

London Borough of Hounslow

Spatial Planning and Infrastructure Team

**Houses in Multiple Occupation Supplementary
Planning Document**

Adopted 21st November 2017

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1.0 Introduction and Background

Introduction

1.1 A House in Multiple Occupation (HMO) is a dwelling where facilities such as bathroom or kitchen are shared by three or more unrelated individuals. As a general summary, a HMO under planning legislation is defined as a house or flat occupied by a certain number of unrelated individuals who share basic amenities and is classified by the Uses Classes Order:-

- Use Class C4 – between 3 and 6 residents
- Sui Generis (a Use Class of its own) - more than 6 residents

1.2 A more detailed description of HMOs is contained in Appendix 3.

1.3 HMO's are an important source of low cost, private sector housing for those on low incomes, students and those seeking temporary accommodation. The Council's Local Plan, adopted in September 2015, supports HMO accommodation in areas of good public transport accessibility and with good access to town centre facilities (Policy SC10).

1.4 However, HMO's have and are often been associated with various issues and local planning authorities across the country have sought to regulate them through the planning process as well as through housing legislation. Issues include poor standards of accommodation and facilities (notwithstanding the current licensing regime through Housing legislation, see section 2), loss of local housing character, impacts on local amenity, pressure on parking, noise and disturbance, loss of family sized houses, increased pressure on local services and a general loss of environmental quality.

1.5 The Government introduced the C4 use class referred to above in 2010. These are commonly referred to as 'smaller HMOs'. The legislative change in 2010 means that planning permission is no longer required for a change of use from a single family dwelling house (Use Class C3) to a smaller HMO (C4), but that planning permission is required for change of use from a house (C3) to a larger HMO (sui generis).

1.6 However, local planning authorities can introduce a mechanism to require planning permission for certain changes of use that are currently permitted development, called an Article 4 Direction (A4D). The Council plans to confirm an A4D to remove permitted development rights for change of use from C3 (house) to C4 (HMO) in the Hanworth Ward in November 2017 having made the A4D on 2nd November 2016 (this A4D takes at least 12 months to come into effect). This A4D has been subject to consultation. The reason for this A4D for Hanworth Ward specifically was that it had come to light that a number of changes of use from houses to smaller HMOs through permitted development had occurred and the Council wants to require planning permission in order to assess the appropriateness of such HMOs through the planning process.

Purpose of the SPD

1.7 The Council considers it necessary to provide supplementary planning guidance to the Local Plan to assist in the consideration and determination of planning applications for HMOs that require planning permission in the Borough.

1.8 This draft Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) thus provides advice on the expected standards for HMOs in the Borough, and planning policy and development management guidance on the determination of planning applications for those HMOs that currently require planning permission – ie larger HMOs across the Borough and smaller HMOs in Hanworth Ward (as of Nov 2017). However, if the Council introduces further A4Ds across other wards, or the Government introduces legislation requiring planning permission for changes of use from houses to smaller HMOs, this SPD will cover those additional wards or will be Borough-wide for all HMOs regardless of size.

1.9 As such, this Supplementary Planning Document (SPD) will provide more guidance on the criteria against which planning applications for houses in multiple occupation are considered and will be a material consideration in the determination of those applications.

Background

1.10 The Council recognises that Houses in Multiple Occupation are a responsive and flexible part of the range of housing provision necessary to meet the needs of individuals and families within the Borough, and supports these in suitable locations. Private rented accommodation such as this provides a flexible and responsive housing resource for people moving into the local housing market.

1.11 HMOs that the Council is aware of are spread across all wards of the Borough, although two areas/wards with some of the best public transport accessibility, Hounslow Central and Hounslow West, have the most significant proportion (approx. 30%). There are significant proportions in other areas/wards where public transport accessibility is good (eg Turnham Green with 7% of HMOs) and where housing stock and characteristics has traditionally leant itself to larger HMO (eg Cranford with 12.5% of HMOs). There are 748 registered HMOs in the Borough, however, the actual amount of HMOs will be a higher number.

1.12 Although HMOs do provide a valuable, flexible and responsive source of housing, they can lead to the conversion of smaller family houses in the Borough, which are in particular need, and without careful planning and management can lead to detrimental impacts on local amenity.

1.13 Impacts of HMOs are well documented across the country, and many local planning authorities have introduced policies in Local Plans and Supplementary Planning Documents to seek to manage and guide these impacts, and the number and location of HMOs.

1.14 The problems associated with high concentrations of houses in multiple occupation have been recognised nationally by the government. In September 2008, the Government published the final report “Evidence Gathering – Housing in Multiple Occupation and possible planning responses” (CLG 2008). The report recognized the problems associated with houses in multiple occupation. The study drew on experience from local authorities, universities, housing providers, residents lobby groups including the National HMO Lobby and the Government Office Department of the Environment, Northern Ireland.

1.15 Although that report had a focus on impacts from over-concentrations of student housing, it does identify issues relating to HMOs that are also common to many authorities. As stated above, many authorities across the country have highlighted impacts from HMOs which need to be managed. The main impacts of HMOs that can need managing are;

- Poor standards of accommodation and conversion, lack of appropriate facilities
- Lack of appropriate amounts of external amenity space for HMO residents
- Through high levels of occupation and transient residents, imbalanced and unsustainable communities;
- Negative impacts on the housing stock and physical appearance of properties and gardens, and thus to the streetscape, through poor management
- Increased on-street parking pressures arising from shared households, particularly in areas of poor public transport accessibility
- Growth in private rented sector at the expense of owner-occupation;
- Loss of stock of family homes
- Residents can feel marginalised and isolated as permanent residents. This can lead to the demoralisation of established residents and the change in nature of local communities
- Pressure upon local community facilities and infrastructure, such as waste and sewerage system
- Increase in low level anti-social behaviour

2.0 Planning Policy Framework

National Planning Policy Framework (NPPF)

2.1 Relevant policies and guidance are contained within the National Planning Policy Framework (NPPF), and accompanying Planning Practice Guidance (PPG), including Paragraph 50 which seeks to “deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities” and Paragraph 58 which seeks to ensure that developments “will function well and add to the overall quality of the area respond to local character and history, and reflect the identity of local surroundings and materials”. The NPPF guides the content of Local Plans and related documents, and is a material consideration in the determination of planning applications.

London Plan

2.2 The London Plan is part of the Council’s overall ‘development plan’, which includes the Local Plan (adopted Sept 2015) and the West London Waste Plan (adopted July 2015).

2.3 Para 3.55 of the current London Plan (the London Plan is currently being reviewed at the time of writing) states that “shared accommodation or houses in multiple occupation is a strategically important part of London’s housing offer, meeting distinct needs and reducing pressure on other elements of the housing stock, though its quality can give rise to concern. Where it is of reasonable standard it should generally be protected and the net effects of any loss should be reflected in Annual Monitoring Reports. In considering proposals which might constrain this provision, including Article 4 Directions affecting changes between Use Classes C3 and C4, boroughs should take into account the strategic as well as local importance of houses in multiple occupation.

2.4 As set out below, the Council’s Local Plan recognizes the strategic and local housing offer of HMOs, and is generally supportive of HMOs in the correct location, of appropriate quality and managed well, and of a size that protects smaller family houses in the Borough.

Hounslow Local Plan 2015

2.5 In summary, Policy SCIO (Housing in Multiple Occupation, Hostels and Bed & Breakfast Accommodation) of the adopted Local Plan 2015 is the key policy in relation to HMOs. It states the following (this policy was written at the time in consideration of changes of use that required planning permission, and such was drafted for larger HMOs). Other Local Plan policies are referred to in this SPD.

2.6 *“Our approach - We will recognise that Housing in Multiple Occupation and the temporary accommodation provided by hostels and bed and breakfast accommodation are a responsive and flexible part of the range of housing provision*

necessary to meet the needs of individuals and families within the borough, and to support these in locations suitable for more intensive occupancy.

We will achieve this by;

(a) Supporting proposals for change of use to create new Housing in Multiple Occupation (for six occupiers or more) in appropriate locations (outlined in (d) below) for intensive occupancy, and where these help meet housing need and comply with the required standards;

(b) Supporting proposals for temporary accommodation in appropriate locations (outlined in (d) below) including new hostels and bed and breakfast accommodation where these help meet housing need and comply with required standards for registration; and

(c) Not requiring the provision of a family-sized ground floor unit in proposals for conversions into HMOs, hostels and bed and breakfast accommodation.

We will expect development proposals to;

(d) For Housing in Multiple Occupation, hostels and bed and breakfast accommodation, be located within convenient walking distance of town centre facilities and good public transport links;

(e) Have a minimum 'original' floor area greater than 130sqm to be suitable for conversion into non-family HMO, hostel or bed and breakfast accommodation, where these are located within convenient walking distance of town centre facilities and good public transport links;

(f) Include suitable facilities for the storage and collection of waste and recycling in a manner that complies with waste authority guidelines and will not have a serious impact on the character and appearance of the local area; and

(g) Demonstrate that proposals together with other similar development in the surrounding area will not have a serious harmful cumulative impact on the character and residential amenity of the area."

2.7 Section 3.0 below sets out additional guidance to this policy.

Other HMO legislation and guidance

2.8 Licenses are required under housing legislation on a different basis to consents in relation to planning legislation. HMOs are licensed to ensure that they are managed appropriately and provide an acceptable level of accommodation and facilities.

2.9 The standard and management of existing HMOs is primarily controlled through the Housing Act 2004 and Regulations. Under this Act, Local Authorities have a duty to license any HMOs that are three storeys or over and are occupied by five or more persons. This is known as mandatory licensing. Authorities also have the option of extending licensing (known as additional licensing) to other types of HMO or to specific areas (known as selective licensing).

Additional Licenses issued under the borough's additional scheme

2.10 The Borough's scheme applies to HMOs of 2 or more storeys with 4 or more occupiers sharing basic amenities. The scheme has been extended to the whole borough from the five central wards where it originally applied.

2.11 It is important to note that planning and housing legislation are independent of each other, and where applicable HMOs require the appropriate license and planning permission. A successful license application does not mean that planning permission has or will be granted, and planning permission will be needed. Requirements for a successful planning application are set out below in section 3.

2.12 However, there is some crossover between the Council's requirements in relation to planning, and in relation to housing. The respective elements of the housing standards are referenced in this SPD, but these HMO Standards can be viewed in full at https://www.hounslow.gov.uk/downloads/file/562/hmo_standards.

3.0 **HMO Planning Guidance**

3.1 The Council's approach to HMOs in Policy SC10 recognises that such private accommodation provides a flexible and responsive option in the local housing market.

3.2 However, Policy SC10 supports the conversion of larger houses to HMO (rather than flats as provided for in Policy SC6) in certain locations only, and where the 'original' floor area of the dwelling is in excess of 130sqm. Essentially in summary, SC10 seeks to protect the Borough's stock of smaller family homes (130sq.m 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.

3.3 As such, within the context of policy SC10 of the adopted Local Plan, HMO proposals that require planning permission need to follow the following guidance.

Location

3.4 Proposals for HMOs need to be located within convenient walking distance of town centre facilities and good public transport links. Essentially this means 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).

3.5 PTAL levels for London are set and updated by Transport for London (TfL) and PTAL levels are used for certain purposes within the London Plan, such as directing development of a greater density to locations of stronger PTALs.

Size - minimum floor area

3.6 Proposals for a HMO should have a minimum 'original' floor area greater than 130sqm to be suitable for conversion into HMOs. The Council has a pressing need for smaller family houses in the Borough. As such the Council seeks to protect existing smaller houses from conversion/change of use and seeks a significant proportion of family accommodation within proposed development (generally approx. between 25 and 30% of new homes should be 3 to 4 bedroom, Policy SC3 - Meeting the Need for a Mix of Housing Size and Type). This is why Local Plan policies SC10 and SC6 in relation to proposed conversions from houses to flats (SC6 - Managing Building Conversions and Sub-division of the Existing Housing) protect houses of 130 sq.m or less in (original) floorspace against conversion into HMOs (and other uses) and flats.

3.7 The conversion of properties that only achieve a total floorspace of more than 130sqm because of previous or proposed extension are not be supported by

Policy SC10. The impact of such multiple-occupation on the residential amenity and character of the surrounding area is likely to give rise to serious harmful impact.

Impact on Amenity

3.8 In assessing planning applications for HMOs, the Council will seek to ensure that the change of use will not be detrimental to the amenity of residents/tenants of the HMO, neighbours or the overall residential amenity of the area. In considering the impact on amenity, attention will be given to whether the applicant has demonstrated the following:

- I. the dwelling is large enough (see para above, above 130 sq.m in original floorspace) and appropriate for conversion to provide suitable accommodation for residents, and meets the room standards set out in the Council's HMO Standards, an excerpt is contained in Appendix 1;
- II. there is no detrimental impact on existing on-street parking (see section on parking below)
- III. there is sufficient space for appropriate provision for secure cycle parking (see section on parking below);
- IV. the HMO includes appropriate facilities for residents and the condition of the property is/would be of a high standard and maintained as such;
- V. the HMO will not have an adverse impact the amenity of neighbouring residents and the locality
- VI. there is sufficient space for storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property (see section on waste and recycling below); and
- VII. the change of use and increase in number of residents will 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, see section on parking below

3.9 A management statement should be submitted with a planning application setting out how the property will be managed to address the above criteria, which are expanded on below. Such a management statement or plan will be required also for a license application for a HMO.

3.10 Further guidance on amenity is as follows.

Layout, design and condition of the property

3.11 Applications for HMOs will be expected to demonstrate that the layout and design is suitable for the proposed use and number of units of occupation. The internal layout should be considered to ensure that where possible the position of rooms allows rooms of a similar type to be located together, for example bathrooms, bedrooms, kitchens and lounges. Any external alterations must be in keeping with

the character of the building and the area in accordance with policies within the Local Plan and supplementary planning guidance.

3.12 In assessing applications to determine if layout and design is appropriate, the following will be considered;

Internal Layout

- all units of occupation shall have independent access to the communal areas. Proposals which rely on access through another unit of occupation will not be acceptable. HMOs should normally have at least one communal room. The location of the communal room should be indicated on the plans submitted when applying for planning permission. It is recognised that there may occasionally be some forms of HMO where an applicant may be able to demonstrate that the provision of a communal room would not be appropriate. Where a communal room is not proposed an explanation setting out the justification for this should be included within the planning application. In such instances the floor space of the bedrooms would be expected to be significantly larger than the minimum space standards, see para 3.13 below which refer to the Council's HMO Standards. These Standards also have guidance on communal rooms.
- all units of occupation shall have access to a kitchen or cooking facilities that are conveniently accessible, suitable and sufficient for the number of occupants

Space and Occupancy standards

3.13 Room sizes for HMOs should comply with the Council's HMO Housing Standards which can be viewed at https://www.hounslow.gov.uk/downloads/file/562/hmo_standards and are contained within Appendix 1 of this SPD. (Please note these Standards may be subject to change and potential applicants should check for any updates on the website).

External amenity space

3.14 HMOs, including extensions to existing houses in multiple occupation, will be expected to provide sufficient useable outdoor amenity space for the number of occupants. The outdoor amenity space should comply with Local Plan Policy SC5 (Ensuring Suitable Internal and External Space), key elements of which state that for applications the Council will be;

- Seeking that provision of private external space that is usable and affords privacy and security with regard to the benchmark external space standards set out in Figure SC5.2;
- Demonstrate through a clear design rationale how the benchmark external space standards contained in Figure SC5.2 have been considered. The exact

area and character of external amenity space will vary according to the size and use of the dwelling unit;

- Show how the aspect, usability, sense of enclosure and prevailing pattern established by local character have been considered in external open space proposals to create sufficiently high quality living conditions.

3.15 Fig SC5.2 – Benchmark External Space Standards sets out that for houses the usable amenity space should be provided to no less than the following standards:

- 3 habitable rooms = 50sqm
- 4 habitable rooms = 60sqm
- 5 habitable rooms and over = 75sqm

3.16 In addition to size the layout of the amenity space must always provide a suitable shape, aspect and siting. Extensions or on-site car parking should not result in undue loss of space.

3.17 As SC5 states above, the exact area and character of external amenity space will vary according to the size and use of the dwelling unit. HMOs are required where possible to provide the above sized external amenity space. In many cases for HMOs, given the number of habitable rooms (especially for larger HMOs), the requirement will be 75sq.m of external amenity space. However, this will be dependent on the overall size and shape of the space available. Essentially amenity space for HMOs should be;

- regularly shaped to ensure it is usable, and be private and secure
- be readily accessible by all occupants. Proposals which rely on access through a bedroom or another tenancy unit will not be accepted.
- be provided in addition to the space that is provided for car parking, cycle parking, waste, recycling and compost bins, and drying areas.

Drying areas

3.18 Where it is not reasonably possible for an applicant to provide an outside drying area, space within the proposed HMO should be allocated for drying clothing. Where space is provided it must be well ventilated and allow occupants to move about freely.

Entrances

3.19 Applications which would result in the function of the main access to a building changing, so that a secondary access functions as the main access, will not be accepted. For example, an application which would result in the functional access to the building changing to become through a rear door or side door or garage door, rather than the front door, is unacceptable. The only exception to this is if it can be demonstrated that an existing secondary access was originally designed for use as the main access. These requirements are to ensure that the character of the

building is retained and ensuring acceptable levels of security through passive surveillance are achieved.

Alterations and extensions

3.20 Where the application property does not benefit from permitted development rights, any extensions/alterations should comply with the Council's Residential Extensions Guidelines SPD. Note guidance above which states that for any proposed change of use from a house to a HMO, the original, unextended floorspace of the house must be over 130sq.m. Proposals for off-street parking and a vehicular crossover need to comply with the parking guidance set out below.

Impact on Local Amenity

3.21 HMOs as set out in section 1 can have negative impacts on a locality and which can be contrary to the elements set out above if not managed well. These issues can become more acute where the building has a large number of occupants, or where there is a localised cluster of these uses. The developer should consider these issues from the outset. The impact upon neighbouring properties of comings and goings and the cumulative effect on a local community will be taken into account by the Council when making a decision on a planning application.

3.22 As such, in determining HMO planning applications, the council will consider the cumulative impact of the proposal together with other similar developments in the surrounding area upon residential amenity and character. Applications will need to demonstrate that proposals together with other similar development in the surrounding area will not have a serious harmful cumulative impact on the character and residential amenity of the area. The Council will consider any known issues or history within an area in which a HMO is proposed, such as planning or housing enforcement cases or revoked licences, or known cases of disturbance in an area including anti-social behaviour.

3.23 The Council will monitor the number and location of HMOs and similar uses, and consider introducing a threshold for a locality above which the number of such uses cannot exceed to prevent over-concentrations from occurring if felt necessary. It will also consider introducing additional A4Ds across other wards in the Borough to require smaller HMOs to require planning permission.

Car and bicycle parking

3.24 As set out above, HMOs should be located in areas of at least PTAL4 and with good access to town centre facilities. Given the good public transport access in these locations, there will be an expectation that proposed HMOs will not generate a need for car parking, and additional off-street parking provision would not be supported. Where the HMO is within a Controlled Parking Zone, occupants are entitled to apply for permits if they have registered their car at the address, however the number of permits available will be restricted in accordance with Local Plan policy EC2 (Development a Sustainable Local Transport Network).

3.25 Proposals for HMOs outside of locations with a PTAL4 and without good access to town centre facilities are unlikely to be granted planning permission. However, all applications will be assessed, and proposals in areas of less than PTAL4 should be accompanied by a parking stress survey to indicate whether there is on-street capacity in the locality for additional car parking. A Parking Stress Survey should be undertaken in accordance with current guidance.

3.26 To promote sustainable modes of transport, there will be a requirement of one bicycle parking space per tenanted unit/bedroom proposed in the HMO. Bicycle parking should be provided in an enclosed secure cycle store, subject to adequate space and locations being available in the external areas of the proposal site. Further guidance is available in Policy EC2 of the Local Plan and the West London Cycle Parking Guidance (WestTrans 2016).

Refuse and Recycling

3.27 Refuse and recycling Proposals for HMOs must include suitable facilities for the storage and collection of waste and recycling in a manner that complies with waste authority guidelines and will not have a serious impact on the character and appearance of the local area. The Council's HMO Standards set out the requirements for the number of bins and recycling containers required in HMOs. These standards are set out on the Council's website at https://www.hounslow.gov.uk/downloads/20093/private_landlords. These refuse and recycling standards may be subject to change, applicants are advised to contact the Council to ensure they are viewing the latest standards.

3.28 The following criteria may apply to refuse and recycling facilities in relation to HMOs (subject to any change as referred to above) -

- Planning permission will only be granted for a house in multiple occupation where it has been demonstrated that appropriate provision has been made for the storage of bins and their collection.
- All occupants must have direct access to adequate space for the storage of waste, recycling and compost bins within the property boundary.
- Provision must meet the HMO standards set out on the Council's website
- There must be an appropriate designated storage place(s) outside the HMO for the wheeled bins.
- The storage place(s) for wheeled bins must be; on a hard, level surface, easily accessible from the kitchen(s) and the road and screened from view at the side and rear of the property wherever possible.

4.0 **Other Considerations**

Pre-application advice

4.1 The Council offers a formal pre-application advice service where we will give you site-specific advice about the proposal and whether you need planning permission and, if so, the likelihood of your application being successful. You can either arrange a meeting with a Planning Officer to discuss your proposal or just ask for written advice. All the information on how to apply can be found on the Council's website: www.hounslow.gov.uk/planning. There is a modest fee for this advice.

4.2 Applicants are strongly encouraged to take advantage of this service to establish areas of concern prior to the submission of a scheme. Failure to obtain advice prior to the submission of an application increases the chance of refusal and often results in frustration and an unnecessary waste of time and expense for an applicant.

S106 agreements

4.3 A S106 agreement between the Council and the applicant may be considered necessary to secure any measures required to mitigate the impacts of the development that are not appropriate to be secured as conditions.

Conservation Areas and Listed Buildings

Conservation areas

4.4 Where a property is located within a conservation area, additional design and heritage considerations will apply if external physical changes to the building are proposed.

Listed buildings

4.5 Where a building is listed, internal subdivision may damage the special historic interest of the property. Applicants should be aware that additional considerations apply to historic buildings and that where a building is listed, listing building consent is required. Listed building control is a special form of control applicable to buildings of special architectural or historic interest. It extends to any works for the demolition of a listed building, or for its alteration or extension in any manner likely to affect its character as a building of special architectural or historic interest. Further information about listed buildings is available on the Council's website, under Planning.

Conditions

4.6 Conditions - the following conditions are particularly relevant for houses in multiple occupation applications and are likely to be imposed on any planning permission granted where appropriate:

- Car parking provision or restriction (or possibly through a S106 agreement)
- The provision of and retention of covered secure cycle stands
- The provision and retention of a location for wheelie bins.
- The provision of and retention of outdoor amenity space.
- The provision of and retention of outdoor clothing drying area.
- That the development, including the internal layout, is carried out in accordance with the plans.
- There shall be no sub-division of the approved internal layout to provide additional bedroom accommodation.

Regularising established HMOs - applying for a Certificate of Lawful Use

4.7 A landlord may be eligible to apply for a 'Certificate of Lawful Use' to regularise an existing HMO dwelling which under the Council's planning records is not lawful, such a Certificate can be applied for to regularise a large or small HMO. Subject to assessment through the application process, a small C4 HMO occupied on or before the A4D for Hanworth Ward came into force or demonstrating four years of continuous C4 occupancy will be deemed the lawful use after this date. Satisfactory evidence will be needed to demonstrate the lawful occupation of the HMO. If a landlord does not want to regularise their small/medium HMO, it is strongly recommended that they retain sufficient documentation to demonstrate lawful use as a small/medium HMO on the date the A4D came into force or demonstrating four years of continuous C4 occupancy. The onus is firmly on the applicant to demonstrate that, on the balance of probability, there is sufficient evidence to enable a Certificate to be issued. This will reduce the owner's risk of the Council taking enforcement action against them.

Implementation and Monitoring

4.8 Enforcement will play a key role in ensuring the provisions of this guidance are implemented correctly. For more information on the Council's approach to planning enforcement and how to report an enforcement case please see the Council's website. It should be noted that the Council can only take action on a breach of planning control when a material change of use has actually occurred, not when a property has been sold but remains unoccupied, or when it is in the process of conversion.

4.9 The effectiveness of this SPD will be monitored as part of the Council's Authority Monitoring Report process using information from planning applications and Certificate of Lawfulness decisions.

Appendix 1 – HMO Space and Occupancy Standards

(Please note these standards may be subject to change, please visit the Council's website at https://www.hounslow.gov.uk/downloads/20093/private_landlords for any updates).

When measuring the size of the room and assessing usable space, the shape of the room should be taken into account as well as the total floor area.

Space taken up by fitted units are counted in the floor area calculation, but chimney breasts, lobbies and bathroom/shower rooms or toilets are not.

Rooms must have a minimum floor to ceiling height of at least 2.14 m over 75% of the floor area. Any floor area where the ceiling height is less than 1.53 m is disregarded. Where bunk beds are used there shall be a minimum floor to ceiling height of 2.5 metres.

A maximum of two people are permitted to share a room for sleeping irrespective of age. If there are two occupiers, they must be living together as partners, family members or consenting friends. A room shared by more than two people would be considered to be overcrowded, and may be the subject of enforcement action.

A room used for sleeping must not be shared by people of the opposite sex who are 10 and over, unless they are married or living together as husband and wife.

Room sizes must comply with the following minimum standards:

Accommodation where shared kitchen facilities are provided separately	Size of Room	Maximum Number of Occupants
All rooms	0 - 6.5 m ²	0
Room – where a communal living room or dining area is provided	6.5 - 10.2 m ²	1
Room - where a communal living room or dining area is provided	More than 10.2 m ²	2
Room – where no communal living room or dining area is provided	9 -12 m ²	1
Room – where no communal living room or dining area is provided	More than 12 m ²	2

Accommodation where the letting room contains its own kitchen facilities	Size of room	Maximum number of occupants
All rooms	0 -10.5 m ²	0
Bedsit	10.5 – 14 m ²	1
Bedsit	More than 14 m ²	2

Buildings converted into flats (S257HMOs)	Size of room	Maximum number of occupants
All rooms	0 – 6.5 m ²	0
Studio with en suite and kitchen facilities	13.5 – 16 m ²	1
Studio with en suite and kitchen facilities	More than 16 m ²	2
bedroom in a flat – with separate living room or dining room	6.5 - 10.2 m ²	1
Bedroom in a flat – with separate living room or dining room	More than 10.2 m ²	2
Bedroom in a flat – without separate living room or dining room	9 -12 m ²	1
bedroom in a flat – without separate living room or dining room	More than 12 m ²	2
Additional bedroom	6.5 - 10.2 m ²	1
Additional bedroom	More than 10.2 m ²	2

KITCHEN SIZES	
Kitchens	Minimum Room Size [square metres]
Up to 5 people sharing	6.5 m ²
Up to 10 people sharing	11 m ²

Living rooms should be fully furnished and be of sufficient size to enable adequate comfortable seating, such as sofas and armchairs to accommodate all of the occupiers at any one time (to avoid incidences where some occupiers are unable to make use of the communal living room at certain times) and would usually have a television and coffee table.

Dining areas should be of sufficient size to enable provision of sufficient dining table and chairs to accommodate all the occupiers at any one time as above.

Appendix 2 - HMO definition

1. In broad terms, a HMO under planning legislation is defined as a house or flat occupied by a certain number of unrelated individuals who share basic amenities and is classified by the Uses Classes Order 1987 (as amended):-

- Class C4 – between 3 and 6 residents
- Sui Generis (of its own kind) - more than 6 residents

Class C4 HMOs (small HMOs)

2. For the purposes of Class C4 the occupation of a HMO dwelling has the same meaning as in section 254 of the Housing Act 2004/15 with exception of section 257 (relating to converted flats) and those buildings listed in schedule 14 (see paragraphs 3 and 4 below). In summary, a HMO is defined as a building or part of a building (i.e. flat) which:

- is occupied by at least 3 persons not forming a single household; and
- the HMO is occupied as the only or main residence; and
- rents are payable or other consideration is provided in respect of at least 1
- of those occupying the HMO; and
- two or more households share one or more basic amenities (or lack such amenities).

'Sui Generis' Larger HMOs

3. Larger HMOs with more than six people sharing are unclassified by the Use Classes Order and are therefore considered to be 'sui generis', (a class of its own). Planning permission is required for larger HMOs.

4. The meaning of 'basic amenities' is defined under the Housing Act section 254(8):

- a toilet;
- personal washing facilities; or
- cooking facilities.

5. Schedule 14 of the Housing Act includes a list of 'buildings which are not HMOs'. It includes the following types which will not be identified as residential properties when calculating the proportion of HMOs in accordance with the methodology in the HMO SPD:

- social landlord registered and local authority housing;
- care homes;
- bail hostels;
- children's homes;
- occupied by students that are managed by an education establishment i.e. halls of residence;

- occupied for the purposes of religious community whose main occupation is prayer, contemplation, education and the relief of suffering;
- managed or controlled by 'fire and rescue authority' or 'health service body';

6. There will be a number of the HMOs identified by the Council's Housing Team in the category specified under section 257 of the Housing Act which do not fall under the planning definition of HMOs,