

PARTNERS



BOTHERED BY **NOISE?**



You live in a converted Victorian or Georgian home which has no soundproofing. It is inevitable that you will hear your neighbours and we hope that residents are tolerant and considerate in managing noise.

This document is a detailed companion leaflet to our general noise transmission 'Top Tips' leaflet. Please contact us on 0800 587 3595 or go to our website www.partnersislington.net for a copy of our 'Top Tips' leaflet.



1 THE AGREEMENTS

You either have a lease agreement or tenancy agreement with Islington Council and you are responsible for ensuring that the terms of your agreement are met.

Partners, acting as managing agents on behalf of the Council, are responsible for enforcing these agreements.

Tenancy Agreements

Signing your tenancy agreement means that you are subject to the Council's Tenancy Conditions which state that:

'You must keep floors of the property, other than kitchens and bathrooms covered with carpet or other similar floor covering'

'You must not carry out, cause or allow without first receiving the council's written permission:

- 1 Alterations, additions or improvements to the property, its fixtures or fittings or the services to the property
- 2 An aerial or satellite dish to be put up on the outside of the property
- 3 Decoration of the outside of the property; or the installation of laminate flooring or wooden or tiled or other similar flooring

Also

'The suitability of the flooring and whether enough has been done to reduce noise nuisance to other residents will be considered prior to permission being granted'.

Leasehold Agreements

A typical Lease states:

'To keep the floors of the demised premises including the passages stairs and landings (if any) thereof substantially covered with suitable material for reasonably minimising the transmission of noise to other dwellings within the Building'



2 REGULATORY CODE AND LEGAL FRAMEWORK

The Tenancy Conditions and Lease include the requirement to maintain suitable floor covering.

The majority of the converted housing stock pre-dates Building Regulation requirements in respect of sound insulation and therefore does not always provide reasonable sound resistance between flats.

There is no legal definition of 'suitable flooring' but it is generally held by noise experts, and supported in research, that maintaining a thick carpet and underlay will reduce both impact sound and airborne sound levels.



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PARTNERS' FLOORING POLICY

Partners must manage all flooring issues in line with the terms of the Council's Tenancy conditions and leases and has a Flooring Policy to achieve this.

The aims of the Flooring Policy are:

- To minimise complaints received by Partners relating to inadequate flooring.
- To provide guidance to residents and staff on what constitutes suitable flooring.
- To ensure that Partners is compliant with statutory legislation.

Tenants

The requirements of the Tenancy Conditions are only met if an entire floor is carpeted. Rugs do not satisfy this requirement. The Tenancy Conditions are not specific about the quality and thickness of carpet or whether an underlay should be fitted. It is standard practice to fit an

underlay and therefore one must be fitted as it will minimise noise transmission.

Leaseholders

The wording of the lease gives Partners scope to specify that the leaseholder must fit both a carpet and underlay and that it must be of a suitable quality and thickness.

Kitchen and Bathrooms

Vinyl sheet/tiled flooring or ceramic tiles laid on a minimum of 4mm plywood or hardboard.

Wood Flooring

Installing laminate/solid timber floors is discouraged but can be approved if an absorbent layer is fitted underneath the new flooring. The absorbent layer must decrease impact sound transmission by at least 30db. Leaseholders must apply for permission to install laminate/solid timber floors. If permission is granted you will have to prove that you have complied with the requirements. Please contact our Housing Services Team for more information.



Enforcement

Partners' Flooring Policy sets out the action to be taken where there are complaints of inadequate flooring.

Where there are reports of inadequate flooring, you can expect a home visit within five working days. Your Housing Services Officer will take photographs and investigate the complaint.

If it is established that there is inadequate flooring, we will give residents a reasonable time to fit suitable flooring. If residents have wooden flooring they must prove that adequate sound proofing/ acoustic insulation which complies with Building Regulations has been used.

If after an agreed time adequate flooring is not in place, our Housing Services Team will refer the case to their Legal Team who will decide on the appropriate action.



4 WHY CAN'T PARTNERS INSTALL SOUND PROOFING?

Installing sound proofing is expensive and the Council doesn't have any legal obligation to do it. It is not something which the Council has asked us to do and therefore Partners doesn't carry out any soundproofing works.

The repairing obligations of your landlord are set out in your tenancy or lease agreement and in the law. There is no legal obligation on your landlord (the Council or Partners as its agent) to provide sound insulation if the property complied with Building Regulations at the time it was built or converted.

This view has been confirmed by the House of Lords in two similar cases: *The London Borough of Southwark v Mills* and *Baxter v The London*

Borough of Camden. In those cases the tenants had argued that the landlord was in breach of its covenant for quiet enjoyment.

It was noted in both cases that the properties lacked adequate sound insulation, but the tenancies of both properties did not contain a warranty that the properties had sound insulation, nor did the law imply such a warranty.

The Lords found that the words 'quiet enjoyment' did not mean undisturbed by noise, but that the occupier would enjoy the quiet use of the property without substantial interference from the Council. For more information on the judgements on these cases go to:

www.propertylawuk.net/neighbouringnoises.html



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CAN I INSTALL MY OWN SOUND PROOFING?

We would not unreasonably withhold permission for you to do so. Leaseholders should contact the Home Ownership Team and Tenants should contact the Housing Services Team with a full specification of the proposed work and obtain our written permission.

Please be aware that the installation of sound insulation may not make high noise levels within your neighbour's property inaudible or even acceptable within your home. At best it will only reduce the noise you are hearing.

It is important therefore not to have an unrealistically high expectation of the improvement that will be achieved. However, if you properly install the appropriate amount of insulation you should note an appreciable improvement.

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WHEN CAN I DO DIY?

The Council allows building works that generate noise to be carried out between the hours of:

- 8am - 6pm, Monday to Friday
- 8am - 1pm, Saturday
- no audible building works to be carried out on Sunday or public holidays.

However ultimately it's all about being reasonable. Talk to your neighbours. Discuss what would best suit them and let them know if you have to carry out any emergency work outside the hours above.



7 HOW LATE CAN I USE MY WASHING MACHINE/VACUUM CLEANER?

Domestic appliances which cause noise such as washing machines and vacuum cleaners must not be used between the hours of 11pm and 7am. The legislation for this is set out in S.83 of the Environmental Protection Act.



A MESSAGE FROM OUR ANTI-SOCIAL BEHAVIOUR MANAGER

Islington has some beautiful properties which are popular with residents. Some residents who haven't lived in a converted Victorian or Georgian street property are surprised by the difference in sound transmission compared to a purpose-built property.

We often get complaints from residents who say they can hear and know their neighbour's routine; alarm goes off at 7am, shower by 7.20, porridge in the microwave at 7.30 and leaves the house by 7.45. This isn't anti-social behaviour. We appreciate that people have different life styles and work at different times. Where the noise is day-to-day living, between the hours of 7am and 11pm there is no action we can take.

We also receive lots of reports of "slamming doors". It is very hard to prove if an individual is deliberately slamming doors. We can however practically check if the door is correctly adjusted and in some case we are able to install door closers. Door closers control the speed at which the door closes. A door with a closer cannot be slammed and it is very difficult to force the door.

Other complaints include:

● Noise from children

Children will make noise when they play. Where this is between the hours of 7am-11pm there is no action we can take. Sometimes children will get very excited and do like to jump off things from a height. Where this is happening we advise residents to talk to their neighbour – often they aren't aware of the impact of the noise. Where there are any concerns about children's welfare residents must report issues to us or directly to Children's Social Services.



● **“My neighbour is following me around my flat”**

This is a common complaint. Some residents believe as they move from room to room that their neighbour also moves to the equivalent room above/below theirs. There is nothing we can do regarding this complaint unless we can prove that harassment is taking place.

● **Footfall**

We often receive complaints that neighbours seem to be walking heavily or stamping. In the vast majority of cases this is simply a symptom of the poor sound insulation between the flats, rather than deliberate stamping. Often a friendly approach to a neighbour explaining that there is poor sound insulation and asking for consideration is more effective than accusing someone of stamping or being heavy-footed.

If you are experiencing noise transmission problems, in the first instance try and talk to

your neighbours. Make sure it's a convenient time for them to have a chat and explain to them calmly and clearly what you're experiencing. The likelihood is that they don't realise that their noise is affecting you.

Try to come to an agreement about how you'll improve the situation, but remember that some noise transmission is inevitable. Try to be realistic about what can be achieved and be accepting of day to day noise.

If you have any questions about this information or would like to speak to someone about noise please contact our Anti-Social Behaviour Team on 0800 587 3595 or enquiries@partnersisington.net.





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