

Q I am a first-time buyer and have agreed to purchase a flat off-plan from a national housebuilder. The scheme is completing in August, yet the developer is pressuring me to exchange in the next week, even before my mortgage has been approved. I am worried that if I exchange now and my application is declined, I will lose my deposit. I feel as if I'm being bullied.

Name withheld, via email

A This pressure is quite common with off-plan purchases of new-build flats, and you are right that if you exchange contracts before receiving a mortgage offer, you risk losing your deposit. If, for example, the building is still under construction, with completion months or years away then, by the completion date, your mortgage offer has expired and you don't have the necessary funds in place, the seller can serve a Notice to Complete. This generally gives buyers an additional 10 working days from the contractual completion date, to finalise the purchase.

Some new-build contracts try to reduce that notice period, so make sure you appoint a vigilant – and independent – solicitor. If, after this period, you are still not able to complete, the seller can rescind the contract and keep the 10% deposit usually given when you exchange. The vendor can also look to the buyer for any other losses and damages incurred as a consequence of breach of contract.

When the property market dropped in 2008, new-build properties were hit hard and many lenders downgraded

QUESTION OF THE WEEK

A DEVELOPER IS PRESSURING ME TO EXCHANGE. SHOULD I?

their value, which affects buyers' ability to complete.

If you exchange now, ensure that a mortgage offer is agreed in principle on the basis of your finances. Check that the lender is willing to lend against new-build homes, whether it has any specific conditions and whether the mortgage offer will expire before the anticipated completion date. If it does, you are exposed to risk.

Even if a mortgage offer is issued, it may be subject to reinspection closer to completion. If the lender is not satisfied that the property is good security, this may prevent completion, especially if you can't afford to pay the developer. Make sure there are contingencies for funding in place if the mortgage is not forthcoming.

You could try to negotiate a conditional exchange. The contract would state that completion is subject to a mortgage offer being issued; if not, either party could cancel the contract and the deposit would be returned. Such agreements take negotiation, but they do occur.

If, because of these risks, you refuse to exchange now, all may not be lost. It is rare for contracts to be withdrawn by the developer immediately after a deadline expires, provided the buyer has shown intent in proceeding and their solicitor has raised inquiries, approved the drafting of the lease and submitted the searches. Generally, a developer would prefer the sale to proceed so it doesn't have to remarket the flat. But that's not guaranteed.

Donall Murphy, partner, Russell-Cooke solicitors; russell-cooke.co.uk

Q I live in a terrace, and the owner of the adjacent house died in 2002. It is still furnished as it was when she died, and the windows and external doors are in poor condition. Her son lives locally and clears the undergrowth from the backyard once a year. I have spoken with him several times; he is always about to apply for probate before refurbishing the house for rent. But nothing ever happens. The council has also spoken with him, but I am told he cannot be forced to apply for probate. Is there nothing that can be done to bring this home back into use?

PJS, Surrey

A Unless you are a beneficiary or a creditor of your deceased neighbour, you cannot force anyone to apply for probate. Once your neighbour's descendants and beneficiaries have died, her house will pass to the Crown by the law of bona vacantia, and the Treasury Solicitor for the Duchies of Lancaster or Cornwall will be entitled to sell the house.

If the condition of the house becomes so poor that your home is physically damaged or your enjoyment of it is affected, you might be able to bring a claim of nuisance, but you'd have to hire a solicitor. A cheaper

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option is to persuade the local authority to compel proper maintenance and even use of the house through an empty property management order, a power that came into force in 2006.

Annabel Younger, partner, Farrer & Co solicitors; farrer.co.uk

Q What is the etiquette of talking about property prices at dinner parties?
GH, Oxford

A Doing so is tedious and beyond gauche. The middle classes are obsessed with yammering on about property values, but it becomes a form of one-upmanship, as each guest tries to outshine the other with the merits of their investments. Discussion of anything money-related always leaves a slightly nasty aftertaste. If everyone's going at it and throwing manners to the wind, then so be it – discuss away, you social bors. But if there are guests who rent or own a more modest holding, be magnanimous and steer the conversation elsewhere, please.

William Hanson is a leading etiquette coach; williamhanson.co.uk

Q Our house is on an infill plot with stone boundary walls. Ivy grows on these boundaries, one of which is the external wall of a neighbouring house. The ivy has grown and is now damaging the slate roof of this property. Do I have any responsibility for this, other than permitting access for my neighbour to cut it back?

CC, via email

A You are not responsible for trimming the ivy. The owner of the house next door is legally responsible for maintaining his property, but you must grant him access to your garden to trim back the ivy if he wants to protect his roof. You are permitted to lop off any ivy or branches protruding into your airspace, but it is the neighbour's legal responsibility to do so.

It is possible to make a legal claim against landowners when something from their property damages yours, but that should be a last resort: it can be expensive, and if you sell your home in the future, potential buyers will be informed about the dispute.

Simon Thomas, director, Thomas Legal Group; thomaslegalgroup.co.uk

Q I want to build an extension within three metres of a manhole, which is shown on the Thames Water plan, but isn't visible in the garden. Thames Water sent a man, who failed to locate it. It advised me to start the works, saying that if the hole is found, it will enter into a "build over agreement" with us, but our builder has advised us to get a CCTV report first, to locate it now. He says that if one is found during the build, it may delay the project. Who is right?

WA, Putney, London

A Get a local drainage contractor to do a CCTV survey of your drains to find out whether there is an inspection chamber or drain in your back garden. Your builder can then give you a price for any alterations that are necessary and you can get the build over agreement in place and avoid a delay to your works later. The cost of the agreement will be £343 by post or £299 online. Expect the cost of the works to be £1,400–£1,750.

If there is a drain, relocating the inspection chamber further down your garden should be possible. Just ensure the pipes that are built over can be accessed via rodding points for cleaning, should they get blocked.

Michael Holmes, spokesman for the National Homebuilding & Renovating Show (March 23–26, NEC, Birmingham); national.homebuildingshow.co.uk

Filling your ice tray won't just keep you well supplied for cocktail parties. Ice cubes come in handy for a range of household chores, too. Here's how:

1 If there's a dent in your carpet from a chair or table leg, rub an ice cube over the pile – it should relieve it. Finish by gently perking up the pile with a stiff brush.

2 Chewing gum stuck on clothing or furnishings? Put an ice cube in a plastic bag and hold it over the gum. This will

TOP TIPS



harden it, making it easier to pick off.

3 Pot plants kept on high shelves aren't easy to water in situ. You can avoid overshooting with the watering can by putting a handful of ice cubes in the pot instead.

4 When you're making hollandaise sauce and the mixture of butter and eggs starts to curdle, place an ice cube in the saucepan, then stir; you should be able to rescue it if you act fast.

■ goodhousekeeping.co.uk/institute

Home help

Being pressured into a new-build purchase, or troubled by an empty property next door? Our experts are here to offer advice



Illustration: Russell Henson