

Answer by **Scott Goldstein, Dispute Resolution Partner and property litigation specialist at Payne Hicks Beach**, originally published online by The Sunday Times on 10 January 2021 and is reproduced with kind permission

<https://www.thetimes.co.uk/article/what-can-i-do-about-noisy-neighbours-78xi9jn63>

THE  **TIMES**



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HOME HELP

What can I do about noisy neighbours?

Our experts answer your questions

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- **Noisy neighbours**

My husband and I own a first-floor flat in a block. In September new renters moved in above us. They have two children, aged two and five. Since they moved in we are constantly disturbed by noise: sudden jolts, furniture dragging, loud thumping, loud footsteps, hammering and banging. This is so stressful as we work from home.

Members of the concierge and security team have also witnessed the noise. We have kept a diary. And we had no problem with the former tenants in five years.

We asked the landlord and building management to help. The landlord thinks the noises are normal. Now the tenants are making more noise on purpose to wind us up. Can you help? AP

Noisy neighbours can often lead to disputes. You should always try to engage with your neighbours first; perhaps invite them to experience the noise first-hand (taking into consideration the Covid restrictions). It may be they do not realise how loud they, or their children, are being.

Often there are regulations in flat leases dealing with noise: requiring leaseholders to carpet their floors; not to create a nuisance; or to avoid making noise during certain times. You may be able to require your landlord to take action against the tenants in the event of a leaseholder's breach of covenant (but you will likely have to pay the landlord's costs). Review your lease and highlight relevant covenants to management.

You can also complain to your local authority. They have the power to grant abatement notices in the event of statutory noise nuisance, or to issue informal warning notices. The test is whether the noise unreasonably and substantially interferes with the use or enjoyment of your home or harms your health.

Finally, you can consider a civil action in nuisance against the neighbours seeking either damages or an injunction preventing further noise. The criteria to satisfy are similar to those investigated by the local authority above. Before bringing a claim, instruct an acoustic engineer who can advise whether the noise constitutes a nuisance or if it falls within acceptable levels. However, there is a risk that in these times the courts may give more sympathy to young families given the increased time spent at home.

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