

# HOME HELP

Neighbours too noisy?  
Leather sofa losing its sheen? Ask our team



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**Q** My partner and I live in a one-bedroom basement flat that she owns. Six months ago, tenants moved into the previously empty flat above us, revealing a lack of soundproofing. They are not unduly noisy – they are quick to turn down the TV when we text them – but the creaking floorboards above our bedroom wake us every time (even with ear plugs). We now postpone sleep until after they have retired, and are woken up on their schedule – this is causing us a lot of stress.

We contacted the owner (who has an equal share in the freehold with my partner), suggesting works to remedy the cause, but they said: “Just get used to it.” We have received quotes for soundproofing – about £10,000. We believe the cost should be shared equally with the flat above. We approached the owner again – no response. What can we do to compel a shared resolution?  
*Name withheld*

**A** What a difficult situation. One possible solution is to ask your solicitor whether the building can be considered to be in disrepair because of

the lack of sound insulation between floors. It has been found in Court of Appeal cases that the lack of a damp-proof course, for instance, could constitute disrepair, even if one did not exist originally.

The same may apply here. You might be able to require the freeholders to carry out soundproofing and to bear the cost through the building’s service charge, which would be shared by the two long leaseholders.

The freeholders might be able to claim against a contractor for past defective work, possibly due to the building not being constructed or converted correctly (failure to comply with building regs, for example, or inappropriate materials), allowing sound to travel.

Your partner’s position as part owner of the freehold may help you to organise the works, but it may require statutory consultation with all leaseholders, and you may encounter practical issues in corporate governance: a requirement for a board meeting, for instance. You must also analyse closely your lease, and that of your neighbour, to see whether soundproofing material can be put into the space between

floors (to avoid lowering your ceiling). This space may or may not fall within the freehold landlord’s ownership of the building.

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