

Northampton Partnership Homes



Boundaries and Fencing Policy

2020

Responsible Officers	<ul style="list-style-type: none">• Assistant Director – Property maintenance and compliance• Assistant Director - Housing • Repairs Managers
Approved	
Next Review Date	February 2022



CONTENTS

Boundaries and Fencing	3
Introduction	3
Boundaries	3
Who is responsible for maintenance and repairs?	3
What will NPH do?	4
Open Plan Areas	5
Tenants and leaseholders are responsible for:	5
Exceptions to the guidelines	5
How long do fencing repairs take?	6
Dispute resolution	6
Appendices	7

INTRODUCTION

The aim of this policy is to give a clear understanding of the obligations of both Northampton Partnership Homes (NPH) and our tenants and leaseholders for the maintenance, repair and renewal of fencing and boundaries.

Where fencing and boundaries are referred to in this document, this means:

- Fences (constructed of a range of materials, including timber, metal, brick walls, recycled products)
- Boundaries such as natural hedges and privet

This policy applies to all tenanted and leasehold properties, including communal areas

NPH will not install new fencing but will instead only mark out the dividing boundaries between neighbouring properties. There are of course exceptions to this with boundaries that adjoin public highways, footpaths, alleyways and open spaces. Please see below and within the appendices for further details. This Policy relates to both new and existing tenants. It also applies to leaseholders and owner-occupiers, where shared boundaries exist.

NPH recognise that for resident's, clear boundary demarcation is important and good maintenance of fences and gates adds value to the overall environmental impact of an estate or area

We have through this policy set out principles about what standard we look to achieve through the provision of fencing but also its maintenance and care. We recognise that through on-site alterations to our standards and the specific requirements of residents may vary in some cases and we are open to alter our service to reflect that. There is no one size fits all approach that we can nor want to employ

We are currently investing significant resources to maintain our standards and we will continue to closely monitor the budget provision for this but also look towards a planned programme approach as a more efficient way of working. The whole estate approach is currently being adopted which should provide the ideal solution, provided new fencing can be picked up on a planned approach in between estate planning schemes.

BOUNDARIES AND FENCING

BOUNDARIES

All boundaries situated on Housing Revenue Account land are managed by NPH unless ownership can be legally demonstrated otherwise.

Where a boundary lies between an NPH managed property and a private property, NPH will ascertain who is responsible for which boundary. It will also ascertain if the Party Wall Act is applicable and notify parties of their findings and the parties' responsibilities.

When necessary we will determine boundary ownership by undertaking a search of the Land Registry records for which a small nominal fee is charged.

Examples of how boundary ownership is determined can be seen in appendix A

WHO IS RESPONSIBLE FOR MAINTENANCE AND REPAIRS?

Responsibility for the provision and maintenance of fencing can be seen in appendix A.

WHAT WILL NPH DO?

In general, where NPH are responsible for a boundary, we will do 3 main things:

- **Maintain** – Repair broken or damaged fencing and gates, reset posts and rehang gates. A repair may include a new section of wooden fencing or chain link being installed. Where a wooden fence becomes defective, we will repair as existing where it can be financially justified. If the fence is beyond economical repair, we may remove it and replace with chain-link and concrete posts
- **Make Safe** – Usually means removing any dangerous or unstable fencing or posts that could be considered a Health and Safety risk and replace / repair at a later date
- **Provide** – New installation at NPH cost. We will only renew a fence like for like, when the fence is an external boundary and fronts onto a public highway / walkway, where there is a specific security / safety issue or the costs can be justified. In these situations, the works will be renewed by the property maintenance team or added to a planned programme of works to be undertaken by the asset management team.

Void properties

The NPH Lettable Standard states as follows:

- We will maintain the integrity and security of a fence where the boundary is next to a public footpath
- Boundary ownership checks will be made prior to undertaking any repairs or renewals
- We will make sure that property boundaries are marked out so that the boundary is clear. This will be done with 1m high chain link
- Existing fencing will be repaired wherever possible - and will only be replaced as part of a planned programme of works
- We will provide a wooden close board privacy fence of 1.8m in length from the back of your property and continue if necessary with 1m high chain link to the most suitable joining point on the fence line

We will ensure that when a property becomes void the above standard is achieved.

At the end of a tenancy, NPH will be obliged to remove any fencing or other barrier that is found to be in a damaged, unsatisfactory or unsafe condition. These works will be recharged to the former tenant(s) in line with NPH's Recharge Policy and replaced with post and chain-link fencing, unless the boundary is adjacent to a highway or footpath.

Any natural boundary hedging exceeding 1.6m at the front of the property and / or 2m at the rear

of the property at the end of the tenancy will be cut by NPH and the cost of this work recharged to the outgoing tenant(s).

These issues will be discussed with the outgoing tenant at the pre-termination visit

Occupied properties

Responsibilities for boundaries are further explained at the end of this document in appendix A

Tenants have the basic Right to Repair, and responsibilities of both the landlord and tenant are set out in the tenancy agreement.

In terms of the tenant's responsibilities the tenancy agreement states the following:

"You must not remove, alter or replace any fencing or boundary without first obtaining written permission from an NPH property maintenance officer."

It also states that "You must not erect any fencing, shrubs or other object to your boundary, if your property is designated as an open plan area."

OPEN PLAN AREAS

NPH will not provide or allow any form of fencing in areas designated as “open plan” or communal. In the event of fencing being erected NPH will remove it and recharge the responsible person wherever possible (refer to our recharges policy). The only exception to this would be during an estate regeneration scheme, where planning consent has been obtained.

TENANTS AND LEASEHOLDERS ARE RESPONSIBLE FOR:

- Maintaining any fencing that they have erected which separates their garden from the neighbours, beyond the “modesty fence”
- Maintaining any gates that they have installed themselves
- The cost of maintenance or replacement where this is due to anything other than fair wear and tear. In these cases, the occupier may be held responsible and recharged for the cost of reinstatement (refer to our recharges policy)
- The cost of removal of substandard fencing being installed by the occupier. In these cases, the occupier may be held responsible and recharged for the cost of reinstatement
- Part of the sign-up process will be to sign over responsibility for any fencing, other than the privacy panel, that providing a secure boundary to the highway, footpaths or other open spaces to the tenant, who will accept responsibility for future maintenance
- Exercising parental guidance of children and keeping dogs and other pets under control. We will only erect post and chain-link fencing. The presence of children or animals is not a reason for us to erect security or safety fencing
- Tenants must not take down or remove any fence, garden wall, hedge or boundary markings, unless they have written permission from NPH
- Should a tenant wish to erect a boundary wall or modify an existing boundary wall, they must seek and will be given permission by NPH before any work begins
- After seeking and being given permission from NPH, tenants may erect fencing between gardens on their boundary line up to a maximum height of 1.0m on the front of the property and 1.8m on the side and back of the property. The fencing will be maintained by the tenant with no obligation to NPH to maintain, repair or replace. All such fencing will be signed over to a new tenant after termination, but only if it is in a safe and secure condition

- After seeking and being given permission from NPH, tenants may erect gates up to a maximum of 1.0m on the front of the property and 1.8m on the side and back of the property. The gate(s) will be maintained by the tenant with no obligation to NPH to maintain, repair or replace. All such gates will be signed over to a new tenant after termination, but only if it is in a safe and secure condition. Tenants are responsible for the installation of paving to these gates, unless the path also leads to an entrance door, when NPH will be responsible.
- It is the tenant's responsibility to ensure all other necessary approvals, for example, planning permission and / or building regulations are in place. If the tenant wishes to use a contractor, they must provide written details to NPH, including evidence that they have current public liability insurance. The specification and standard for the works must be agreed with NPH prior to the work starting. NPH reserve the right to remove fencing or boundaries and recharge works to the tenant where the fencing or boundary is not deemed to be acceptable and is causing a safety hazard.
- Any new fencing or boundary to be erected must give due consideration to the setting, appearance and style of the surrounding environment. If this is not met, NPH reserve the right to remove it and recharge the tenant for the costs of the work
- Tenants are required to maintain all sides of natural boundary hedging to a maximum height of 1m at the front of the property and 1.8m at the side and rear of the property. If a tenant is unable to maintain natural boundary hedging, they may be eligible for this work to be undertaken for them. Tenants can make an application to NPH's garden maintenance assistance scheme, details of which are available on request or can be found on our website

EXCEPTIONS TO THE GUIDELINES

There will be some situations where the fencing layout or location is not clearly defined enough to fit within the above guidelines. In these cases, NPH staff will work in consultation with the occupier to make that judgement.

We will also consider requests made from Housing Officers and Support workers where target hardening measures are recommended, such as alterations to existing fencing, additional fencing or gates, in instances where a tenant is the subject of domestic abuse or hate crime. We will also consider any reasonable adjustments due to a tenant or other household member's disability.

We may also deal with boundaries differently to this policy, when undertaking estate regeneration works on a whole estate planned basis.

NPH has the discretion to act beyond these guidelines in exceptional cases. In such cases we will consider the full facts and the personal circumstances of the household including vulnerabilities. Each exception will be the subject of a written report detailing the cases, the reason for the exception, the cost of works and the potential precedent. These cases will need the signed approval of the appropriate Assistant Director before they can proceed.

HOW LONG DO FENCING REPAIRS TAKE?

Where dangerous fencing needs to be made safe, the emergency works will be carried out within 24 hours of being reported. NB. This work will be to make safe the existing situation and not to renew or permanently repair the fence.

When a property is void, we will ensure the boundaries that NPH are responsible for are defined, prior to a new tenant moving in.

All other fencing is classed as specialist, non-urgent work and will be completed between April and October each year. Most of this work is external and may not require an appointment, however the occupier will be responsible for letting us know in advance if there are any issues with access, as this may delay any work. This work will be planned within the property maintenance team and completed as part of a planned maintenance contract.

When we experience high levels of reported works, for example due to storms and severe weather, timescales in some circumstances may exceed the stated response times above.

If fencing is added to an estate management contract, this work will be completed in accordance with the dates when the whole estate will be improved.

DISPUTE RESOLUTION

There will be occasions when neighbours dispute boundaries, ownership and responsibilities. In such instances these cases will be managed by the Property Maintenance Team. A search will be undertaken via Land Registry to establish ownership and responsibility. It needs to be noted that Land Registry does not totally define property boundaries. Where appropriate we will offer mediation to ensure a swift resolution.

Any dispute will be fully investigated with both parties being spoken to by the area Housing Officer. We would initially advocate that neighbours resolve issues and problems themselves and will support them in this approach if that reaches a resolution

NPH will remain responsible for ensuring that it fulfils its legal responsibilities and that tenants adhere to the terms of their tenancy agreement.

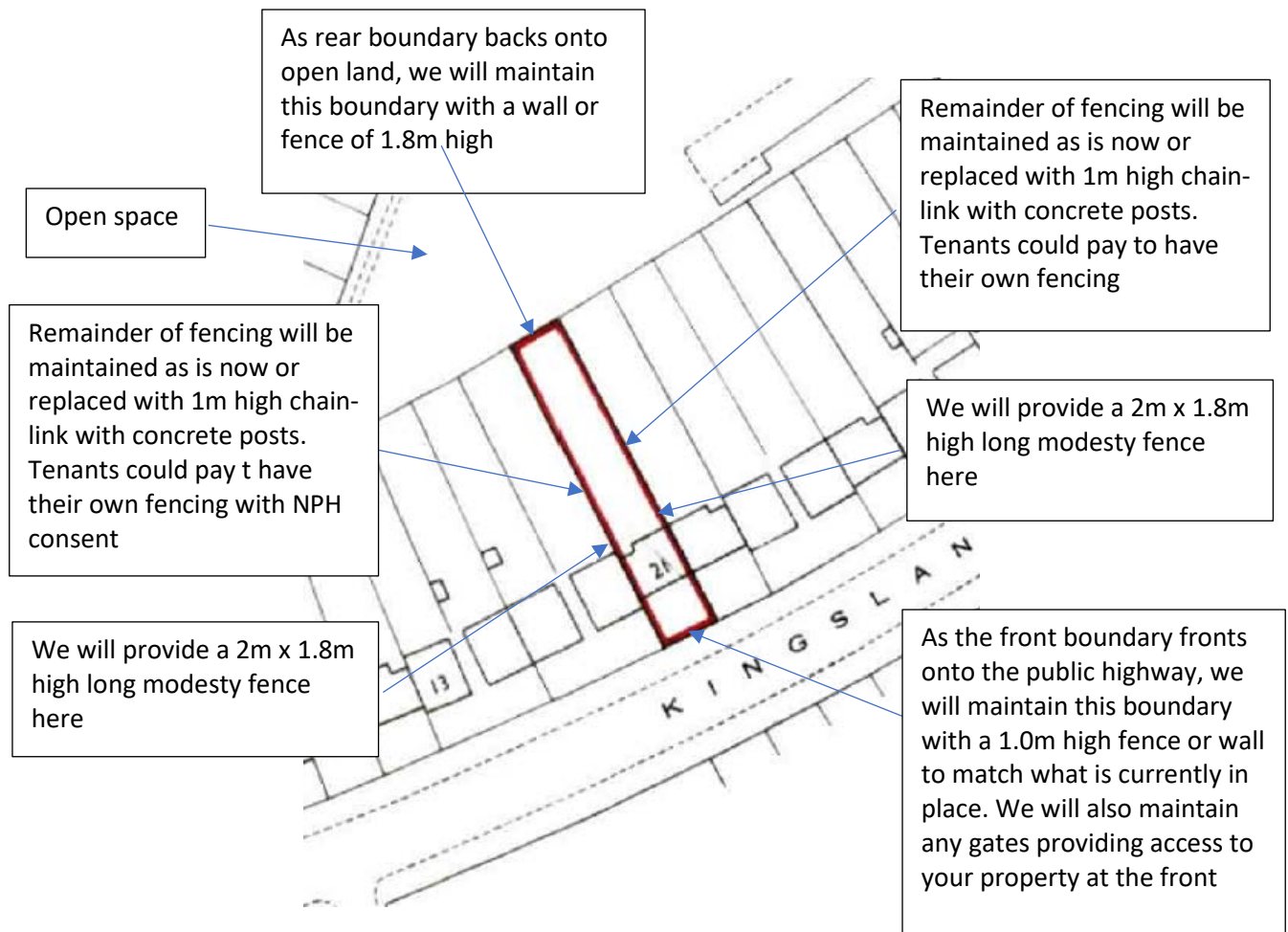
In exceptional circumstances legal proceedings such as injunctions will be sought but only when other remedies have failed.

REVIEW

This policy will be reviewed every two years in line with our objectives, residents experience, service delivery experience and financial commitment

APPENDIX A

Example 1 – 19, 21 and 23 are NPH managed

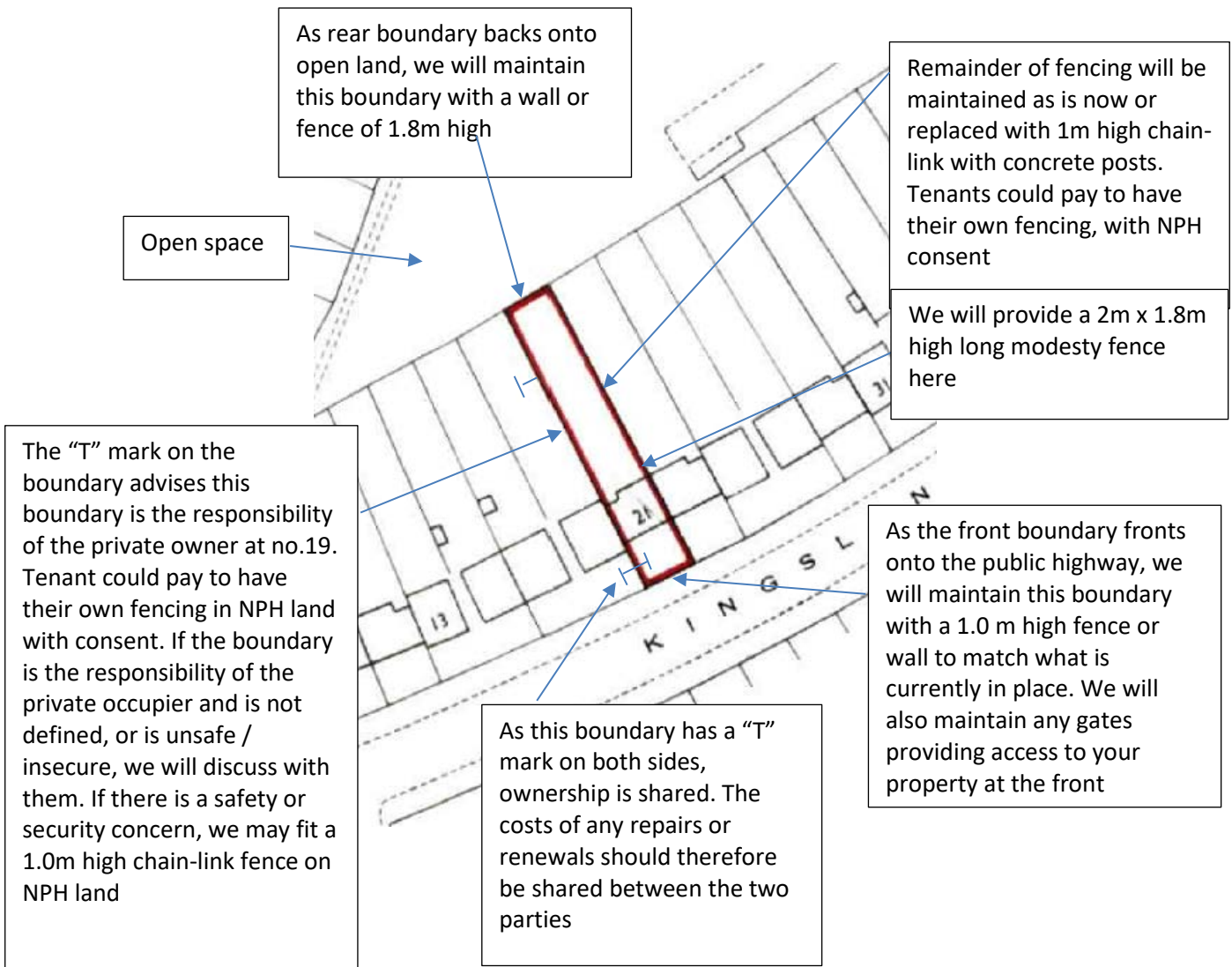


Exceptions to the above:

We may:

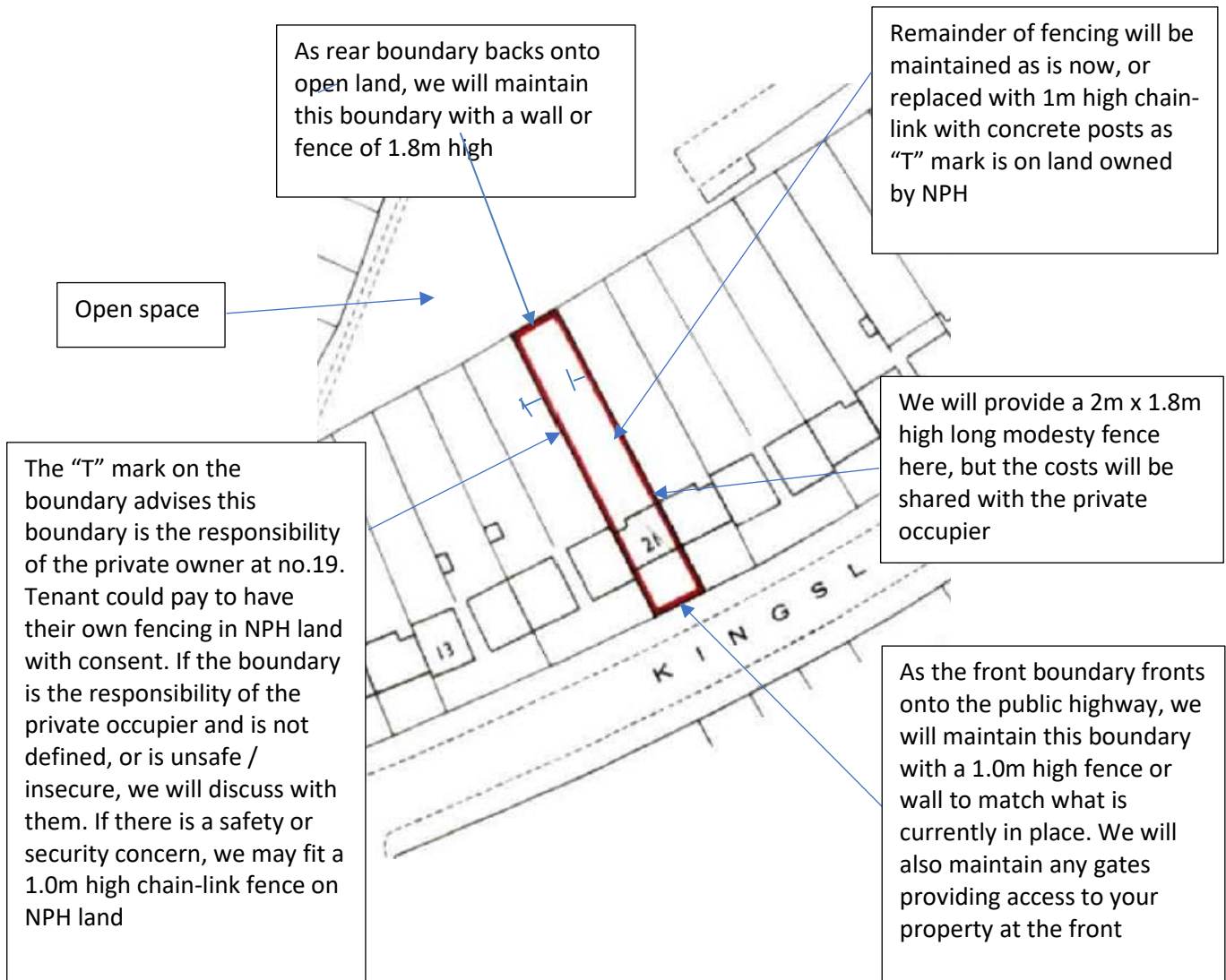
- Provide security fencing, where there is a need to provide such fencing for target hardening reasons
- Provide security fencing and gates where required to play areas, to ensure those using the play area are safe and secure
- Repair boundary walls as required. If the wall is beyond economical repair, it may be demolished and replaced with either chain-link or timber fencing.
- Adopt a different approach to the above when undertaking estate regeneration works

Example 2 – 19 is private and 21 and 23 are NPH managed



- Exceptions to the above:**
- We may:
- Provide security fencing, where there is a need to provide such fencing for target hardening reasons
 - Provide security fencing and gates where required to play areas, to ensure those using the play area are safe and secure
 - Repair boundary walls as required. If the wall is beyond economical repair, it may be demolished and replaced with either chain-link or timber fencing.
 - Adopt a different approach to the above when undertaking estate regeneration works

Example 3 – 19 and 23 are both private and 21 is NPH managed



Exceptions to the above:

We may:

- Provide security fencing, where there is a need to provide such fencing for target hardening reasons
- Provide security fencing and gates where required to play areas, to ensure those using the play area are safe and secure
- Repair boundary walls as required. If the wall is beyond economical repair, it may be demolished and replaced with either chain-link or timber fencing.
- Adopt a different approach to the above when undertaking estate regeneration works