

EVIDENCE REPORT: Article 4 Direction for Small HMOs: September 2021

SUMMARY

Houses in Multiple Occupation (HMOs) are an important source of affordable housing for those who may be on a low income and are not eligible for housing by the Council. Often occupied by single people with shared facilities, they are a vital source of accommodation for many people and provide low cost, flexible housing. They are also an important source of housing for students, young people in the early stages of their working life, and those seeking temporary accommodation.

However, HMOs need to be properly managed and maintained, as they can be a source of unsuitable accommodation and cause harm to amenity, both for the occupiers and the wider community. They can give rise to concerns about the changing nature of a community as family dwellings are converted into HMOs. The impacts from such changes can include issues related to waste management, parking, noise and disturbance, negative impacts on the physical appearance of the neighbourhood and increasingly, anti-social behaviour (ASB).

Current legislation provides permitted development rights for small family homes to be converted to small HMOs for between 3 and 6 people. This can ease the process for such accommodation to be created, but hampers the Council's ability to manage the impact of such conversions. This situation has led to several London boroughs introducing Article 4 Directions to withdraw these permitted development rights.

In Hounslow's case, the Council's approach has been evidence-led, and this was reflected by the fact that the Council introduced an Article 4 Direction removing permitted development rights for small HMOs in Hanworth ward in 2016. At the time, it was considered that there was evidence to support the making of such a direction in this ward, but the Council also decided that the evidence was insufficient to support the making of an Article 4 Direction elsewhere.

However, the situation has moved on since the Hanworth direction was made. The evidence presented in this paper indicates that

- There is evidence of an increased level of HMO conversions, including small HMO conversions
- There is an increased and sustained high level of complaints related to HMOs
- There is an increased and sustained high level of complaints related to issues commonly associated with HMOs, such as noise and waste management problems (including fly-tipping) and anti-social behaviour
- This indicates that the level of HMO conversions has reached the point where it is causing detrimental impact on local amenity and wellbeing.

The Council considers that this evidence is now sufficient to support the introduction of an Article 4 Direction to remove permitted development rights for the conversion of small family homes to small HMOs.

The Council is taking various steps to address the problems generated by this level of HMOs, including an additional licensing scheme and a new waste and recycling collections policy for HMOs, and it is considered that an Article 4 Direction is essential to ensure the effectiveness of these approaches and to ensure that the impacts of HMOs on amenity and wellbeing can be managed.

The Article 4 Direction would not mean that it would not be possible to carry out conversions of family houses to small HMOs. However, it would enable the Council to manage the impact of these conversion.

To ascertain the appropriate area that should be covered by the direction, the Council has analysed the data by ward and location. This indicates that there are some areas and wards where there have been particularly high concentrations of likely HMO activity and complaints related to HMOs. Were there to be other areas where there has been a complete absence of such activity, this would indicate support for an area-based Article 4 Direction. However, the area-based evidence indicates that there has been HMO activity and HMO-related complaints in all wards of the borough, and this shows that the impacts of HMOs are being felt in all wards. The Council is also concerned that an area-based Article 4 Direction could risk dispersing HMO activity into any wards or areas which would fall outside the direction.

The evidence therefore supports the conclusion that a borough-wide Article 4 Direction (excluding non-residential areas such as green spaces and employment designations) is necessary to protect local amenity and the wellbeing of the area.

Introduction

1.1 The purpose of this paper is to assess whether there is justification for the making of a direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015, in order to withdraw permitted development rights for change of use from dwelling house (Use Class C3) to small HMO (Use class C4).

1.2 It must be acknowledged at the outset that, as there is no register of all HMOs, it is not possible to set out precisely how many HMOs there are in the borough. Furthermore, it is not possible to say how many of these are small HMOs which have converted using permitted development rights, or to say exactly how many HMOs there are in different parts of the borough.

1.3 In place of such a comprehensive register, the Council must use its judgement based on a range of factors which are available. In Hounslow's case, the Council has assessed the following data:

- Numbers of licensed HMOs
- Numbers of properties with multiple surnames on the Electoral Roll
- Planning applications and applications for certificates of lawful use which involve HMOs
- Planning enforcement cases related to HMOs
- Complaints made to housing enforcement relating to possible HMOs, and also relating to noise, anti-social behaviour and waste
- Fly tipping data
- Complaints, correspondence and petitions relating to HMOs from the public, stakeholders and members.

1.4 This outlines the background to permitted development rights for small HMOs, the data indicating an increase in HMOs over recent years and evidence indicating an increase in the scale of negative impacts to amenity across the borough, the nature of which are strongly suggestive of a strong link to an increase in HMOs.

Background: Houses in Multiple Occupation

2.1 A House in Multiple Occupation (HMO) is a single-family dwelling where facilities such as bathrooms and kitchens are shared by three or more unrelated individuals. In planning terms, a small HMO (between 3-6 persons) falls within Use Class C4. Current legislation allows a family dwelling (Use Class C3) to change to a small HMO (Use Class C4) without planning permission, i.e. by using 'permitted development' rights.

2.2 The Housing Act 2004 and supporting regulations require that an HMO is required to be licensed if it is occupied by five or more persons and is occupied

by people living in two or more separate households. In 2020, Hounslow designated an additional licensing scheme which extended this regime to most HMOs occupied by three or more persons in two or more households and rented properties converted into self-contained flats under the same ownership.

- 2.3 Houses in Multiple Occupation (HMOs) are an important source of affordable housing for those who may be on a low income and are not eligible for housing by the Council. Often occupied by single people with shared facilities, they are a vital source of accommodation for many people and provide low cost, flexible housing. They are also an important source of housing for students, young people in the early stages of their working life, and those seeking temporary accommodation.
- 2.4 However, HMOs need to be properly managed and maintained, as they can be a source of unsuitable accommodation and cause harm to amenity, both for the occupiers and the wider community. They can give rise to concerns about the changing nature of a community as family dwellings are converted into HMOs, including loss of local character and pressure on parking. The impacts from such changes can include issues related to waste management, noise and disturbance, negative impacts on the physical appearance of the neighbourhood and increasingly, anti-social behaviour (ASB).
- 2.5 In April 2010 the outgoing Government introduced new controls on the change of use of a dwelling house into a house in multiple occupation. The GPDO amendments introduced in April 2010 changed planning law and created a new Use Class of C4 (Small HMO). Prior to this, Small HMOs (3-6 unrelated persons) were classified as C3. This change in law required persons wishing to change a C3 (Dwellinghouse occupied by a related/cohabiting household) to a C4 (Small HMO) to obtain planning permission for this Change of Use.
- 2.6 The purpose of the legislation was to make such a change of use subject to planning control, so that the local planning authority would be able to judge whether or not the change was appropriate in accordance with its own local plan policies.
- 2.7 In October 2010 the Coalition Government reversed this policy, by making the conversion of a family home to an HMO 'permitted development'. This means that the GPDO amendments enacted in October 2010, made this change of use from C3 to C4 permitted development. Therefore planning permission is no longer required for such a change, and this remains the case to date.
- 2.8 Larger HMOs (more than 6) are classified as 'Sui Generis', therefore it is not permitted development to change a C3 or C4 use property into a Larger HMO (Sui Generis), therefore planning permission for this type of development is still required.

2.9 In 2013 the Communities and Local Government Select Committee considered the issue of high concentrations of HMOs as part of its inquiry into the private rented sector.

2.10 The Committee heard evidence from certain sectors, including residents groups, that the impacts of HMOs can include anti-social behaviour, noise and nuisance, pressures upon parking provision and negative impacts on the physical environment and streetscape¹. However, it also heard evidence of the positive impacts HMOs can have for local areas.

2.11 The Committee concluded that controlling the spread of HMOs should be a matter for local determination and supported the use of Article 4 Directions to manage conversions to HMO. The Government agreed with the Committee's recommendation.

2.12 Many London boroughs have introduced Article 4 Directions to remove the permitted development rights for small HMO conversions in order to be able to manage their impact on local amenity. Some boroughs, including Croydon, Barnet and Redbridge, have introduced borough-wide Article 4 Directions removing these permitted development rights.

National policy on Article 4 Directions

3.1 The government's current policy on the use of Article 4 Directions to remove national permitted development rights is set out in paragraph 53 of the NPPF (2021 version). This states that the use of Article 4 directions should be limited to situations where this is necessary to protect local amenity or the wellbeing of an area. Article 4 Directions should in all cases be based on robust evidence, and apply to the smallest geographical area possible.

3.2 In preparing the revised NPPF content on Article 4 Directions in 2021, a Written ministerial statement was initially issued (July 2021), which outlined the changes. This stated that certain aspects of the revised policy approach to Article 4 Directions applied only to changes of use from non-residential to residential uses. The statement stated that strict rules relating to the use of A4Ds to limit such changes did not apply to changes between residential uses. The statement said this would "enable local authorities to continue to restrict change of use from a family home to a house of multiple occupancy where that is necessary to protect local amenity or the well-being of an area."

3.3 The legislation itself states that a planning authority should not make a Direction unless it is satisfied that it is expedient that development that would normally benefit from permitted development rights should not be carried out unless permission is granted for it on an application (Article 4(1)).

¹ House of Commons Briefing Paper *Houses in multiple occupation and planning restrictions*, 14 July 2017

3.4 In deciding whether an Article 4 Direction is appropriate, local planning authorities are advised by the Guidance to identify clearly the potential harm that the Direction is intended to address.

3.5 There are two types of Article 4 directions under the 2015 Order: non-immediate directions and directions with immediate effect.

- An immediate Direction withdraws permitted development rights with immediate effect. However a local planning authority may be liable to pay compensation to a landowner when PD rights are removed by an immediate Article 4 Direction if planning permission is subsequently refused for the development to which the Direction applies. Due to the potentially large compensation liabilities arising from an immediate direction, this route is not being recommended.
- For certain types of PD rights (including the change of use of a dwelling house to a small HMO) a local planning authority is not liable to pay compensation provided that the bringing into force of the Article 4 Direction is stayed for 12 months.

Local planning context

4.1 The Council's Strategic Housing Market Assessment Update (carried out by Opinion Research Services and published in October 2018) states that the number of multi-adult households in Hounslow increased from 7,591 in 2001 to 9,467 in 2011, an increase of 25 per cent². It notes that the growth in multi-adult households was focused particularly in the private rented sector, with an increase in single persons choosing to live with friends together with others living in HMOs. But it adds that shared facilities is a characteristic of HMOs and that many people living in this type of housing will only be able to afford shared accommodation, either with or without housing benefit support. It states that there is likely therefore to be a continued (and possibly growing) role for HMOs, with more of the existing housing stock possibly being converted.

4.2 The SHMA shows that the extent of housing need in the borough covers housing of all sizes, with significant need falling in all sizes of home except for five or more bedrooms in the market sector. It is noteworthy, however, that the largest elements of housing need are for three-bedroom homes in the market sector (11,000 homes needed) and two bedroom homes in the affordable sector (5,400 homes needed). This indicates that family-sized housing is the greatest element of need across the borough³.

4.3 The Hounslow Local Plan (adopted in 2015) contains a policy on HMOs (Policy SC10) which sets out that the Council will support proposals for change of use to new HMOs for intensive occupancy, where these help to meet housing need and

² Strategic Housing Market Assessment, p33, para 4.15

³ Ibid, p53

comply with the required standards. It states that HMO proposals should be located within convenient walking distance of town centre facilities and good public transport links. It also stipulates that any properties proposed to be converted should have an original floor area of 130 sqm.

4.4 Essentially, policy SC10 seeks to protect the borough's stock of smaller family homes (130 sqm or less), to locate HMOs in areas of good public transport accessibility and access to town centre facilities, to ensure good standards of accommodation and facilities, to ensure an appropriate standard of refuse and recycling management, and to prevent detrimental impacts of HMOs on local amenity.

4.5 However, it should be noted that this policy is only applicable to large HMOs (those of more than six occupiers), as small HMOs enjoy the permitted development rights referred to above, and they therefore do not have to apply for planning permission.

4.6 In 2016, it was identified that a particular prevalence of small HMOs had emerged in Hanworth ward. This was deemed to be an inappropriate area for such conversions due (a) to its character of small family homes and (b) its poor public transport accessibility rating.

4.7 As a result of this, a non-immediate Article 4 Direction removing permitted development rights for C3 to C4 conversions was made by the Council which was confirmed in 2017 and implemented from 12 January 2018. This has prevented the development of further conversions without planning permission.

4.8 In November 2017, Hounslow adopted a supplementary planning document (SPD) on Houses in Multiple Occupation. This was designed to provide further detailed guidance on assessing planning applications for HMOs, whether this be for large HMOs across the borough or for small HMOs in areas subject to an Article 4 Direction removing permitted development rights for such conversions.

4.9 The SPD identifies that HMO proposals for planning permission should be in compliance with the following guidance:

- Have a minimum 'original' floor area of greater than 130sqm (to enable the Council to protect the existing stock of smaller family houses);
- Have no detrimental impact on existing on-street parking;
- Have sufficient space for appropriate provision for secure cycle parking;
- Include appropriate facilities for residents
- Have no adverse impact on the amenity of neighbouring residents and the locality
- Have sufficient space for storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property

- Do not result in the loss of front garden for hard standing for parking and refuse areas which would detract from the existing street scene, unless a hard standing and vehicle crossover is approved by the Council and a front garden wall is retained.
- 4.10 Further detailed guidance is provided in the SPD on each of these points, together with HMO minimum space and occupancy standards. The document therefore provides a framework for assessing planning applications for HMO conversions.
- 4.11 At the time of the preparation of the Article 4 Direction for Hanworth ward, it was not considered that there were further issues wider than Hanworth ward which merited an Article 4 Direction being implemented over a wider area. However, in the time which has elapsed since, there has been evidence of a further increase in the number of HMO conversions across the whole borough, as well as a significant increase in the number of complaints being made to housing enforcement related to HMOs and also related to issues such as anti-social behaviour, noise and waste problems.
- 4.12 There have also been particular complaints put to members of the Council by residents and stakeholders over concerns of an uncontrolled rollout of small HMOs.
- 4.13 In order to address some of the problems related to HMOs, the Council introduced an additional licensing scheme in 2020 which covers most HMOs in the borough. The aim of the scheme is to improve housing conditions and standards of management in the private rented sector and to reduce anti-social behaviour associated with poorly managed HMOs so that they are not a blight on local neighbourhoods.
- 4.14 Whilst some planning issues can be taken into account when deciding on licenses, such as whether the HMO has the correct planning permission or where there are unspent planning enforcement convictions, this does not extend to assessing the impact on the amenity of the wider area, and the need for planning permission does not apply to those conversions which have the benefit of permitted development rights.
- 4.15 It is therefore considered that, combined with the Council's additional licensing scheme, it is now necessary to consider whether an Article 4 Direction would be justified across a wider area of the borough, in order to manage the wider impact of HMOs conversions.
- 4.16 The next section makes this assessment by analysing the data which the Council holds on a range of indicators which provide evidence on the current extent and nature of HMO conversions across the borough, and an assessment as to whether an Article 4 Direction is necessary to protect the local amenity and well-being of the area.

Evidence

5.1 Data has been gathered to analyse a range of indicators for HMO activity and the impacts thereof. This data covers the number of licensed HMOs as well as evidence of the spread of HMOs across the borough (including looking at addresses with multiple surnames), and the number of complaints associated with HMOs, as well as the overall number of complaints regarding anti-social behaviour, noise and waste, and whether there is any correlation between where these are arising and the prevalence of HMOs. Data has also been gathered to highlight the extent of activities which are often associated with HMOs, such as fly-tipping. These pieces of evidence are presented in this section of the paper.

Estimating the number of HMOs in the borough

5.2 Licensed HMOs: In Hounslow, licensing of HMOs is administered by the Council's housing enforcement service, and the map in Figure 1 shows the location of licensed HMOs in the borough, whilst Figure 2 shows the number of licensed HMOs per ward. These figures are correct as of 26 March 2021.

5.3 It can be seen from these maps that the wards with the greatest concentrations of licensed HMOs are Hounslow Central and Hounslow West, which is unsurprising given the central location of these locations and their relatively high accessibility levels. Hounslow Heath and Cranford also have over 100 licensed HMOs, with Heston Central and Heston East and Turnham Green having over 70. The wards with the lowest number of licensed HMOs are Isleworth, Feltham West (12 each) and Hanworth (18).

5.4 The map in Figure 3 below shows the number of Licensed HMOs together with the location of pending applications and renewals:

Figure 1: Location of Licensed HMOs in Hounslow Borough (26 March 2021)

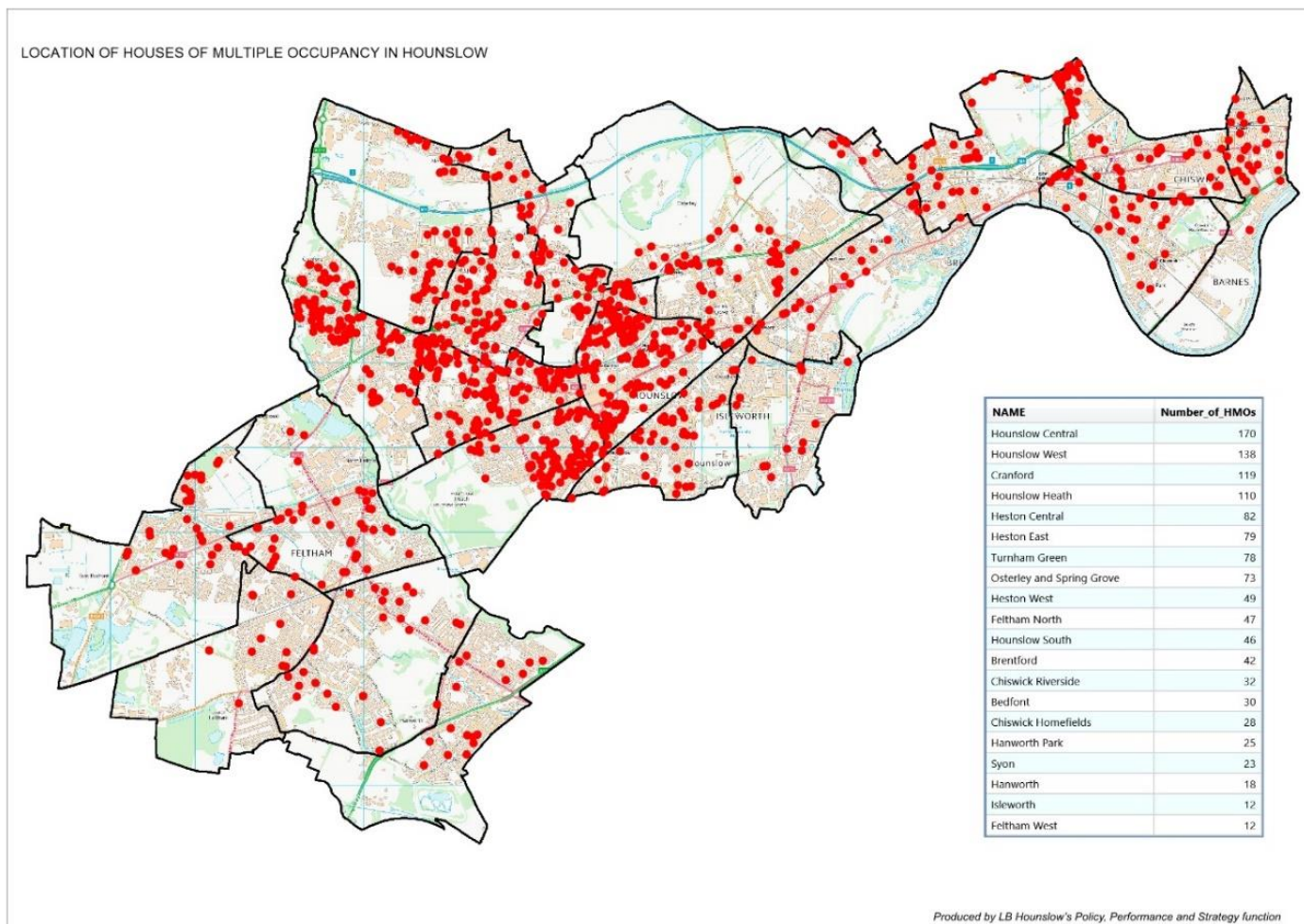


Figure 2: Number of Licensed HMOs per ward (26 March 2021)

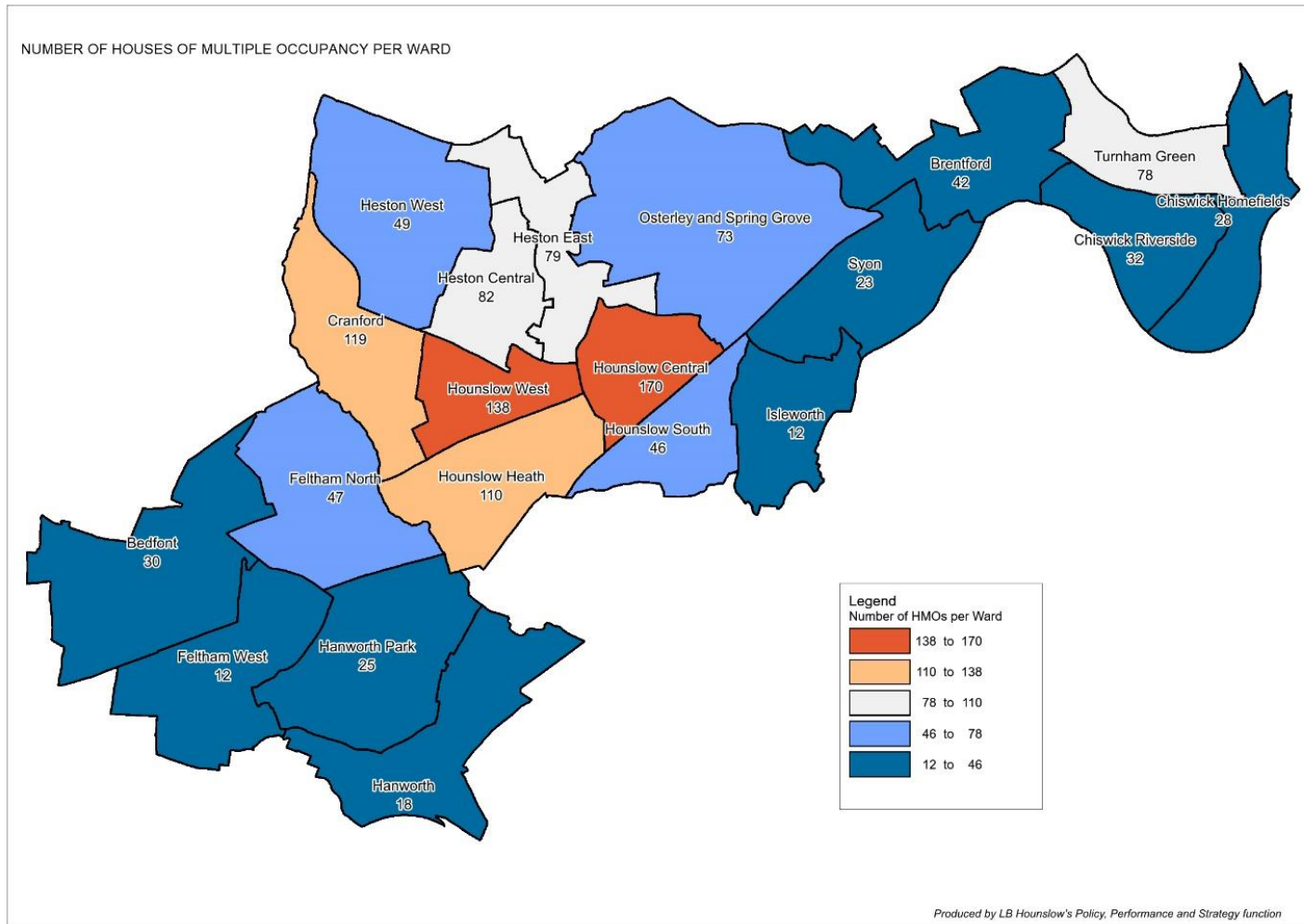
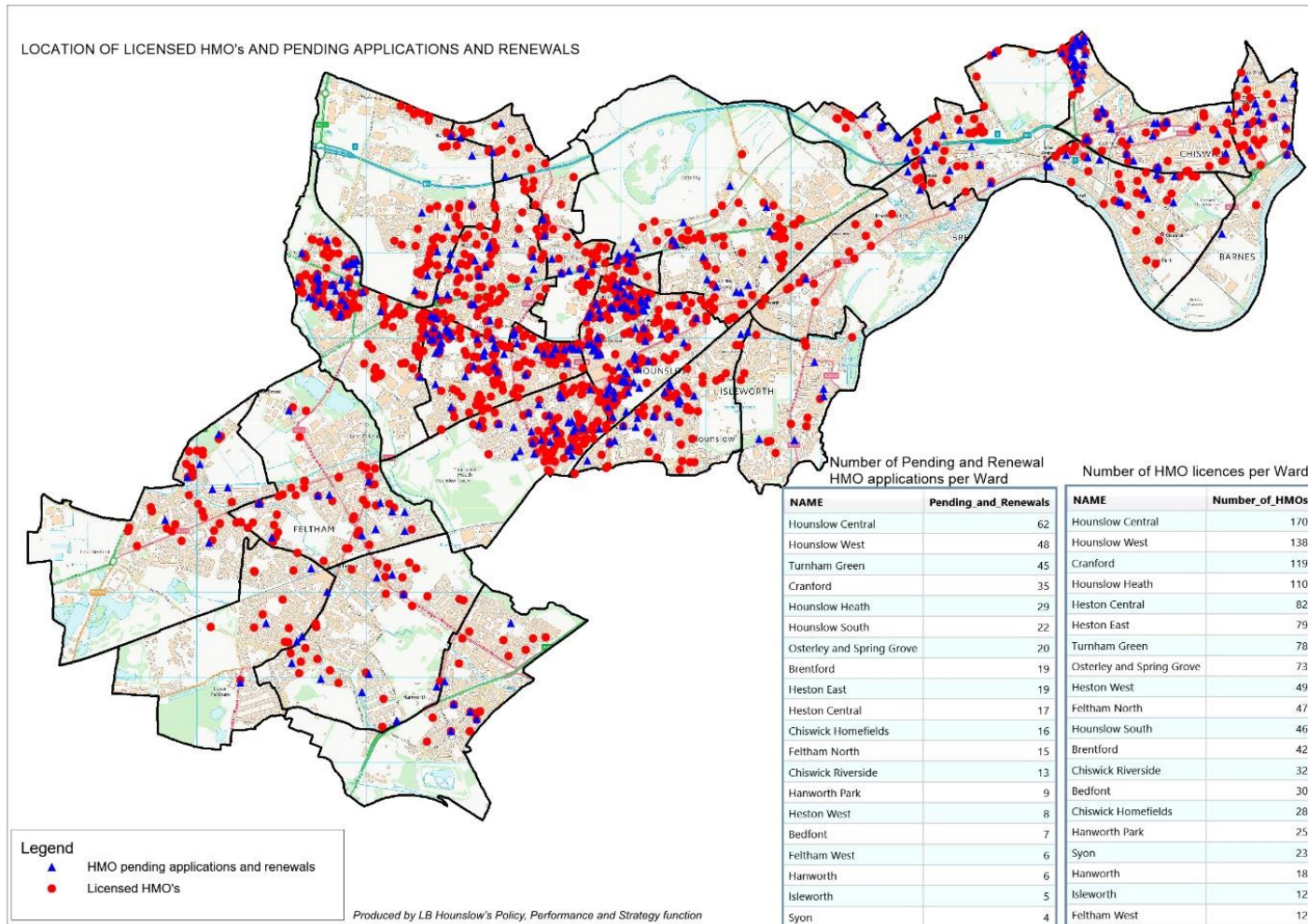


Figure 3: Location of HMOs and pending applications and renewals (26 March 2021)



5.5 This map gives a similar picture as the coverage of licensed HMOs, with Hounslow Central and Hounslow West at the top of the list, followed by Turnham Green, Cranford and Hounslow Heath. Syon, Isleworth, Hanworth and Feltham West are at the bottom of the list for the number of pending and renewal HMO applications per ward. However, as only a fraction of HMOs are licensed, this is likely a significant under-estimate of the actual numbers of HMOs across the borough.

5.6 Electoral Roll analysis: The number of licensed HMOs is likely to capture only a fraction of the actual number of HMOs. To give a further indication of likely levels of HMOs in different parts of the borough, the Council has analysed the electoral roll to ascertain the numbers of addresses in each ward with three or more electors with different surnames. It has also analysed planning data on the number of registered certificates for small HMOs and planning applications for large HMOs, as well as planning enforcement data associated with HMOs.

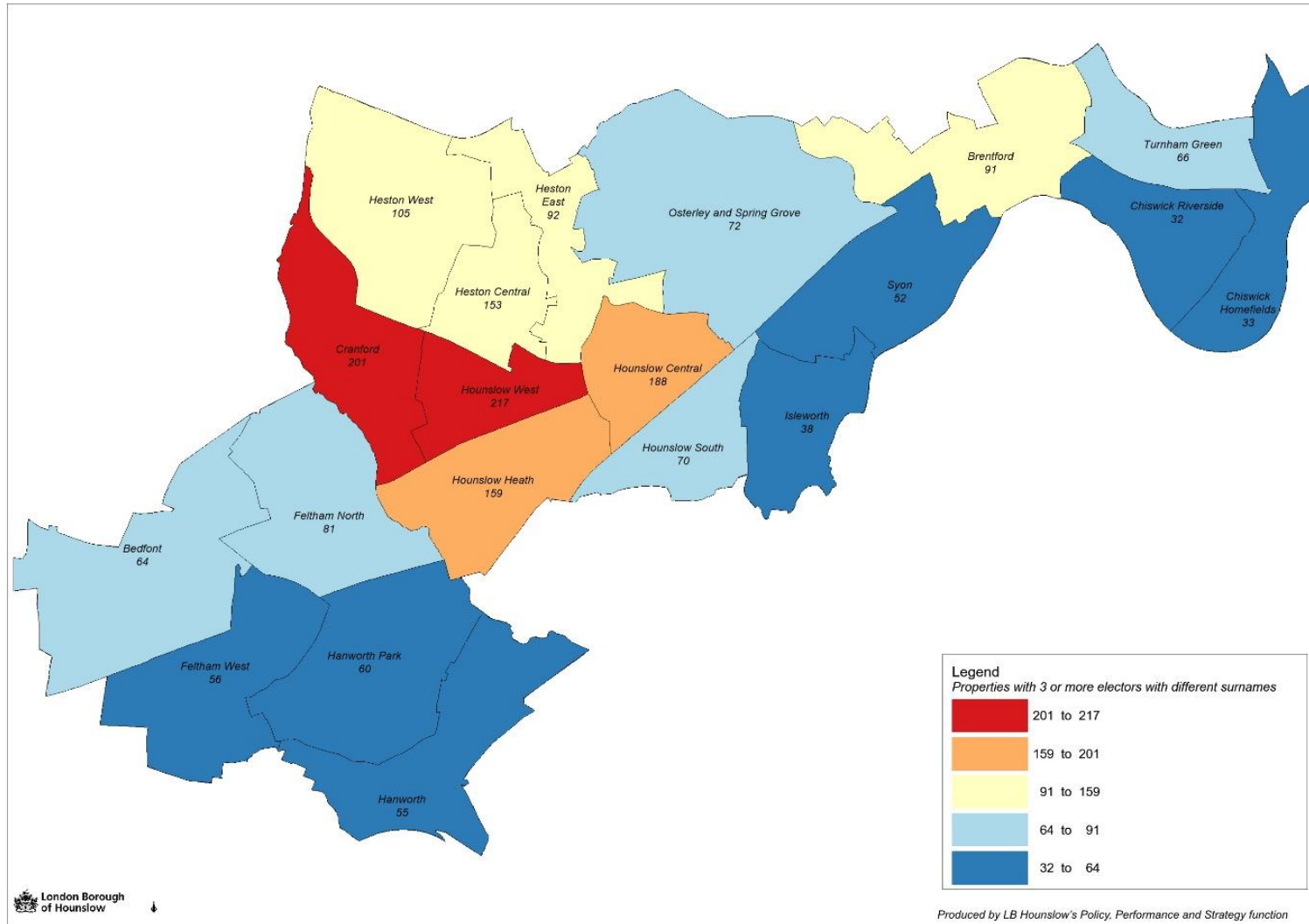
5.7 Table 1 below presents the number of properties with three or more electors with different surnames in each ward.

Table 1: Properties with multiple surnames (Electoral Register, as of 19 May 2021))

WARD	Properties with 3 or more electors with different surnames
Hounslow West	217
Cranford	201
Hounslow Central	188
Hounslow Heath	159
Heston Central	153
Heston West	105
Heston East	92
Brentford	91
Feltham North	81
Osterley & Spring Grove	72
Hounslow South	70
Turnham Green	66
Bedfont	64
Hanworth Park	60
Feltham West	56
Hanworth	55
Syon	52
Isleworth	38
Chiswick Homefields	33
Chiswick Riverside	32
TOTAL	1885

5.8 This data can also be shown by a heat map, as set out in Figure 4, indicating which wards have higher incidences of properties with three or more different surnames.

Figure 4: Map showing no of properties with multiple surnames on Electoral Register (by ward, as of 19 May 2021)



Source: LBH Electoral Services

5.9 This data is showing evidence of a similar picture as the licensed HMO data, but with some subtle differences. Cranford ward is notable as being the ward with the second highest number of properties with occupants having multiple surnames. Again, whilst there are differences in the number between wards, the data shows that there are properties with occupants who have multiple surnames in all wards, with Isleworth (38 properties), Chiswick Homefields (33) and Chiswick Riverside (32) being the three wards with the lowest numbers.

5.10 Whilst this data provides further indications of the likely incidence of HMOs, it still does not represent a complete picture. There will be a variety of reasons for properties to be inhabited by persons who have three or more surnames, including personal reasons. The fact that a property is an HMO is just one potential reason why it might contain three or more different surnames. Moreover, a sizeable proportion of adults (over 15 per cent according to 2018 Electoral Commission data) do not register on the Electoral Roll at their current address, and this is potentially likely to be even more likely in the case of inhabitants of HMOs. So rather than a firm indicator, the data is useful in combination of the other data presented in building up a broad picture of the likely growth of HMOs.

5.11 *Planning applications data:* Another potential indicator of the level of HMOs is information obtained from planning application records. The Council has therefore carried out an analysis of all such applications where they refer to HMOs (both small and large) in the description of the proposal, for the period 2016-21. The table below shows the yearly figures for the number of planning applications and certificates for lawful use for small HMOs.

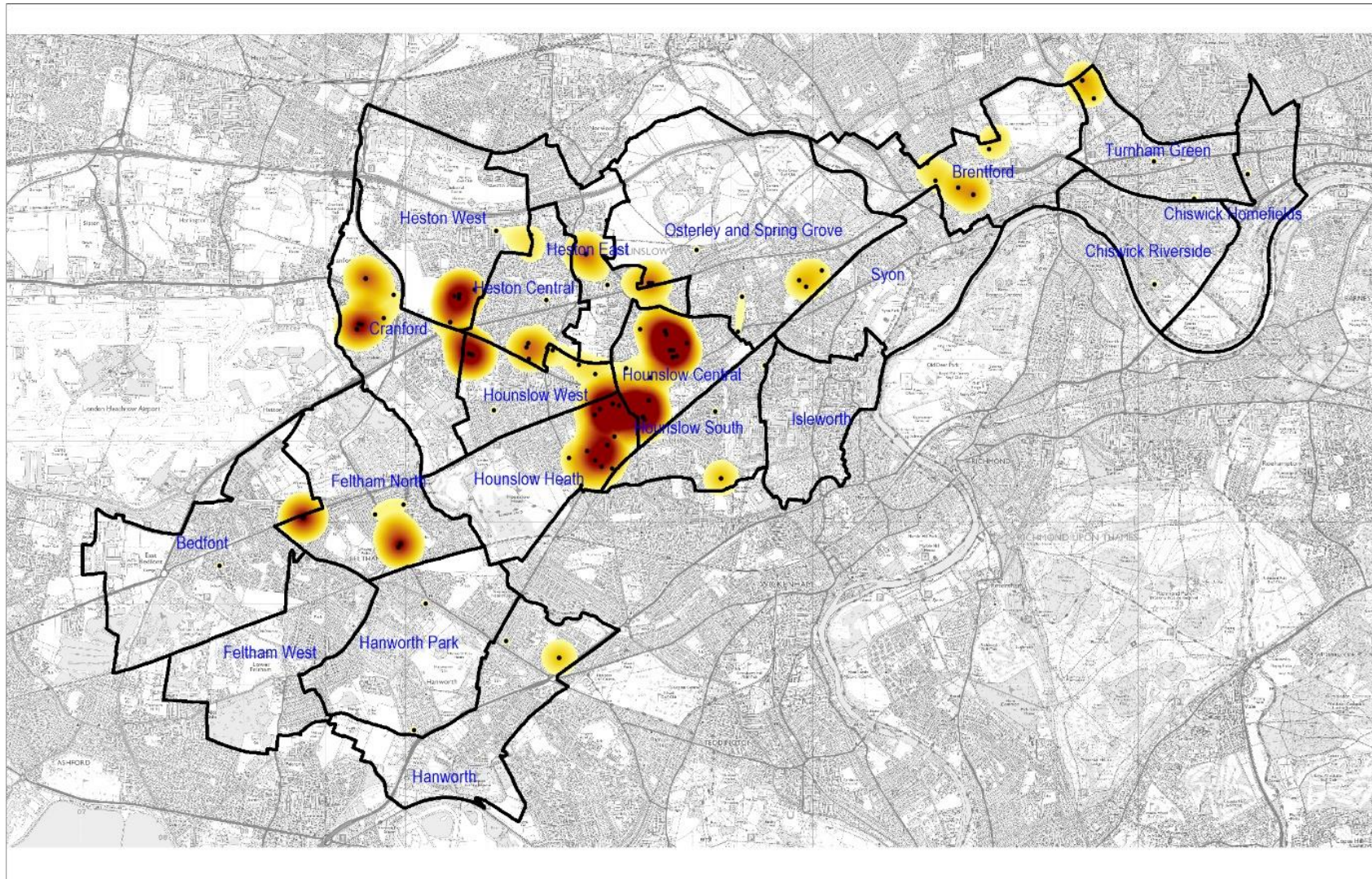
Table 2: Yearly (FY) figures for planning applications

Year (FY)	Total number of planning applications (and certificate applications) involving HMOs submitted	Applications for certificates of lawful use for Small HMOs submitted
2016-17	20	4
2017-18	25	4
2018-19	19	6
2019-20	21	6
2020-21	30	13

Source: LBH monitoring

- 5.12 This analysis shows that, in 2016, there was a significant level of planning activity involving HMOs and that this increased in the years since, with a particular increase in the number of certificates for lawful use for small HMOs being seen over the past year. Whilst this is a fraction of the true number of small HMO conversions taking place, it is a clear indicator of a significant increase in such conversion activity taking place in the borough over recent years.
- 5.13 The analysis of the planning application activity shows that during this five-year period, there were 115 applications in total for small and large HMOs. Of these, 26 were withdrawn, meaning that 89 applications were submitted on which a decision was subsequently made. For small HMOs specifically, 33 applications for a certificate of lawful use were submitted during this period, with 11 of these resulting in a decision of 'full planning permission required' and the remaining 22 resulting in a decision of 'full planning permission not required'. In other words, 22 small HMOs – those which do not require planning permission – were notified to the Council's planning department during this five-year period.
- 5.14 These 22 certificates were issued to properties in the following wards:
- Hounslow Central (4)
 - Brentford (3)
 - Hounslow Heath (3)
 - Cranford (2)
 - Heston East (1)
 - Hounslow West (1)
 - Heston Central (1)
 - Heston West (1)
 - Chiswick Riverside (1)
 - Turnham Green (1)
 - Hounslow South (1)
 - Feltham North (1)
- 5.15 The planning application data shows that, during the 2016-21 period, 56 planning applications were submitted, of which 45 were refused, 9 were approved, 1 was not determined and one was an appeal against non-determination.
- 5.16 The overall results of the planning applications and certificates data are represented in the following 'heat map', showing levels of concentration of planning applications and certificate of lawful use applications for HMOs.

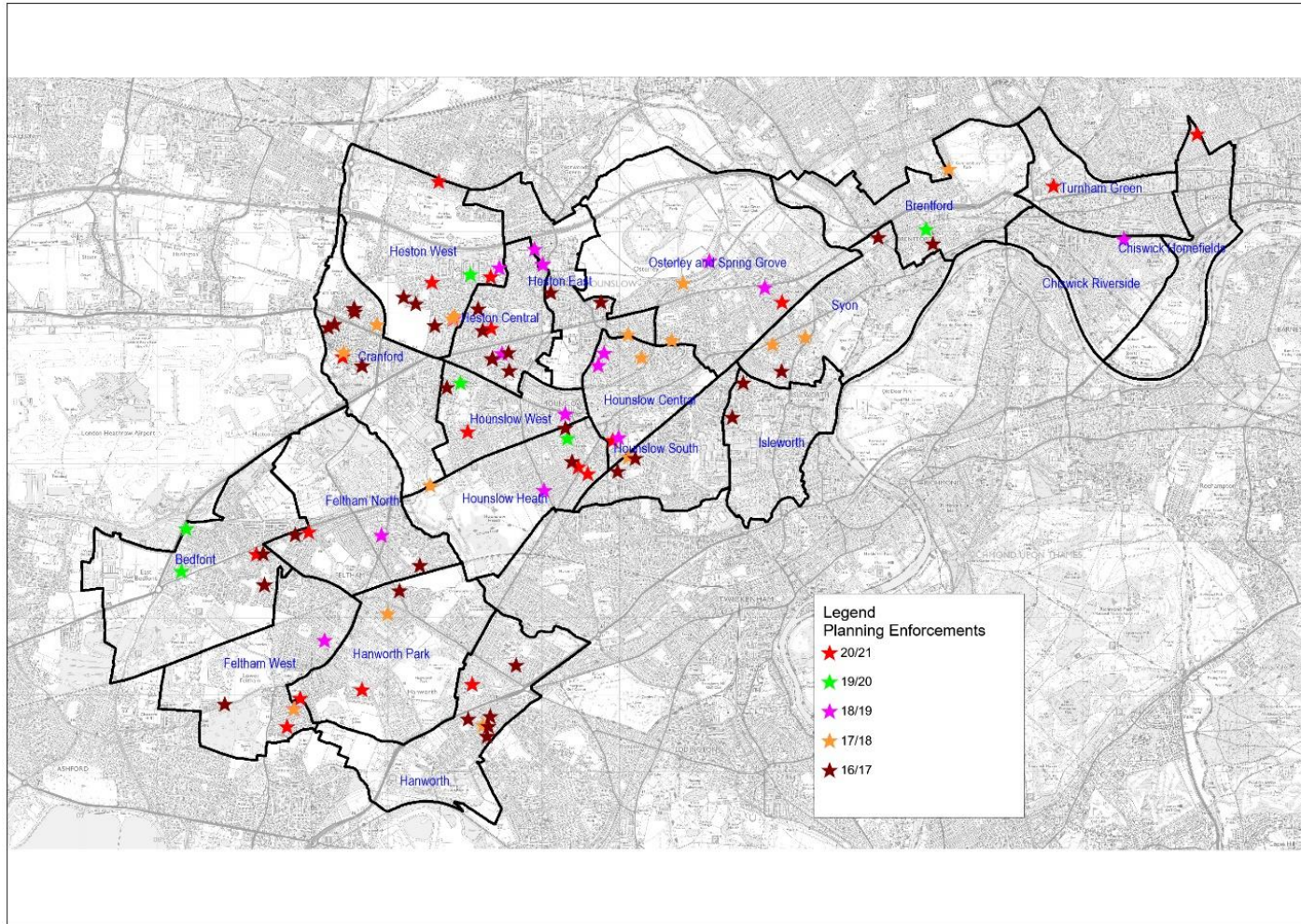
Figure 5: Locations of planning applications and certificates for lawful use for HMOs (2016-21)



Source: LBH monitoring

- 5.17 Overall, this data shows indications of concentrations of HMOs in some western and central parts of the borough, but also shows that HMO-related planning application activity is present in all parts of the borough. It shows that there is a consistent level of interest from property owners to convert houses into HMOs, whether small or large. The spread of these applications across wards in all parts of the borough shows how widespread this level of interest is.
- 5.18 For small HMOs, the total of 33 applications for certificate of lawful use shows this level of interest for making these conversions, and this is likely to be a fraction of the overall level of small HMO conversions. This is because the presence of the permitted development right for such conversions means that property owners who pursue these conversions are not required to go through the planning process or notify the Council's planning department of such conversions (notwithstanding any other requirements such as licensing).
- 5.19 *Planning enforcement:* A further source indicating likely presence of HMOs on the ground is data on planning enforcement cases. The planning enforcement service holds data on the number of cases logged as an HMO-related case. This therefore covers all complaints from neighbours, councillors and other stakeholders. These may include cases where the change is to a small HMO and, as this is permitted development, no further action is necessary; physical changes to a property to accommodate an HMO; beds in sheds; and unauthorised conversions to a large HMO.
- 5.20 The Council has formulated a working protocol between planning enforcement and housing enforcement. Under this agreement, all complaints are initially investigated by housing enforcement and new HMOs are invited to apply for a license. Where this happens and the property is a large HMO, planning enforcement then consider whether further action is necessary if there has been a breach of planning control.
- 5.21 The following heat map shows the location of all HMO-related planning enforcement cases during the 2016-21 period, i.e. capturing all the complaints made to enforcement involving possible HMOs.

Figure 6: Locations of planning enforcement cases involving HMOs or suspected HMOs (2016-21)



Source: LBH planning enforcement

5.22 Similarly to the previous data streams, the enforcement data shows particular concentrations of HMO-related cases in a number of wards. However, it also shows that cases are arising in all wards across the borough. Again, it should be acknowledged that these figures only capture a fraction of all HMOs, as not all conversions will be reported or subject to complaints.

Evidence on amenity impacts related to HMOs

5.23 In order to further investigate the likely extent of HMOs, including small HMOs, as well as to ascertain the impacts arising from concentrations of HMOs, the Council has also analysed a range of data over complaints to its housing enforcement service.

5.24 Complaints relating to HMOs: Complaints to the housing enforcement service related to concerns over possible HMOs are set out in the following tables and maps. These cover all complaints relating to HMOs. These will capture all complaints, irrespective of planning status, size of HMO and type of location/property. So it will give an indicator of the presence of HMOs, and their impacts, but is not an exact marker for the number of small HMOs in different areas.

5.25 Figure 7 below is a heat map which shows the location of complaints made to housing enforcement related to HMOs, irrespective of the type of complaint. It therefore shows the areas where complaints are concentrated.

5.26 The map shows that there are particular concentrations in the central and central/west part of the borough near to the main town centre of Hounslow, but that there are also smaller concentrations of incidents in other parts of the borough, and that cases arise in all wards.

5.27 Table 3 below shows the yearly figures for these complaints, and this shows how the number of complaints being made to the Council has been at a high and sustained rate over the past five years. The Council first proposed the Article 4 Direction in November 2016, and at that time it was not considered necessary to pursue the direction over a wider area. However, the figures below show that the number of complaints has since then been at a high and sustained rate during the five years since then, and is continuing at a very high rate in this current financial year according to the latest available figures.

Table 3: Yearly figures for HMO-related complaints to housing enforcement (2011-21)

Year (FY)	Number of complaints
2011-12	191
2012-13	76
2013-14	84
2014-15	84
2015-16	267
2016-17	341
2017-18	226
2018-19	417
2019-20	254
2020-21	276
2021-22 (April-August only)	148

Source: LBH housing enforcement

5.28 It should be noted that in the above figures include a significant number of cases in 2011-12 and 2015-16 which were the result of proactive investigation by housing enforcement services rather than being brought to the Council's attention

from complaints, and that therefore the figures for these two years is overinflated compared with the complaints data for all other years.

5.29 Focusing on the complaints data for the 2016-21 period, the detail of the complaints being made shows a high degree of concern over the type of amenity impacts which have often been linked with high concentrations of HMOs. These include concerns over:

- Anti-social behaviour
- Noise nuisance
- Refuse issues including the presence of rodents and fly tipping
- Parking issues
- Fire hazards

5.30 These issues are experienced by complainants across all wards, according to the data. In some cases, illegal activity such as that involving drugs has been alleged. Whilst not all complaints will result in further enforcement action, the scale and nature of the complaints indicates a strong likelihood that some of these negative amenity impacts are being experienced by communities in Hounslow as a result of HMO activity.

5.31 Table 4 below gives the total number of complaints for each ward during the 2016-21 period, which reflects the locational map at Figure 7. Note that the total sum of the figures may differ from the figures provided in Table 3 due to the way the figures have been calculated, but the differences are minor.

Table 4: HMO-related complaints per ward, 2016-21

Ward	Number of complaints 2016-21
Hounslow West	146
Hounslow Central	145
Heston Central	145
Cranford	136
Hounslow Heath	134
Heston West	82
Heston East	80
Feltham North	72
Bedfont	65
Hounslow South	62
Osterley & Spring Grove	52
Brentford	45
Feltham West	41
Hanworth	41
Turnham Green	41
Hanworth Park	40
Syon	27
Chiswick Homefields	23
Isleworth	18
Chiswick Riverside	10

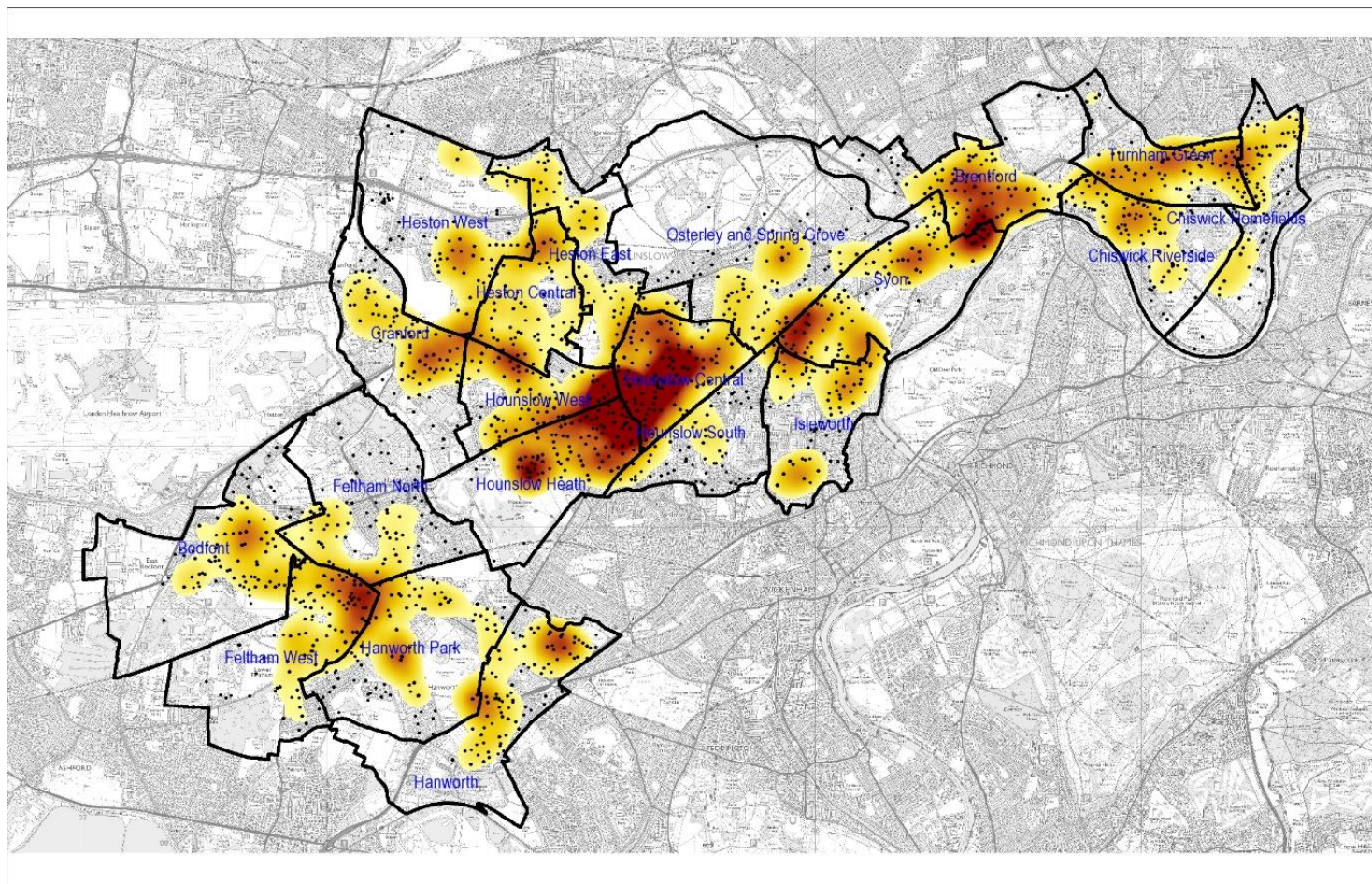
Source: LBH housing enforcement

5.32 Table 4 shows that, whilst some wards exhibit particularly high numbers of complaints, significant numbers of complaints are being lodged in all wards across the borough.

5.33 Noise/ASB/fly tipping complaints: This analysis has been supplemented by using data relating to complaints received by housing enforcement relating to anti-social behaviour and noise/waste issues. These complaints do not mention HMOs specifically, but in practice they often relate to HMOs given that these are the types of impact which are often generated by HMOs. They therefore help to supplement the picture of the incidence and spread of HMOs.

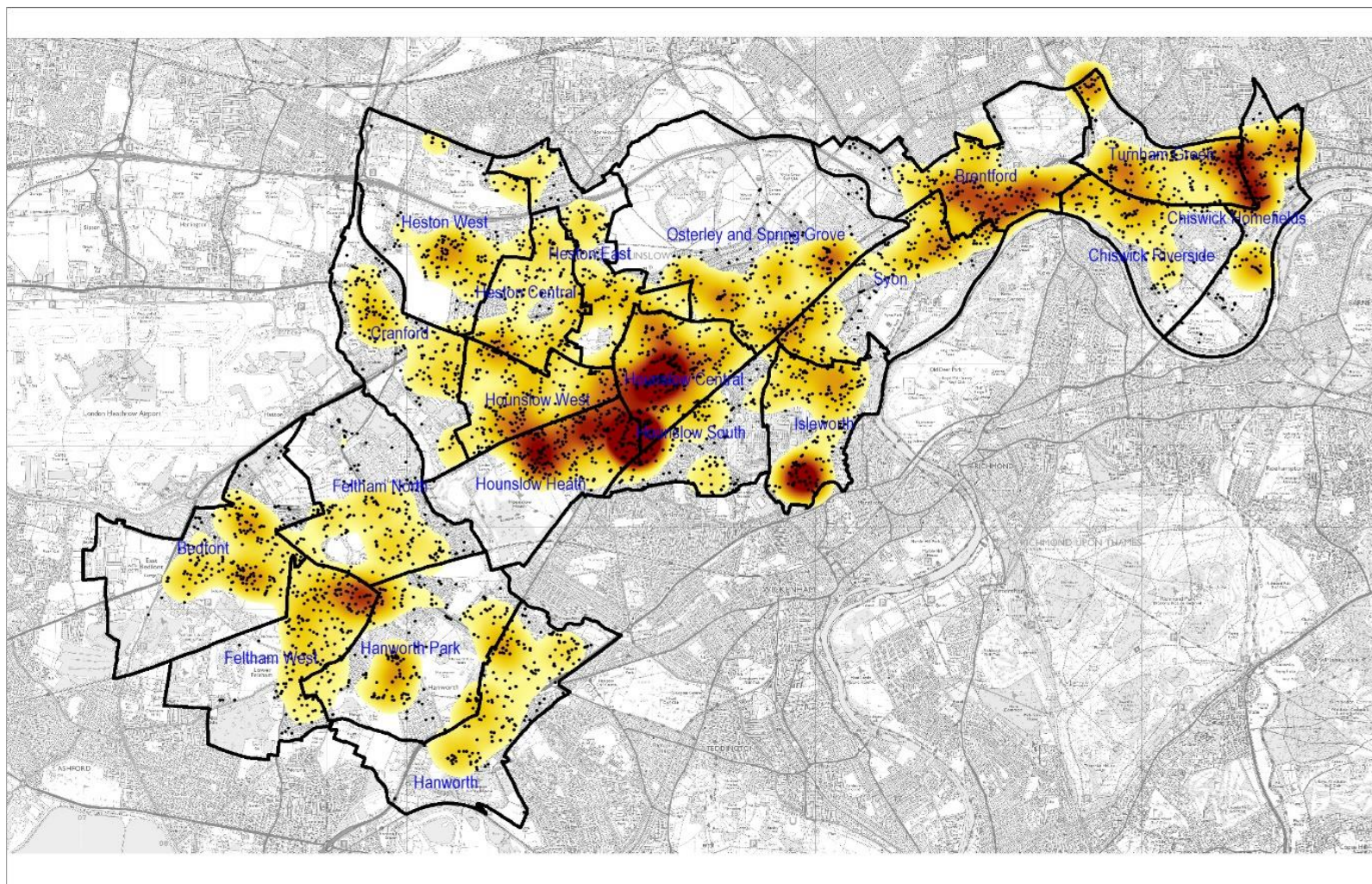
5.34 The first map below (Figure 8) shows the location of complaints related to anti-social behaviour over the financial year 2020-21. The second map (Figure 9) shows the location of complaints related to noise/waste issues over the financial year 2020-21. These complaints typically relate to issues such as fly tipping, loud music and domestic noise.

Figure 8: Location of complaints to housing enforcement relating to anti-social behaviour (2020-21):



Source: LBH housing enforcement

Figure 9: Location of complaints to housing enforcement relating to noise/waste issues (2020-21)



Source: LBH housing enforcement

5.35 Whilst the above maps show the extent of such complaints across the borough, it is also instructive to analyse the yearly number for these complaints, to show how the number of complaints about noise and waste related issues, the latter of which is particularly associated with HMOs, has changed year-on-year, as set out in Table 5 below.

Table 5: Yearly figures for noise/waste-related complaints to housing enforcement

Year	Number of complaints
2016-17	5463
2017-18	3154
2018-19	2861
2019-20	4839
2020-21	7389

Source: LBH housing enforcement

5.36 The table shows how there has been a high and sustained level of complaints about these issues since 2016, but also that there has been a very significant level of increase over the past two financial years. Whilst this is not a direct indication of HMOs, it lends further support to the evidence that there has been a significant increase in the number of HMOs in the borough and that this has had attendant impacts on local amenity.

5.37 *Fly tipping*: According to research on waste management issues associated with Houses in Multiple Occupation⁴, HMOs present specific challenges in waste management. In addition to generating more waste than other property types, evidence from monitoring and inspections suggests that these properties often produce low recycling rates, high levels of recycling contamination as well as the incorrect presentation of waste and recycling and issues with fly-tipping.

5.38 In this context, the data on fly tipping incidents can be particularly helpful in identifying the likely spread of HMO properties. The Council's highways department holds specific data on the number of fly tipping incidents reported, which is shown by calendar year in Table 6 below.

⁴ Centre for Social Innovation for Keep Britain Tidy *Understanding Waste Management in Houses in Multiple Occupation: A Tenant Perspective*, November 2020

Table 6: Yearly figures for fly-tipping incidents reported

Year	Fly-tipping incidents reported
2015	8,727
2016	11,899
2017	12,171
2018	17,385
2019	18,460
2020	22,727
2021 (Jan-July only)	14,034

Source: LBH environment, culture and customer services

5.39 The table shows a similar trend as the other noise/waste/ASB data, with rising fly tipping incidents during the last few years, and particularly since 2018.

5.40 Hounslow Council is proposing to introduce a new Waste and Recycling Collections Policy. Under the revised policy, the Council will decide the best waste and recycling collection method for a HMO property on a case-by-case basis and the decision will be agreed at the planning application stage.

Specific complaints from the public, stakeholders and members/petitions

5.41 The Council has also received a number of specific complaints relating to new HMOs, which have been relayed from members of the community to local members.

5.42 This includes a petition referred to the Council from the Old Feltham Residents Association relating to concerns about HMOs. One of these petitions highlights concern over the conversion of Addams House in Feltham to an HMO, and the other expresses concern generally about the profusion of HMOs in Old Feltham and in Hanworth Park ward. The petition refers to problems related to refuse, parking, anti-social behaviour and pressure on the local sewage system.

5.43 There has also been a particular complaint referred to the planning department by local MP Seema Malhotra relating to concerns over anti-social behaviour at a property in Feltham.

5.44 Concerns have also been fed into other Council members across the borough, which has led to the latest level of concern over HMOs and the setting up of a Task and Finish Group to assess the issue.

Conclusions from the evidence

- 6.1 From the ward level data, it can be seen that there is strong evidence of a significantly increased level of HMO conversions and associated impacts on amenity in Hounslow borough. The complaints data indicates that the problems caused by HMOs (as well as problems often associated with HMOs such as noise, fly tipping and anti-social behaviour) have increased significantly over the past two years and are at a sustained high level.
- 6.2 The data shows that there are some wards in the borough where there is evidence of a particularly high level of HMO conversions and impacts on amenity. In some of these wards, the character of the existing housing stock is unsuited to a large-scale spread of HMOs, both in relation to the housing stock itself and the level of accessibility. In some cases, the PTAL rating is poor, indicating that it is an unsuitable area for such developments and that such multiple occupancy will merely serve to increase car borne travel. This was originally a problem specifically identified in Hanworth ward in 2016, and now appears from the evidence to be more widespread.
- 6.3 But more fundamentally, the data shows that the spread of HMOs and HMO-related amenity issues has occurred throughout the borough. All areas and wards are affected by significant numbers of HMOs and HMO-related amenity issues.
- 6.4 For example, whilst the Chiswick wards show the lowest levels of HMOs/issues, they nevertheless have a significant presence of HMOs, planning application activity and level of complaints to housing enforcement. With the level of estimated HMO activity as seen from the evidence outlined above, it is considered that a risk of displacement of HMO activity could occur to wards or areas not covered by an Article 4 Direction if an area-based direction were to be introduced.
- 6.5 The Council concludes therefore that a borough-wide Article 4 Direction is necessary to protect local amenity and the wellbeing of the area. It is considered that the borough area (excluding non-residential areas such as green spaces and employment designations) is the smallest possible geographical area to ensure that local amenity and wellbeing of the area is protected.**
- 6.6 The introduction of an Article 4 Direction will not mean that it is impossible to convert a single-family dwellinghouse into a small HMO. It will mean, however, that the Council will be able to manage the impact of such conversions, and will be able to ensure that they are of an appropriate standard and that they do not give rise to a harmful impact on amenity or character of the area.
- 6.7 It is considered that, combined with the Council's additional licensing scheme which aims to improve housing conditions and standards of management in the private rented sector and to reduce ASB associated with poorly managed HMOs

so that they are not a blight on local neighbourhoods, the Article 4 Direction will be an effective measure to ensure an increase in the standards of HMOs in the borough and to manage their impacts on wider amenity.

6.8 The Article 4 Direction will also allow a consistent and robust approach to be taken to the Council's new Waste and Recycling Collections Policy, which will decide on the best waste and recycling collection method or a HMO property on a case-by-case basis with the decision agreed at planning application stage.

Next steps

7.1 Once the Council makes this non-immediate Article 4 Direction, it will need to be confirmed at least a year after the making of the direction, with the confirmation containing details of the implementation date of the direction.

7.2 Once the direction is implemented, a planning application for any change in use from a dwelling house to a small HMO will be required across the borough. Applications for this type of development will be considered against policies in Hounslow Local Plan in particular:

- Policy SC3- Meeting the need for a mix of housing size and type
- Policy SC6- Managing building conversions and subdivision of the existing housing stock
- Policy SC10 – Housing in Multiple Occupation, hostels and bed and breakfast accommodation
- Policy SC11- Student accommodation
- Policy CC1- Context and Character

7.3 The Houses of Multiple Occupation SPD will also be used to assess any planning applications for HMO conversions. The Council will carry out a review of this SPD alongside the preparation of the Article 4 Direction, to ensure that this guidance is up-to-date and effective for use in assessing small HMO conversions.

