breach of lease and you must apply for retrospective permission. Please contact your Leasehold Officer for further information.

If you decide to sell your property it is likely you will need to provide evidence to the purchaser that you have obtained the correct permission for any works carried out internally. You may not be able to complete the sale of your property until retrospective permission has been applied for and granted.

Useful contacts

- Home Ownership – 020 7527 7715 – homeownership@islington.gov.uk
- Islington Council – 020 7527 2000 - www.islington.gov.uk
- Planning & Building Control - www.islington.gov.uk/services/planning/Pages/default.aspx?extra=6
- FENSA - 020 7645 3700 - www.fensa.co.uk/
- Land Registry - 0844 892 1111 - www.landregistry.gov.uk/