



**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER (RESIDENTIAL  
PROPERTY)**

**Case reference** : **BIR/31UC/HIN/2021/0007**

**Property** : **63a Charnwood Road  
Shepshed  
LE12 9NL**

**Applicant** : **Manjit Chohan and Paramjit Chohan**

**Representative** : **MCL Property**

**Respondent** : **Charnwood Borough Council**

**Representative** : **Mr L Hutchinson  
Environmental Health Officer**

**Type of application** : **Application under paragraph 10(1) of Schedule  
1 of the Housing Act 2004 to appeal against an  
Improvement Notice**

**Tribunal members** : **Mr G S Freckelton FRICS  
Mr R Chumley – Roberts MCIEH. JP**

**Venue** : **The property was inspected on 28<sup>th</sup> January  
2022. There was no hearing as the matter was  
dealt with by a paper determination**

**Date of decision** : **11<sup>th</sup> February 2022**

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**DECISION**

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## **BACKGROUND**

1. This is an Application by Manjit Chohan and Paramjit Chohan (“the Applicants”) under the Housing Act 2004 (“the Act”) against an Improvement Notice (“the Notice”) served by Charnwood Borough Council (“the Respondent”) in respect of 63a Charnwood Road, Shepshed, Leicestershire, LE12 9NL (“the Property”).
2. On 26<sup>th</sup> October 2020 the Respondent wrote to the Applicants following an inspection of the property on 6<sup>th</sup> October 2020. The letter alerted the Applicants to the presence of Category 2 hazards at the property. On 24<sup>th</sup> November 2020 the Respondent contacted the Applicants for an update regarding the remedial works and was informed on 27<sup>th</sup> November 2020 that they were ‘in the process of being booked in’. Various correspondence continued between the parties until 3<sup>rd</sup> September 2021.
3. On 3<sup>rd</sup> September 2021 the Respondent served on the Applicants an Improvement Notice in accordance with sections 11 and 12 the Act. On the same date the Respondent served on the Applicants a demand for payment in the sum of £224.80 in accordance with section 49 of the Act for the cost of taking enforcement action.
4. On 21<sup>st</sup> September 2021, the Applicants submitted an application to the First-tier Tribunal (Property Chamber) (“the Tribunal”) appealing against the Notice dated 3<sup>rd</sup> September 2021 and the demand for payment. The application was received by the Tribunal on 23<sup>rd</sup> September 2021.
5. Directions were issued by the Tribunal on 30<sup>th</sup> September 2021 following which submissions were made by both parties.

## **THE PROPERTY INSPECTION**

6. The Tribunal inspected the property on 28<sup>th</sup> January 2022 in the presence of Mr L Hutchinson (Charnwood Borough Council), Mr Z Mamujee (MCL), Mr N Rippin (MCL), Mr A Jackson (NACRO) and Mrs H Moon (NACRO).
7. MCL are the agents for the Applicants, Charnwood Borough Council are the Respondent’s and NACRO are the Leaseholders of the flat.
8. The property was found to comprise a small self-contained first floor flat approached via a shared pedestrian entryway from Charnwood Road with external steps from the rear of the ground floor properties and walkway over the flat roofs leading to three flats. It is located to the rear of and above retail shop premises.
9. The accommodation comprises a rear (right) Kitchen area which is open to a dining area. This in turn leads to a front living or bedroom area with window looking over Charnwood Road. There is a separate internal bedroom and a rear (left) bathroom being fitted with a three-piece sanitary suite including a shower mixer over the bath.
10. The property has UPVC double glazing. There are wall mounted programmable electric heaters in the dining area, front living/bedroom area and internal bedroom. Although there is a fitted radiator in the bathroom this does not work as the gas boiler has been decommissioned. There is therefore no heating in the bathroom. The hot water to the kitchen sink and bathroom is provided by a small water heater located in the front

living/bedroom area which is the furthest point within the property from the kitchen and bathroom.

## **THE APPLICABLE LAW**

11. The Act introduced a new system for the assessment of housing conditions and for the enforcement of housing standards. The Housing Health and Safety Rating System ('HHSRS') replaces the system imposed by the Housing Act 1985, which was based upon the concept of unfitness. The HHSRS places the emphasis on the risk to health and safety by identifying specified housing related hazards and the assessment of their seriousness by reference to (1) the likelihood over the period of 12 months of an occurrence that could result in harm to the occupier and (2) the range of harms that could result from such an occurrence. These two factors are combined in a prescribed formula to give a numerical score for each hazard. The range of numerical scores are banded into ten hazard bands, with band A denoting the most dangerous hazards and Band J the least dangerous. Hazards in Bands A to C (which cover numerical scores of 1000 or more) are classified as 'category 1 hazards' and those in bands D to J (which cover numerical scores of less than 1000) are classified as 'category 2 hazards'.
12. Where the application of the HHSRS identifies a category 1 hazard the local housing authority has a duty under section 5 (1) of the Act to take appropriate enforcement action. Section 5 (2) sets out the courses of action (which include the serving of an enforcement notice) which may constitute appropriate enforcement action.
13. Where the application of the HHSRS identifies a category 2 hazard the local housing authority has a power under section 7(1) of the Act to take enforcement action. The serving of an Improvement Notice is one of the types of enforcement action which may be taken.
14. Section 9 of the Act requires the local authority to have regard to any guidance for the time being given by the appropriate national authority about the exercise of their functions in connection with the HHSRS. In February 2006 the Secretary of State issued 'Housing Health and Safety Rating System – Operating Guidance' ('Operating Guidance') which deals with the assessment and scoring of HHSRS hazards. At the same time the Secretary of State also issued 'Housing Health and Safety Rating System – Enforcement Guidance' ('Enforcement Guidance') which is intended to assist local housing authorities in deciding which is the most appropriate course of action under section 5 of the Act and how they should exercise their discretionary Powers under section 7 of the Act.
15. The person upon whom an Improvement Notice is served may appeal to a First-tier Tribunal (Property Chamber), who may by order confirm, quash or vary the Improvement Notice under Part 3 of Schedule 1 to the Act.

## **THE IMPROVEMENT NOTICE**

16. The items identified in the Notice were:

### **1) Entry by Intruders**

- There is no fire wall separating the roof space of the premises with the neighbouring premises to the left-hand side (directionally as viewed from the highway facing the premises) this forms a potential source of entry into the premises.

## **2) Excess Cold**

- The premises are heated using electrical heaters. As per the Chartered Institute of Environmental Health Excess Cold Enforcement Guidance, use of electrical heating is inappropriate in premises with large areas of exposed walls unless high standards of insulation are provided.
- The external walls of the property appear to be solid walls without the benefit of internal or external wall insulation. The Energy Performance Certificate for the property suggests that the internal face of the external walls are not insulated.
- The roof space is only partially insulated and where present the insulation (mineral wool) is only approximately 50mm thick. This is insufficient to provide adequate thermal performance to prevent heat loss.

## **3) Falls on level surfaces**

- A section of the alleyway floor serving the premises has been dug up and boarded over with an internal door.
- The premises is accessed via an external staircase to the rear of the site and via a run of timber decking located on the flat roof of Flat 61b. The timber decking has several small changes in levels and is slippery underfoot both of which pose slip and trip hazards

## **4) Fire**

- The bedsit area is an inner room off the kitchen; the kitchen being a risk room in terms of fire safety. The window to the bedsit area is not an escape window and cannot be easily used to escape from the premises in the event of a fire in the kitchen. The external escape route from the premises requires the occupier to travel over the flat roof flat 61b, the fire resistance of which is not known.
- There is no fire wall separating the roof space of the premises with the neighbouring premises to the left-hand side (directionally as viewed from the highway facing the premises).

## **5) Personal Hygiene Sanitation and Drainage**

- The WC pan connector does not appear to be close fitting to the waste pipe. The occupier reports that foul odours enter the flat when the WC is flushed.
- The hot water supply to the bathroom is intermittent.

## **Specification of works to be carried out**

- 1) Investigate whether the external walls are insulated in accordance to Building Regulations – Approved Document L1B (Existing Buildings) for renovation of Thermal Elements. If they are not, overhaul the heating system in the premises using **either** of the following methods:

**Method 1:** If opting for an electrical heating system: supply and fit to the external wall a proprietary thermal check/vapour check by insulated lining system strictly in accordance with the manufacturer's instructions and Building Regulations.

**Method 2:** If opting for a gas central heating system: supply and install a gas fired central heating system to the premises to satisfy the design and installation requirements to current British standards and in accordance with Part L of the current Building

Regulations. The system shall be capable of maintaining the following internal temperatures when the external temperature is -1° C.

|             |       |
|-------------|-------|
| Living Room | 21° C |
| Bathroom    | 22° C |
| Elsewhere   | 18° C |

- Sizing of the boiler and radiators shall be determined using an approved Domestic Central heating Calculator and approved radiator manufacturer's sizing tables.
- Radiators shall be so sited as to ensure even distribution of heat whilst minimising heat loss through walls and windows.

The following controls shall be provided:

- A room thermostat suitably positioned and wired us to provide boiler interlock.
- A programmer.
- Thermostatic Radiator Valves on all radiators except on the one in the room containing the room thermostat (usually the hall)

A copy of the Manufacturer's instructions to be left with the occupier.

- 2) Top up the insulation material in the roof space to comply with Building Regulations (currently 270mm for mineral wool but other materials require different depths).
  - 3) Overhaul the gantry access route from the ground floor external escape route up to the first-floor flats. Upon completion ensure the access route is free from trip and slip hazards.
  - 4) Replace the current window in the bedsit area with an escape window. The escape window should have unobstructed openable areas that complies with all of the following:
    - A minimum area of 0.33sqm.
    - A minimum height of 450mm and a minimum width of 450mm (the route through the window may be at an angle rather than straight through).
    - The bottom of the openable area is a maximum of 1100mm above the floor.
  - 5) Either provide proof that there is 30 minutes fire resistance to the flat roof of flat 61b or upgrade as necessary to meet this requirement in accordance with Building Regulations – Approved Document B – Fire safety.
  - 6) Provide 30 minutes fire resistance in the roof space to separate the premises from the neighbouring premises to the left-hand side (directionally as viewed from the highway facing the property).
  - 7) Employ a competent person to investigate the pipework serving the WC and repair as necessary. Upon completion ensure that no foul drainage smells can permeate into the premises.
  - 8) Employ a competent person to assess the hot water installation and overhaul as necessary. On completion ensure the occupier has ready access to a constant hot water supply.
17. The hazards identified were judged on the Improvement Notice as Category 1 and Category 2 Hazards. At the inspection the Tribunal asked the Respondent to confirm which were Category 1 hazards and which were Category 2.

18. It was confirmed by the Respondent that the hazards had been assessed as follow:

- 1) Entry by Intruders – Category 2.
- 2) Excess Cold – Category 1.
- 3) Falls on Level Surfaces – Category 1.
- 4) Fire – Category 1.
- 5) Personal Hygiene – Category 2.

The Notice stated that works were to be commenced by 11<sup>th</sup> October 2021 and completed within 6 months of that date which the Tribunal calculates to be 10<sup>th</sup> April 2022.

### **THE APPLICANT'S SUBMISSIONS**

19. The Applicants submissions were contained in the application to the Tribunal dated 21<sup>st</sup> September 2021 and in the further submissions under cover of the letter to the Tribunal dated 18<sup>th</sup> October 2021. In this the Applicants submitted that it was important to note that the property had been going through improvement works prior to the serving of the Improvement Notice. It was also submitted that the Applicants had been co-operating with the Local Housing Authority and Fire Service to ensure the safety of the tenants but it was unfortunate that some of the remaining issues had taken longer due to the Covid-19 pandemic and the availability of materials and tradesmen to carry them out. They stated that they were happy to undertake the works which had been requested through the Improvement Notice and they were in the process of carrying them out.
20. The Applicants admitted that their appeal was based on two of the works which they had been asked to carry out. The first appeal was because the Notice had been served on the wrong persons and the second because the Applicants did not believe it was warranted.
21. The Applicants therefore submitted that under the 'Falls on a Level Surface', the Respondent referred to a hole which had been dug in the alleyway and as part of (remedial works for) that hazard has ordered that the Applicants overhaul the gantry access and remove any trips or slip hazard.
22. It was submitted that the digging works referred to on the ground floor near the alleyway were not carried out by the Applicants, but by the landlord of the adjoining property as it is part of their land and was carried out as part of electrical and water works to their building. The Applicants have written to the owners of the adjoining property, informing them of the hazard and requested that it be resolved. They had also informed the Respondent of the situation but the Respondent had refused to engage with the owners of the adjoining property to enforce the works required. The Applicants have received correspondence from the owners of the adjoining property admitting that they carried out the works but they have also threatened legal action to prevent the Applicants carrying out any work to rectify the damage to the surface of the alleyway.
23. The Applicants further submitted that the Respondent had interpreted the Land Registry boundaries to place responsibility on them, even though the owner of the adjoining property had claimed ownership and responsibility for the works. The Applicants therefore submitted that the Improvement Notice in respect of this item should be revoked.
24. With regard to the hazard of 'Excess Cold', the Applicants submitted that the Respondent was claiming that there was excess cold within the property but this was not the case. It was submitted that the current EPC rating was D and that the heating in place was more

than suitable for the property. None of the rooms were large and the Applicants had received advice that if they improved the heating that in turn may lead to damp through condensation. It was also disputed that there were large expanses of exposed walls. The Applicants therefore submitted that the Improvement Notice in respect of this item should also be revoked.

25. There were no submissions in respect of the remaining items included on the Improvement Notice.

### **THE RESPONDENT'S SUBMISSIONS**

26. The Respondent forwarded its written submission to the Tribunal dated 8<sup>th</sup> November 2021. The submission included a statement of the reasons for opposing the application and various items of correspondence between the parties.
27. The Respondent detailed the various letters and emails between the parties and submitted that it had reviewed the Applicants grounds for appealing the Improvement Notice and although it accepted that extensive remedial works had already been carried out on site these mostly related to the remedial works as prescribed within the Enforcement Notice served by Leicestershire Fire and Rescue Service in October 2020. However, in the opinion of the Respondent the fact that extensive remedial works had been carried out did not override a Local Authorities power to address the continued presence of Category 1 and 2 hazards within the premises.
28. The Respondent submitted that the Applicants and the Applicant's agent were first alerted to the hazards identified in the premises and of a Local Authority's powers of enforcement to address such hazards in the Respondent's letters of 26<sup>th</sup> October 2020. The Respondent's revisit to the premises under Notice of Entry was carried out on 16<sup>th</sup> August 2021 and the subsequent Improvement Notice served on 3<sup>rd</sup> September 2021. The Applicants made no contact with the Respondent to discuss the hazards within the property. The Respondent submitted that it repeatedly requested updates from the Applicants regarding the remedial works required and despite being given assurances that such works were either being looked at or had started on site, when it attended the premises under Notice of Entry in August 2021 hazards were still present and the Applicants were unable to provide definite timescales for addressing the outstanding remedial works.
29. The Respondent further submitted that the pre-formal and formal action taken in respect of the premises accorded with Charnwood Borough Council's Private Sector Housing Enforcement Policy.
30. The Respondent submitted that the deficiencies within the property which give rise to the Category 1 hazards for Excess Cold are listed on the Improvement Notice and that the hazard was assessed using the Housing Health and Safety Rating System Operating Guidance. A hazard scoring calculation and assessment of the relevant matters were carried out to evidence the presence of Category 1 and Category 2 hazards prior to the service of the Improvement Notice.
31. The Respondent further submitted that the EPC for the premises was rated D. However, this certificate does not provide an accurate reflection because the certificate was completed when the property was heated using gas central heating which has since been replaced with an electric heating system as evidenced by the gas safety certificate and site

notes completed by the Respondent at the property. The Respondent was therefore required to take appropriate action.

32. The Respondent submitted that the EPC for the property identified the roof as being *'pitched, no insulation (assumed)'* and identifies this as *'very poor'*. It was submitted by the Respondent that it had inspected the roof space prior to serving the Improvement Notice and found it to be only partially insulated and where present the mineral wool insulation was only approximately 50mm thick. This was considered insufficient in providing adequate thermal comfort within the property and formed a relevant matter when assessing Excess Cold as a hazard as per the Housing Health and Safety Rating System Operating Guidance
33. The EPC identifies the external walls as being *'solid brick, as built, no insulation (assumed)'* and identified this as *'very poor'*. The Respondent inspected the external walls prior to serving the Improvement Notice and found the brickwork on the front elevation which was the external wall facing Charnwood Road to be Flemish Bond brickwork which is a form of solid wall construction. No external wall insulation was present on the external face of the front elevation of the external wall facing Charnwood Road and there was no evidence of internal wall insulation on the inner face of the external walls. Whilst there was a render on the outer face of the rear elevation of the premises, this was a stucco render which has negligible thermal insulation performance and is simply a composite of aggregates, a binder and water.
34. The Respondent further submitted that the Applicants claim that providing insulation to the premises would *'lead to condensation building up inside and then potentially to damp forming inside the flat which would be much more serious hazards. In order to avoid this, regular ventilation of the property would be required, which would defeat the purpose of the proposed insulation'* was incorrect and not a reasonable excuse for leaving the hazard for Excess Cold not addressed within the premises. In the opinion of the Respondent an appropriate heating system was required in the premises which addressed the hazard of Excess Cold alongside appropriate insulation levels to the external envelope of the premises.
35. The Respondent submitted that the Applicants claim that *'The property is served by numerous wall mounted heaters which have thermostatic controls and timer. Heating provided is the most practical and appropriate for the property, given its size and use'* is incorrect. The property is heated using programmable electric heaters in the bedsit room and living room area and on demand fan heaters in the kitchen and bathroom. It was submitted that the current occupier uses a plug-in non-programmable panel electric heater in the living room area to supplement the existing heating system. The uninsulated external walls of the premises correspond with the kitchen, bathroom, bedroom and storage room.
36. The Respondent disputed the Applicants claim that it had *'not correctly identified the boundary of the property'*.
37. The Respondent also disputed the Applicants claim that providing external wall insulation to the rear elevation of the external walls is *'unlikely to make a material difference to the property'*. The areas of uninsulated external walls to the front and rear elevations will in the opinion of the Respondent form cold spots and allow thermal bridging which will be exacerbated by the use of non-programmable electric heaters such as those installed in the kitchen and bathroom. Furthermore, the Respondent submitted that the Improvement



Notice does not specify that external wall insulation must be used and a range of options have been specified to remedy the excess cold (hazard) including either the installation of a gas central heating system or, if an electrical heating system is to be installed, the use of a *'proprietary thermal check/vapour check dry insulated lining system'*.

38. It was submitted by the Respondent that the deficiencies with the decking and partially excavated alleyway gave rise to a Category 1 hazard for 'Falls on Level Surfaces' as listed in the Improvement Notice. It was assessed using the Housing Health and Safety Rating System Operating Guidance and a hazard scoring calculation and assessment of the relevant matters were carried out to evidence the presence of a Category 1 hazard prior to the service of the Improvement Notice.
39. With regard to the Land Registry Title Document and Plan the Respondent submitted that this shows the Applicants have control of the alleyway serving the premises which was explained to the Applicant via email. The Respondent confirmed that the Applicant was made aware that no indemnity could be offered in respect of any work carried out by the Applicant in the alleyway. The Respondent confirmed that an Improvement Notice could not be served on the occupier of 65 Charnwood Road Shepshed requiring them to rectify the condition of the alleyway as they have no legal interest in the flats at 59 – 63 Charnwood Road Shepshed. At the same time the Respondent submitted that it was incorrect for the Applicant to assert that the Respondent had refused to engage with the owners of 65 Charnwood Road Shepshed as it contacted the occupier by email on 27<sup>th</sup> September 2021 and met them on site on 19<sup>th</sup> October 2021 to discuss the excavation of the alleyway which it then discovered had been repaired.
40. In conclusion the Respondent therefore submitted that the appeal should be refused.

## **DETERMINATION**

41. As described by the Respondent, the Tribunal accepts that the Hazards of 'Excess Cold', 'Falls on Level Surfaces' and 'Fire' are Category 1 hazards. The Tribunal also accepts that 'Entry by Intruders', 'Personal Hygiene' and Sanitation and Drainage are Category 2 hazards.
42. The Tribunal accepts that the Respondent sent a letter to the Applicant dated 26<sup>th</sup> October 2020 detailing the works required to the property.
43. The Tribunal accepts that the Respondent sent various letter/emails to the Applicant between October 2020 and 3<sup>rd</sup> September 2021 requiring the Applicant to confirm the position regarding the outstanding works during which time no satisfactory response was received.
44. The Tribunal accepts that a formal Improvement Notice was served by the Respondent on the Applicant dated 3<sup>rd</sup> September 2021.
45. The Tribunal agrees with the Respondent that the service of an Improvement Notice is the appropriate course of action in this case especially having regard to the letters dated 26<sup>th</sup> October 2020 previously sent to the Applicants detailing the works required to the property.

46. The Tribunal determined that the Applicants could have made more effort to contact the Respondent to discuss the matter prior to the serving of the Improvement Notice and carried out the works more expeditely.
47. However, it is evident that some of the works specified in the Notice have been carried out and some are not disputed by the Applicants.
48. The present position as explained by the parties to the Tribunal at the inspection is as follows:

- 1) The item '*Entry by Intruders*' is not challenged by the Applicants who confirmed that they had arranged for the firebreak wall to be built in the roof space between this property and the adjoining property. It could not be confirmed whether the work had yet been completed.

The Improvement Notice was confirmed in respect of this item.

- 2) The item '*Excess Cold*' is disputed by the Applicants. The Tribunal determines that the EPC is invalid if it was completed when the property had gas fired central heating and it was accepted by the Applicants that additional roof insulation should be provided. It could not be confirmed whether this work had yet been completed.

The Tribunal determined that the heating system as provided was inadequate. The Tribunal carried out an assessment on the basis that 250mm of loft insulation was to be fitted, with the benefit of the replaced UPVC double glazed windows and with no additional insulation to the walls. The Tribunal calculated that the '*Excess Cold*' was a Category 1 hazard at band C (calculated hazard score of 1023).

The Improvement Notice was therefore confirmed in respect of this item.

- 3) In respect of '*Falls on Level Surfaces*' it was noted by the Tribunal during its inspection that the yard had been repaired (whoever by is not considered material). The rear walkway has been fitted with rubber matting and the small changes in level comprising two shallow steps have been marked with bright yellow edging strips so they are easily visible.

The Improvement Notice was revoked in respect of this item.

- 4) With regard to the hazard of '*Fire*' this was not disputed by the Applicants. The Tribunal noted that a fire escape window had been fitted and it was accepted at the inspection that the fire wall in the roof void needed to be provided. It could not be confirmed whether this work had yet been completed. On the balance of probability, the Tribunal determined that it was therefore likely that this item remains outstanding.

The Improvement Notice was therefore confirmed in respect of this item.

- 5) The item of '*Personal Hygiene*' was considered carefully by the Tribunal as it had several elements. The Tribunal inspected the WC pan and connector and found no evidence of any leaking. At the same time there was no evidence of any foul smells.

The Tribunal then considered the question of the intermittent water supply. This was noted by the Tribunal to be poor. It was confirmed at the inspection by the Applicants that a single mains water supply served several properties and that when other properties were using water this led to a drop in pressure.

The Tribunal considers this to be unacceptable.

At the same time the water heater used to provide hot water to the kitchen and bathroom was noted to be a very small unit located a considerable distance from either the kitchen or bathroom. In the experience of the Tribunal, it is unlikely that this will prove adequate to provide a suitable supply of hot water within the property.

The Improvement Notice was confirmed in respect of this item.

49. The Tribunal then considered the 'Specification of Works to be Carried Out' which formed part of the Improvement Notice and determined that the following items still required completion.

- 1) Investigate whether the external walls are insulated in accordance to Building Regulations – Approved Document L1B (Existing Buildings) for renovation of Thermal Elements. If they are not, overhaul the heating system in the premises using **either** of the following methods:

**Method 1:** If opting for an electrical heating system: supply and fit to the external wall a proprietary thermal check/vapour check by insulated lining system strictly in accordance with the manufacturer's instructions and Building Regulations.

**Method 2:** If opting for a gas central heating system: supply and install a gas fired central heating system to the premises to satisfy the design and installation requirements to current British Standards and in accordance with Part L of the current Building Regulations. The system shall be capable of maintaining the following internal temperatures when the external temperature is -1° C.

|             |       |
|-------------|-------|
| Living Room | 21° C |
| Bathroom    | 22° C |
| Elsewhere   | 18° C |

- Sizing of the boiler and radiators shall be determined using an approved Domestic Central heating Calculator and approved radiator manufacturer's sizing tables.
- Radiators shall be so sited as to ensure even distribution of heat whilst minimising heat loss through walls and windows.

The following controls shall be provided:

- A room thermostat suitably positioned and wired as to provide boiler interlock.
- A programmer.
- Thermostatic Radiator Valves on all radiators except on the one in the room containing the room thermostat (usually the hall).

A copy of the Manufacturer's instructions to the left with the occupier.

- 2) Top up the insulation material in the roof space to comply with Building Regulations (currently 270mm for mineral wool).
- 3) Either provide proof that there is 30 minutes fire resistance to the flat roof of flat 61b or upgrade as necessary to meet this requirement in accordance with Building Regulations – approved document B – Fire safety.
- 4) Provide 30 minutes fire resistance in the roof space to separate the premises from the neighbouring premises on the left-hand side (directionally as viewed from the highway facing the property).
- 5) Employ a competent person to assess the hot water installation and overhaul as necessary. On completion ensure the occupier has ready access to a constant hot water supply.

50. As the Tribunal determined that the Improvement Notice was the appropriate action for the Respondent to take it confirms that the fee of £224.80 is reasonable and allowable under section 49 of the Act and payable by the Applicant.

### **APPEAL**

51. Any appeal against this Decision must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal the party appealing must apply, in writing, to this Tribunal for permission to appeal within 28 days of the date of issue of this Decision, (or, if applicable, within 28 days of any decision on a review or application to set aside) identifying the decision to which the appeal relates, stating the grounds on which that party intends to rely in the appeal, and stating the result sought by the party making the application.

Graham Freckelton FRICS  
Chairman  
First-Tier Tribunal Property Chamber (Residential Property)