



Contains Confidential or Exempt Information	No
Title	CEX195 – Adoption of Houses in Multiple Occupation Supplementary Planning Document
Member Reporting	Councillor Steve Curran Leader of the Council and Cabinet Member for Corporate Strategy, Planning and Regeneration Steve.curran@hounslow.gov.uk
Contact Details	Alan Hesketh, Head of Regeneration, Spatial Planning, Business Services, Environmental Strategy 020 8583 2561. Alan.Hesketh@hounslow.gov.uk
For Consideration By	Cabinet
Date to be Considered	21 November 2017
Implementation Date if Not Called In	4 December 2017
Affected Wards	All Wards
Keywords/ Index	Houses in Multiple Occupation (HMOs), Supplementary Planning Document (SPD), Local Plan, Article 4 Directions

1. Details of Recommendations

1. To adopt the Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) (attached at Appendix 1)
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If the recommendation is adopted, how will residents benefit?	
The SPD will enable the Council to assess planning applications for HMOs in the Borough in more detail, ensuring that they are of the appropriate quality and in the right locations.	November 2017

2. Report Summary

1. This report seeks approval for the adoption of the Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD), which was consulted on between 13 th September and 16 th October 2017. The SPD has been produced to provide more detailed planning policy guidance to the Council's policy on HMO's in the Local Plan, and will apply to all HMOs in the Borough that require planning permission.

2. Those HMOs that require planning permission are larger HMOs (more than six persons) that are *sui generis* (i.e. they do not have a 'planning use class' and thus require planning permission), and smaller HMOs (six or less persons) in the Hanworth Ward for which an Article 4 Direction (A4D) is scheduled to be confirmed at Cabinet also on 21st November 2017 withdrawing the permitted development rights for change of use from planning use class C3 (single family dwelling-house) to C4 (HMO). An A4D is a mechanism that can be used by local planning authorities to remove permitted development rights for changes of use that would otherwise not require planning permission. This SPD is scheduled to be adopted in parallel with the confirmation of the A4D in November.

3. Reason for Decision

- 3.1 The SPD is required to provide detailed planning policy guidance for HMOs that need planning permission in the Borough. No other option was considered as a SPD on HMOs is needed given concerns on the location, quality and quantity of HMOs in the Borough.

4.0 Key Implications

- 4.1 The SPD follows the content of core Local Plan policy SC10, the key implications of the SPD and Local Plan policy are that -
- The house proposed for change of use to HMO should have an original floorspace of more than 130sq.m (smaller family houses are protected in the Borough)
 - The HMO should be located in an area with a Public Transport Accessibility Level (PTAL) of 4 (good) and should have good access to a town centre and its facilities (within a 400m walk)
 - The HMO should be of a good standard of accommodation and have good facilities for the residents
 - The HMO should not have an adverse impact on local amenity
 - The HMO should comply with the Councils HMO Standards produced by the Housing Enforcement Team in line with Housing legislation.

5. Financial Details

a) Financial Impact on the Budget

- 5.1 There have been minimal resource costs in producing this document. It will be an on-line publication only.

b) Comments of the Director - Finance and Corporate Services

- 5.2 All costs associated with the production of the SPD are to be met from existing budgets.

6. Legal Details and comments of the Head of Governance

- 6.1 A SPD must be consulted on if it is to be adopted. Once adopted it needs to be consistent with the Local Plan, and is a material consideration in consideration of a relevant planning application.

7. Value for Money

- 7.1 Little cost has been incurred in producing this document (other than officer time) but its impact on ensuring a good standard of HMO will be significant, saving the Council time and money in addressing poor standard and unregulated HMOs.

8. Sustainability Impact Appraisal

- 8.1 The Local Plan and the HMO policy have been subject to a Sustainability Appraisal. A SA is not required for a SPD.

9. Risk Management

N/A

10. Links to Council Priorities

- 10.1 Ensuring good quality housing is provided in the Borough.

11. Equalities, Human Rights and Community Cohesion

- 11.1 The Council has to give due regard to its Equalities Duties, in particular with respect to general duties arising pursuant to the Equality Act 2010, section 149. Having due regard to the need to advance equality involves, in particular, to the need to remove or minimize disadvantages suffered by persons who share a relevant characteristic that are connected to that characteristic.
- 11.2 The Council has considered the relevance of the proposal to the provisions of the Equality Act 2010 and the Human Rights Act 1998 and concluded that Equalities Duties and the Human Rights Articles are not engaged by this proposal. As the report does not have any significant bearing on the substantive equality duty it is not considered necessary to undertake an Equality analysis.

12. Property and Assets

N/A

13. Any Other Implications

N/A

15. Consultation

15.1 Consultation was undertaken on the SPD between 13th September and 16th October 2017. The comments received are set out below, together with an officer response.

15.2 Private individual – **Comment** - The document seems to have reasonable policies. However, Hounslow Council should have processes for frequent, unannounced, inspection of HMO properties. Severe overcrowding is being reported by HMO tenants who find that some units in HMOs are being used by more than one family or by unconnected individuals sleeping many to one room. That results in overloading of any shared facilities in the building, more noise and disturbance for other occupiers and more waste, a lot of which is just dumped into black bags. How does LB Hounslow control such problems?

Officer response – comments noted. Para 4.8 of the SPD emphasizes the need for enforcement. A key purpose of the SPD is to address overcrowding and impacts on amenity of HMOs through the planning process, which are also addressed through the Council's Housing service.

15.3 Heston Residents Association (HRA) response (Officer response inserted after each comment)

1. Paragraph 1.5 of the draft for consultation refers to the Article 4 Direction that applies to the Hanworth Ward. The problem of the proliferation of HMOs seen in Hanworth Ward can also be seen in other wards, particularly the three Heston wards, Cranford and the three Hounslow wards. It is likely that these wards have a bigger problem with the creation of HMOs than Hanworth. The A4D should be extended to these wards with immediate effect.

Officer response – The SPD covers all HMOs across the Borough that require planning permission, i.e. large HMOs (more than six occupiers) and smaller HMOs (3 to 6 occupiers) in Hanworth Ward (subject to the Article 4 Direction (A4D) being confirmed). Other A4Ds in other areas or wards of the Borough can be considered subject to evidence these are needed, and need to be supported by the Leader of the Council and senior management.

2. Existing residents can feel marginalised, isolated and demoralised by the change in nature of local communities. The current proliferation of conversions of family homes to HMOs is driven by the opportunity for property speculators/rogue landlords to make large profits from the current housing crisis. It is a massive threat to community cohesion and to the maintenance of an acceptable standard of environment and quality of life for borough residents.

Officer response – comments noted, these concerns are reflected in section 1 (Introduction and Background) and section 3 (HMO Planning Guidance) of the SPD.

3. HRA is concerned to ensure that HMOs needing planning permission are only approved in appropriate locations. The intent of Policy SC10 of the Local

Plan is to support HMOs “only in locations suitable for more intensive occupancy”. Locating HMOs in suburban streets where houses were built as single-family homes with an original footprint of less than 130 sqm is not considered appropriate. Locating them within 400 metres of metropolitan town centres is considered appropriate. It is a matter of common sense that supports this approach to development control. The Local Plan itself supports this common-sense approach. The proposed Standards for HMOs support this approach. The revised REGs should be modified to support this approach.

Officer Response – comments noted. The SPD builds on the content of Local Plan policy SC10. Please note comments on the REGS (Residential Extensions Guidelines SPD) below.

4. It is deeply disturbing that both the Planning Inspector’s decision in respect of 112 Hogarth Gardens and the Officer’s decision in respect of 55 Burns Way challenge these requirements of the Local Plan. Not only does the Local Plan clearly state that the original footprint of the dwelling house should exceed 130 sqm but it is made explicitly clear that prior or proposed extensions should not be included in the footprint calculation. Both the Officer and the Planning Inspector have failed to give due weight to Policy SC10 of the Local Plan. It is for this reason that HRA would like the SPD on HMO standards to underline and reinforce this requirement. It is HRA’s view that the Council should have challenged the Inspector’s decision in respect of 112 Hogarth Gardens.

Officer response – Comment noted. The SPD reinforces and underlines the 130sq.m original footprint threshold.

5. Similarly, the Local Plan requires HMOs to be located within 400 metres of town centre facilities. This is for good reason, particularly the issue of access to public transport and the more intensive use of HMO properties that would cause undue disturbance to neighbours. Both the Inspector’s decision on 112 Hogarth Gardens and the Council’s decision on 55 Burns Way have failed to give due weight to these requirements of the Local Plan. In doing so these decisions have established case precedents that undermine the Local Plan and the proposed SPD on HMOs. In order to counteract use of these unhelpful and inappropriate decisions the SPD on HMO standards should leave no doubt that the 400 metres rule must be observed without exception.

Officer response – Comment noted. The SPD emphasizes the need for proposed HMOs to be located within 400m of town centre facilities. Development Management officers have confirmed to HRA that no precedent has been set in the above case.

6. HRA’s experience of HMO developments confirms the endemic issues outlined in paragraphs 1.4 and 1.15 of the consultation document. HRA is concerned that HMOs result in loss of local housing character, has an adverse impact on local amenity, creates pressure on parking, increases noise and disturbance, results in the loss of family sized houses, increases pressure on local infrastructure and services, and leads to a general loss of environmental quality.

Officer response – Comments noted, these concerns are reflected in the SPD.

7. The Residential Extensions Guidelines SPD (current and proposed) “aim to ensure that a balance is struck between protecting neighbours’ interests, keeping a good quality and attractive street scene and meeting applicant’s reasonable expectations for increased accommodation”. In considering applications for extensions there is currently no consideration of whether the intent of the applicant is to use the extension to turn the family home into an HMO. In the determination of the application it is always assumed that the applicant is seeking to increase his/her personal accommodation. This assumption becomes flawed if Local Plan policy SC10 in respect of HMOs is not supported in the respect of the requirement that planning permission for use as, or conversion to, an HMO is only granted where the original footprint of the dwelling house exceeds 130sqm.

Officer response – comment noted. Please see response to point 9.

8. In the Officer’s determination of 55 Burns Way the officer has overruled the requirements of the Local Plan and decided that existing extensions to the dwelling house can be included in the calculation of the footprint of the dwelling house when considering the suitability of the property for use as an HMO. Had it been stated by the applicant for those existing extension(s) that the extension(s) were to enable use of the house as an HMO the application(s) should have been refused on the basis that they were not a reasonable expectation of the applicant. Furthermore, unless the intent to use the extensions as part of an HMO is clearly stated within the application, neighbours would not have had the opportunity of objecting to the proposed extensions on the basis that the intent of the applicant was to enable the existing single-family home to be converted to an HMO, which would have harmful impact on their amenity and the character of the area.

Officer response – comment noted, please see response to point 9 below.

9. In order to protect neighbours from the development of HMOs by stealth, every application for an extension should be required to state the exact purpose of the extension, and a condition should be applied to every application for an extension to restrict its use to the stated purpose and to prevent its use in the context of an HMO. If this is not done then the Council would fail “to strike the appropriate balance between protecting neighbours’ interests, keeping a good quality attractive street scene and meeting the reasonable expectations for increased accommodation”. Unless this protection by condition is provided the result will be a race between property speculators to buy every available family home and convert it to an HMO. This would make the current crisis for new entrants to the property market even worse since first time buyers would be priced-out of the market by the deeper pockets of property speculators. It would also marginalise existing residents with a long-term commitment to maintaining good community values.

Officer response – a statement of the intention for the use of an extension, and the use of a condition in this regard, is likely to be *ultra vires*, i.e. unlawful,

as such the Council could not consider this. This is a matter for the Development Management service to consider.

10. HRA fully supports the clarification that proposed HMOs that need planning permission should have at least a good Public Transport Accessibility Level (PTAL 4), and should be within a 400m walk of town centre facilities (meaning Metropolitan and District Centres – Hounslow, Chiswick, Brentford, and Feltham town centres).” This requirement should be replicated and fully supported in the revised REGs.

Officer response – Comment noted and forwarded to REGs author.

16. Timetable for Implementation

16.1 The SPD will be adopted after 7 working days following the decision.

17. Appendices

17.1 Appendix 1 – Houses in Multiple Occupation Supplementary Planning Document Adoption Version November 2017.

18. Background Information

The Council’s HMO Standards (available on the Council website)

REPORT ENDS