

# RESIDENTIAL CONVERSIONS

## SUPPLEMENTARY PLANNING DOCUMENT

Conversion of Properties to Self-Contained Flats or for Multiple Occupation

Adopted November 2013



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**'Checklist' for consideration of residential conversions applications**

Note: Policies with the prefix 'CS' are adopted Core Strategy policies and policies with the prefix 'DM' are adopted Sites and Detailed Policies Document policies.

Checklist 1	(CS18, DM8): Any external alterations must be carried out sympathetically, respecting the physical character of the area.	
Checklist 2	(DM4, DM9, DM10): Extensions must achieve acceptable residential amenity for existing and new occupiers plus respect the character of the existing house and area ensuring outside amenity space is not unacceptably reduced.	
Checklist 3	(DM8): Any residential conversion must contribute to achieving an appropriately mixed and sustainable community by providing an acceptable housing mix, ensuring that, as appropriate, single family housing remains the dominant form of dwelling in the vicinity of the application and ensuring there is not a detrimental impact on the physical character of the area.	
Checklist 4	(DM10): An appropriate level of private outdoor space will be expected.	
Checklist 5	(DM4, DM8): Issues such as those below need to be taken into account in any residential conversions application: <ul style="list-style-type: none"> <li>• privacy and overlooking,</li> <li>• access to sunlight and daylight,</li> <li>• visual dominance and overbearing effects of a development,</li> <li>• noise and disturbance,</li> <li>• crime and safety.</li> </ul>	
Checklist 6	(DM8): The property to be converted to a flat or large HMO should have four or more bedrooms or measure more than 120 square metres gross. When calculating the floor area of the property the measurement should be based on the external dimensions as at 1 <sup>st</sup> July 1948 or when built (whichever is the later).	
Checklist 7	The Local Planning Authority will consider applications for house conversions including both HMOs and flats against the Council's adopted minimum internal floorspace standards as set out at Appendix 1.	
Checklist 8	(DM4, DM8): It will be necessary to ensure appropriate sound insulation between proposed and neighbouring units before a converted property is occupied.	
Checklist 9	(DM4, DM8): Proposed layouts should avoid locating living rooms, bathrooms and kitchens next to, above, or below	

	proposed and neighbouring bedrooms. Instead, the 'stacking' of rooms of a similar type is preferable.	
Checklist 10	(DM4, DM8): Habitable rooms, such as living rooms and bedrooms, should benefit from an external window. The provision of natural light and ventilation is a legal requirement under Environmental Health legislation.	
Checklist 11	(DM4, DM8): Proposals for self-contained units, solely within a basement, will normally be permitted where this unit would benefit from dual aspect*, an acceptable outlook** and sufficient headroom***.	
Checklist 12	(DM8): Proposals which seek to convert attic/ loft space will normally be permitted where the attic/loft space would benefit from sufficient headroom and is incorporated into a self-contained unit which is split over two floors of accommodation.	
Checklist 13	(CS18, CS24): Parking standards for all residential conversions should be in accordance with the Council's adopted 'Revised Parking Standards and Design' (2011) SPD.	
Checklist 14	HMOs located within a street where a residents' parking permit scheme operates will not be entitled to on-street car parking permits. The same restrictions may apply to new flats in such streets, see the 'Revised Parking Standards and Design' SPD.	
Checklist 15	(CS7, CS18, DM8, DM9): Removal of boundary treatment to accommodate parking or access to parking will not be permitted where it makes a valuable contribution to the character of the area.	
Checklist 16	(CS24, DM4, DM8): The provision of outdoor cycle storage should have a secure, covered and convenient location. The storage area should be lockable with provision to secure bicycles within it.	
Checklist 17	(CS18, DM8): Sufficient and suitable refuse containers should be provided within the curtilage of the application building which are easily accessible for all occupants of the house and the refuse collectors and ensuring they are sympathetically located with regard to their visual impact.	
Checklist 18	(CS5): Where possible, a level access from the public highway to the building's principal entrance should be provided or retained.	
Checklist 19	(CS9, CS16, CS20, CS29, DM3, DM6): Developers should compensate for loss or damage created by a development and mitigate any impact caused. A planning obligation to secure a financial or other contribution towards physical or social infrastructure improvements may be sought.	

Checklist 20	The Council can serve an Enforcement Notice where conversion works have been carried out without planning permission. This action can result in the unauthorised works being removed (or the unauthorised use discontinued) and the building/ use being reinstated. Non-compliance with the provisions of an enforcement notice constitutes a criminal offence.	
Checklist 21	Early discussions with a Building Control Officer will improve the internal layout of the scheme and may avoid the need for external fire-escapes (which may require planning permission in their own right).	
Checklist 22	The HMO team should be contacted about Environmental Health matters.	
Checklist 23	(DM8): At least one unit of accommodation created should be suitable for family occupation with a minimum of two bedrooms.	
Checklist 24	Where a proposal incorporates a family sized unit, that unit should have direct access to a useable area of private, rather than communal, garden space.	
Checklist 25	(DM8): A standard of one communal room for every 4-6 bedrooms (depending on the size of the bedroom) will be provided, which will have acceptable amenity standards and appropriate access for all residents.	
Checklist 26	(DM8): A proper agreement may be required to ensure acceptable management of all communal parts of the HMO.	

*\*A unit with dual aspect is one which provides residents with an outlook in two different directions.*

*\*\* An acceptable outlook is one that, for example, provides residents with a view of a garden area and/ or the sky and is not restricted to narrow light wells and associated retaining walls.*

*\*\*\*There is no statutory minimum requirement for ceiling heights, although Building Regulations requires a 2.0 metres headroom clearance for staircases. It is, nevertheless, generally recommended that residential accommodation should have a 'good practice' minimum floor to ceiling height of 2.15 metres. This standard will be applied to the principal rooms of accommodation, which include kitchens, bathrooms and living rooms. This will prevent cramped residential accommodation.*

## RESIDENTIAL CONVERSIONS SUPPLEMENTARY PLANNING DOCUMENT

### 1.0 INTRODUCTION

#### Background

- 1.1 Residential conversions have an important role to play in housing land supply in Reading. The subdivision of large houses has often enabled renovation and affordable maintenance of properties. Conversion to flats and houses in multiple occupation has also added a valuable supply of reasonably affordable private rented accommodation, meeting a need in the market. The Council's Housing Strategy 2009-2014 notes that the private rented sector is a very important part of the housing market in Reading.
- 1.2 However, in some circumstances, residential conversions have proved unsatisfactory, providing poor or inadequate accommodation for tenants and leading to problems and issues for adjoining residents and for wider local areas. The significant loss of family housing can erode the character of an area through insensitive individual conversions and the cumulative impacts of physical changes to properties as a result of such use. Additionally, conversions, either individually or cumulatively, can have a harmful impact on the character of the area through unduly diluting mixed and sustainable communities. Conversely, in locations with already high numbers of flats or houses in multiple occupation, conversions to single family housing could help create a more mixed and sustainable community.
- 1.3 Whilst the Housing Strategy seeks to continue to develop a healthy private rented sector, this must be undertaken in a manner that minimises the potential adverse impacts that high concentrations of conversions and intensification of use can bring to areas of the Borough.
- 1.4 For the purposes of this SPD, residential conversions are considered to include flats and houses in multiple occupation (HMOs), which are sub-divided into small and large HMOs. A definition for both flats and the two types of HMO is set out below.

#### Definitions and Permitted Development Rights

- 1.5 - **Flat:** Is a separate and self-contained set of premises constructed for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally.



- 1.6 There are two types of HMO referred to for planning purposes and throughout this document. These are defined below:
- **C4 HMO (or small HMO):** Broadly a property which is occupied by 3-6 unrelated individuals, who share one or more basic amenities<sup>1</sup>.
  - **Sui Generis HMO (or large HMO):** If there are more than 6 unrelated individuals sharing one or more basic amenity, it is likely to be classed as a 'large HMO' falling outside Use Class C4 and classed as sui generis.
- 1.7 Note: The Environmental Health, Council Tax and Building Control departments operate under different legislation and requirements and their definition of an HMO may not be entirely consistent with the planning definition. Therefore individual departments should be contacted with regards their specific legislation and requirements.
- 1.8 Permitted development rights under Part 1 of the General Permitted Development Order (GPDO) apply to dwellinghouses (flats or buildings containing flats are excluded). A dwellinghouse is considered to be a house occupied by a single person, or people regarded as forming a single household (basically a family); a house occupied by up to 6 residents living as a single household and receiving care (e.g. supported housing); or certain other limited cases (e.g. small religious communities, or owners residing with up to two lodgers).
- 1.9 Houses occupied by unrelated people are considered to be 'houses in multiple occupation' and, depending on the number of occupants, are likely either to fall within the C4 Use Class, or to be outside the Use Class altogether. **In either case, houses in multiple occupation are not considered to be in use as dwellinghouses for the purposes of the GPDO i.e. they will not have permitted development rights under Part 1.** An application for a certificate of lawfulness may be advisable in order to establish what is the lawful use of the property, and whether or not permitted development rights are available.

## Policy Background

- 1.10 Since the existing Supplementary Planning Guidance on 'House Conversions and Houses in Multiple Occupation' was adopted in September 2003, there have been several significant changes to national legislation. Reading Borough Council has also adopted its suite of Local Development Framework Documents, which include up-to-date policies covering such conversions.
- 1.11 Of particular note are policy CS18: Residential Conversions of the Core Strategy and policy DM8: Residential Conversions of the Sites and Detailed Policies Document (SDPD). Policy CS18 sets out the strategic approach to converting residential properties into

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<sup>1</sup> The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) confirms that, 'For the purposes of Class C4 a 'house in multiple occupation' does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004'.

self-contained flats or for multiple occupation, covering aspects such as impact on the amenity and character of the area, loss of privacy, ensuring adequate car parking etc.

- 1.12 Policy DM8 sets out additional detailed matters for consideration of all types of conversions, self-contained flats and sui generis HMOs (i.e. those which already required planning permission before the C4 Use Class was introduced, typically those housing more than 6 unrelated persons.) This includes for example, unduly diluting or harming an existing mixed and sustainable community, minimum size for converting properties to flats or 'sui generis' HMOs and to ensure that 'sui generis' HMOs have an appropriate balance between communal and private areas.
- 1.13 With regard to HMOs within Reading, in particular, evidence demonstrated that in an area around the University, incorporating parts of Redlands, Park and Katesgrove wards, there were exceptional circumstances and strong justification for the removal of permitted development rights for converting from a house to a small HMO. Planning permission is now required to convert from a house to a small HMO within a defined area and from a house to a large HMO in any part of the Borough.
- 1.14 Adopted policies covering all residential conversions plus the introduction of the Article 4 Direction for HMOs together aim to find the right balance between:
- Making a contribution towards identified housing needs;
  - Ensuring adequate standards of accommodation, which are suited to the needs of the growing number of smaller households;
  - Protecting existing residential amenity;
  - Providing acceptable levels of on-site amenity space and car parking;
  - Ensuring a mixed and sustainable community; and
  - Maintaining the supply of single family housing.

### **Purpose and Structure of the SPD**

- 1.15 This draft SPD is split into two sections; the first (Section A) deals with conversion of properties into self-contained flats or for multiple occupation, including both small (C4) HMOs and larger (sui generis) HMOs. The second section (Section B) will focus on how applications that are required as a result of the 'Article 4 Direction' that came into force on 16<sup>th</sup> May 2013, will be assessed. The Article 4 Direction removes permitted development rights to convert from a dwellinghouse (C3 use) to a small house in multiple occupation (C4 use) in parts of Redlands, Katesgrove and Park Wards. It should be noted that applications required as a result of the Article 4 Direction will also be considered under Section A of the SPD.

### **Weight of this SPD**

- 1.16 As an adopted supplementary planning document (SPD), this document is a material consideration in the determination of planning applications. This guidance supersedes the previous 'House Conversions and Houses in Multiple Occupation' Supplementary Planning Guidance adopted on 22 September 2003.

## **SECTION A: GENERAL ASSESSMENT OF ALL CONVERSIONS**

### **2.0 ALL CONVERSIONS**

- 2.1 This part should be used in the assessment of any application for a residential conversion and in particular provides detail on the interpretation of policy CS18: Residential Conversions of the Core Strategy and DM8: Residential Conversions in the Sites and Detailed Policies Document. Some parts of the document also draw on other policy requirements, and these are referenced as appropriate. Policies with the prefix 'CS' are adopted Core Strategy policies and policies with the prefix 'DM' are adopted Sites and Detailed Policies Document policies.

#### **Physical Character of the Area**

- 2.2 A report by Ecotec that was commissioned by the Government entitled "Evidence Gathering - Housing in Multiple Occupation and Possible Planning Responses" (CLG, 2008)<sup>2</sup> found that the poor management of rented HMO accommodation can lead to amenity and character issues which directly affect a local community. These issues can include: poor refuse management; on-street parking pressure; noise and anti-social behaviour; high property turnover; neglected gardens and lack of maintenance to housing stock. These issues tend to be exacerbated where there is a high concentration of HMOs.

#### **External Alterations**

- 2.3 Many house conversions affect the outside appearance of a property. External alterations may include the removal of boundary treatment and landscaping along the frontage to accommodate bin storage, cycle storage or additional parking or facilitate access to an enlarged or altered parking area. Satellite dishes and television aerials may also be added to external elevations. Where these require planning permission, they may also be considered under this Section.

**Checklist 1 (CS18, DM8): Any external alterations must be carried out sympathetically, respecting the physical character of the area.**

#### **External Alterations Including Extensions**

- 2.4 Conversions should normally be carried out within the existing shell of the building, but where external alterations, including an extension is proposed the details will be assessed against the Council's adopted policies, in particular policy DM4: Safeguarding Amenity and DM9: House Extensions and Ancillary Accommodation of the Sites and Detailed Policies Document, plus SPG, 'A Design Guide to House Extensions'.
- 2.5 Policy DM4 highlights the need to ensure proposals do not have a detrimental impact to the living environment of existing or new residents taking into account issues such as

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<sup>2</sup> [www.communities.gov.uk/publications/planningandbuilding/evidencegatheringresearch](http://www.communities.gov.uk/publications/planningandbuilding/evidencegatheringresearch)

- privacy and overlooking,
  - access to sunlight and daylight,
  - visual dominance and overbearing effects of a development,
  - noise and disturbance,
  - crime and safety.
- 2.6 Policy DM9 emphasises the need to respect the character of the house in terms of scale, location, materials and design, plus the character and pattern of neighbouring properties. The location of satellite dishes and television aerials should be located to have minimum visual impact and respect the character of the house as much as possible, particularly in conservation areas.
- 2.7 Additionally, Policy DM10: Private and Communal Outdoor Space explains that house extensions should not reduce the amount of amenity space for the property to an unacceptable degree.

**Checklist 2 (DM4, DM9, DM10): Extensions must achieve acceptable residential amenity for existing and new occupiers plus respect the character of the existing house and area ensuring outside amenity space is not unacceptably reduced.**

#### **Mixed and sustainable community**

- 2.8 Note: this criteria should be taken into account for any residential conversion. Where the residential conversion relates to the creation of an HMO within the area covered by the Article 4 Direction for HMOs, section 2 of this SPD provides additional detail on how such applications will be considered.
- 2.9 It is recognised that residential conversions have an important role to play in housing land supply in Reading with the subdivision of large houses providing a valuable supply of reasonably affordable private rented accommodation. However, the significant loss of family housing can erode the character of an area and either individually or cumulatively, can have a harmful impact on the character of the area through unduly diluting mixed and sustainable communities, as set out in more detail in the supporting text to policy DM8: Residential Conversions.
- 2.10 In certain parts of the Borough, there are high concentrations of flat conversions and houses in multiple occupation, in part reflecting the very high student population which is especially prevalent around the universities. In the vicinity of the universities, a high proportion of the housing accommodates students. Given that they are predominantly present during term time only, it can leave some roads and areas feeling quite dormant at other times, adding to the problems and issues arising from failing to achieve a mixed and sustainable community.
- 2.11 In order to achieve an appropriate mixed and sustainable community that respects the physical character of the area, any residential conversion must demonstrate:
- How it will contribute to an acceptable housing mix, taking into account the thrust of policy DM5: Housing Mix even where less than 10 dwellings are proposed and policy RC9: Living in the Centre as appropriate.

- That single family housing would remain the dominant form of dwelling within the vicinity of the application.
- That there would not be an undesirable intensification of the use of the property which cumulatively, in addition to other conversions, may impact on the physical character of the area.

**Checklist 3 (DM8): Any residential conversion must contribute to achieving an appropriately mixed and sustainable community by providing an acceptable housing mix, ensuring that, as appropriate, single family housing remains the dominant form of dwelling in the vicinity of the application and ensuring there is not a detrimental impact on the physical character of the area.**

### **Useable Outdoor Amenity Space**

- 2.12 The provision of outdoor amenity space can make a vital contribution to a high quality of life, it benefits occupants (in terms of outlook and amenity) and maintains space between buildings. Policy DM10: Private and Communal Outdoor Space and the supporting text sets out the standards that will be considered acceptable when considering applications.
- 2.13 Policy DM10 sets out that houses will be provided with private outdoor space whereas flats may be provided with communal outdoor space, balconies and/ or roof gardens.
- 2.14 When considering HMOs an equivalent level to a house will be considered appropriate, in that the useable private outdoor space should be no less than the gross floor area of the dwelling to which it relates (measured externally and including garage space).
- 2.15 Flats outside central Reading will be expected to provide:
- For 1 and 2-bedroom flats: 25sqm per flat;
  - For 3 or more bedroom flats: 40sqm per flat.
- 2.16 Development in central Reading will not always be expected to comply with the standards above. Open space is nonetheless required, unless exceptional circumstances prevail, to accommodate modest sitting out areas and clothes drying facilities. Ideally this open space should benefit from direct sunlight particularly during the summer months.
- 2.17 Where amenity space can be provided for non-family units it should be conveniently accessible. The Council recognises that not all residents, will, however, want to own and/ or maintain an area of private amenity space. Where a communal area is provided, there may be problems with its maintenance if there is not a sense of ownership by residents. The Council is committed to ensuring that outdoor amenity space, where provided, is accessible and put to 'best use'.

**Checklist 4 (DM10): An appropriate level of private outdoor space will be expected.**

Note: Checklist point 10 should also be referred to in the case of flat conversions.

### **Intensification of Activity and Safeguarding Amenity**

- 2.18 Adopted policy DM4: Safeguarding Amenity recognises that development must be designed so that an acceptable living environment for both existing and new residents is provided. Without careful planning, an intensified use of a building may result in a poor standard of development and may harm the residential amenity of both prospective occupants and nearby residents. When considering an application for conversion:

**Checklist 5 (DM4, DM8):** Issues such as those below need to be taken into account in any residential conversions application:

- privacy and overlooking,
- access to sunlight and daylight,
- visual dominance and overbearing effects of a development,
- noise and disturbance,
- crime and safety<sup>3</sup>.

### **Minimum Size of Property (maintaining family supply of housing)**

- 2.19 The Council's policies seek to deliver appropriate residential conversions whilst maintaining a supply of family housing and protecting the character and amenity of the surrounding area. In this regard properties must be a minimum size as detailed below in order for a conversion to a flat or large HMO to be considered acceptable.

**Checklist 6 (DM8):** The property to be converted to a flat or large HMO should have four or more bedrooms<sup>4</sup> or measure more than 120 square metres gross. When calculating the floor area of the property the measurement should be based on the external dimensions as at 1<sup>st</sup> July 1948 or when built (whichever is the later).

### **Minimum Internal Floorspace Standards and Headroom**

- 2.20 Adopted SDPD policy DM8 recognises that, without careful planning, an intensified use of a building may result in a poor standard of development and may harm the residential amenity of prospective occupants and neighbours.
- 2.21 House conversions can be more successful when they alter the existing property as little as possible. This is particularly the case for applications involving a listed building, where the Council will seek to conserve and where appropriate enhance the internal and external parts of the building in accordance with the NPPF and policy CS33: Protection and Enhancement of the Historic Environment.

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<sup>3</sup> Where appropriate, an informative could be added to any permission granted to draw the applicant's attention to Part 2 of the Secured by Design, which is a minimum standard for security.

<sup>4</sup> 'Four or more bedrooms' means the original number of bedrooms in the property as built i.e. bedrooms that are a result of extensions or using ground floor rooms intended as reception rooms cannot be used to be counted as bedrooms for the purposes of checklist 6.

## Internal Floorspace Standards

- 2.22 The Council has adopted minimum internal floorspace standards relating to house conversions and HMOs. See Appendix 1.

**Checklist 7: The Local Planning Authority will consider applications for house conversions including both HMOs and flats against the Council's adopted minimum internal floorspace standards as set out at Appendix 1.**

- 2.23 There may be situations where a room meets the minimum floor area but is not suitable due to its shape or ceiling height. When measuring a unit's floorspace only the useable space\* will be considered. Planning permission will be refused for schemes where the accommodation is so inadequate that it cannot function satisfactorily as a viable living unit.

*\*'Useable space', in this instance, refers to that part of the proposed unit where the occupant can comfortably move about.*

## Noise and Disturbance

**Checklist 8 (DM4, DM8): It will be necessary to ensure appropriate sound insulation between proposed and neighbouring units before a converted property is occupied.**

- 2.24 Such works are likely to be required by way of condition attached to any planning permission issued, and a minimum standard of sound insulation is also required under the Building Regulations. Failure to adequately sound-proof conversions when built could lead to complaints, which may result in action under the Environmental Protection Act (1990) (as amended).
- 2.25 In accordance with Building Regulations entrance lobbies should be provided for each flat so that entry is not achieved directly into a living room from a flight of communal stairs. Adequate ventilation and daylight must be available to all rooms.

## Stacking and Location of Rooms and Sound Insulation

- 2.26 When considering a conversion the impact from noise and disturbance, in terms of the number and layout of units proposed and the proximity of the property to other residential properties, will need to be addressed.

**Checklist 9 (DM4, DM8): Proposed layouts should avoid locating living rooms, bathrooms and kitchens next to, above, or below proposed and neighbouring bedrooms. Instead, the 'stacking' of rooms of a similar type is preferable.**

**Checklist 10 (DM4, DM8): Habitable rooms, such as living rooms and bedrooms, should benefit from an external window. The provision of natural light and ventilation is a legal requirement under Environmental Health legislation.**



- 2.27 These requirements will often be secured through Building Regulations and Environmental Health legislation and, therefore, pre-application discussion with a Building Control and Environmental Health Officer is advised.

### Basements

- 2.28 A large proportion of Reading's existing housing stock, particularly within the town centre, is terraced. Those units that are, in principle, capable of being converted often contain a basement level. However, not all basements are suitable for conversion to a separate unit of living accommodation. In terms of daylight provision, outlook and headroom the basement level is often deficient. There are no adopted standards relating specifically to basements, but a planning judgement will be made as to the suitability of the accommodation proposed.

**Checklist 11 (DM4, DM8):** Proposals for self-contained units solely within a basement will normally be permitted where this unit would benefit from dual aspect\*, an acceptable outlook\*\* and sufficient headroom\*\*\*.

*\*A unit with dual aspect is one which provides residents with an outlook in two different directions.*

*\*\* An acceptable outlook is one that, for example, provides residents with a view of a garden area and/ or the sky and is not restricted to narrow light wells and associated retaining walls.*

*\*\*\*There is no statutory minimum requirement for ceiling heights, although Building Regulations requires a 2.0 metres headroom clearance for staircases. It is, nevertheless, generally recommended that residential accommodation should have a 'good practice' minimum floor to ceiling height of 2.15 metres. This standard will be applied to the principal rooms of accommodation, which include kitchens, bathrooms and living rooms. This will prevent cramped residential accommodation.*

- 2.29 When a basement is proposed for conversion the application should be supported by drawings of the building in section.

### Loft/ Attic Accommodation

- 2.30 The Local Planning Authority recognises that attic accommodation can provide a valuable housing resource. It is, however, evident that many attics are not suitable for conversion to a separate unit of residential accommodation as they often result in a cramped form of living space. The addition of dormer windows may not be a suitable solution to providing additional headroom and useable space.

**Checklist 12 (DM8):** Proposals which seek to convert attic/ loft space will normally be permitted where the attic/loft space would benefit from sufficient headroom and is incorporated into a self-contained unit which is split over two floors of accommodation.

- 2.31 In larger properties the conversion of an existing attic space to self-contained living accommodation may be acceptable when adequate headroom and useable space can be provided. When an attic is proposed for conversion the application should be supported by drawings of the building in section.

- 2.32 The use of dormer windows to accommodate additional headroom should be sensitively designed so as not to dominate the roof. Applications will be considered against the criteria contained in the adopted Sites and Detailed Policies Document, policy DM9: House Extensions and Ancillary Accommodation plus the Council's SPG on House Extensions and where relevant, policy CS33: Protection and Enhancement of the Historic Environment. In some cases, a double glazed roof-light may be a more acceptable alternative to a dormer window.

#### **Location of Adequate on-site Parking**

- 2.33 The Council's parking standards are set out in the adopted SPD 'Revised Parking Standards and Design'. This document sets out the required parking standards across the Borough. The urban nature of Reading, coupled with good alternatives to the private car provide an ideal base to create a zonal system for parking standards. The principle is that developments located close to public transport and local centres will require less parking than equivalent developments in less sustainable areas of the Borough.
- 2.34 The table for Residential Parking Provision on page 15 of the 'Revised Parking Standards and Design' SPD sets out the required parking levels for all types of residential development, including C3, C4 and Sui Generis HMOs in all of the four zones in Reading Borough.

**Checklist 13 (CS18, CS24): Parking standards for all residential conversions should be in accordance with the Council's adopted 'Revised Parking Standards and Design' (2011) SPD.**

#### **Parking Permits**

- 2.35 Residents parking schemes operate in many streets within the Borough. The Reading Borough website provides information on the streets involved plus other relevant information at [www.reading.gov.uk/transportandstreets/parking/residentsparkingscheme/](http://www.reading.gov.uk/transportandstreets/parking/residentsparkingscheme/)
- 2.36 In considering applications for residential conversions, where there is already competition for on-street parking space, it is likely that the issue of residents' parking permits to the occupants of new flats will not be possible. The 'Revised Parking Standards and Design' SPD clarifies that occupiers of houses in multiple occupation will not be entitled to on-street car parking permits. An informative will be attached to planning permissions in these cases.

**Checklist 14: HMOs located within a street where a residents' parking permit scheme operates will not be entitled to on-street car parking permits. The same restrictions may apply to new flats in such streets, see the 'Revised Parking Standards and Design' SPD.**

- 2.37 Where a site is providing off-street car parking, the laying of hardstanding will only be considered acceptable where it is in keeping with the character of the area. Similarly, if access to off-street car parking is dependent on the removal of boundary walls or

other boundary treatment this will not be considered acceptable where the boundary treatment makes a valuable contribution to the character of the area. Proposals which result in the loss of existing green landscaping that currently makes a valuable contribution to the streetscene, such as boundary hedging and planting, will not normally be permitted. Opportunities should be taken to enhance existing green landscaping on road frontages as part of any proposal. Also see the 'external alterations' section of the SPD.

**Checklist 15 (CS7, CS18, DM8, DM9): Removal of boundary treatment to accommodate parking or access to parking will not be permitted where it makes a valuable contribution to the character of the area.**

### **Cycle Storage**

- 2.38 The provision of cycle parking must be considered essential for most developments. The quality of any cycle parking should reflect the likely usage with more secure systems being used for longer term storage such as within residential developments. Standards for cycle parking should be applied as minimum standards and reflect the potential for cycling.
- 2.39 Cycle parking and storage facilities should be designed with consideration for the following objectives:
- Conveniently located in relation to the trip origin and destination;
  - Where the cycle can be easily secured;
  - Secure cycle storage, to contribute to designing out crime;
  - Covered.

**Checklist 16 (CS24, DM4, DM8): The provision of outdoor cycle storage should have a secure, covered and convenient location. The storage area should be lockable with provision to secure bicycles within it.**

### **Bin Storage**

**Checklist 17 (CS18, DM8): Sufficient and suitable refuse containers should be provided within the curtilage of the application building which are easily accessible for all occupants of the house and the refuse collectors and ensuring they are sympathetically located with regard to their visual impact.**

- 2.40 The use and layout of external space to the front and rear of the property should be carefully considered. For instance, the visual impact of converted dwellings can be lessened by screening refuse storage areas and providing external spaces that are easy to maintain (i.e. with hard standing and hardy plant species). Bin storage should have a level access to the public highway in order to facilitate collection. Bin storage should be located with a maximum carry distance of 9 metres for refuse collectors. Details of the refuse disposal arrangements must be included as part of any planning application for a conversion.

## Accessibility

- 2.41 Society's awareness of access issues is being raised and a number of pieces of legislation have been introduced in recent years to tackle the issue. The NPPF emphasises the need for '*Designing the built environment, to be inclusive, in that all buildings and their surrounding spaces, can be accessed and used by everyone*'. Policy CS5: Inclusive Access re-emphasises this requirement at the local level. When considering an application for conversion:

**Checklist 18 (CS5):** Where possible, a level access from the public highway to the building's principal entrance should be provided or retained.

- 2.42 It is however, recognised that many buildings suitable for conversion are already constrained by existing levels and steps.

## Planning Obligations

- 2.43 Development impacts on local amenity and the provision of infrastructure, affordable housing, services and facilities etc. Development is required to play a role in delivering sustainable development and should minimise damage, loss and impact upon existing infrastructure and environmental assets.

**Checklist 19 (CS9, CS16, CS20, CS29, DM3, DM6):** Developers should compensate for loss or damage created by a development and mitigate any impact caused. A planning obligation to secure a financial or other contribution towards physical or social infrastructure improvements may be sought.

- 2.44 Planning obligations are normally secured through a legal agreement or unilateral undertaking. Any contribution would be sought in accordance with adopted policy including CS9: Infrastructure, Services, Resources and Amenities, CS16: Affordable Housing, CS20: Implementation of the Reading Transport Strategy (Local Transport Plan 2006-2011), CS29: Provision of Open Space of the Core Strategy and policy DM3: Infrastructure Planning and DM6: Affordable Housing of the Sites and Detailed Policies Document.
- 2.45 The adopted Revised S106 Planning Obligations Supplementary Planning Document November 2013 and also Affordable Housing Supplementary Planning Document, July 2013 are both relevant. Both are available on the Council's website via: <http://www.reading.gov.uk/businesses/Planning/planning-policy/supplementary-planning-guidance-and-documents-topics/>
- 2.46 Paragraph 4.7 of the 'Affordable Housing' SPD clarifies that, '*Building conversions therefore fall to be considered under these policies, [policy CS16 and DM6] particularly Policy DM6. This covers proposals to convert houses to flats, or the conversion of commercial and other non-residential floorspace to residential use, where additional self-contained residential units are being provided. The policies will not apply to the change of use of a single dwelling house to a house in multiple occupation, where*

*unrelated residents live communally and share common facilities within the single residential property.'*

- 2.47 Additionally, in the future, the Council's Community Infrastructure Levy (CIL) will be relevant. There are a number of stages to go through until the Council will be in a position to adopt its CIL, which is expected to be 2015. The up to date position regarding CIL can be found on the Council's website at: <http://www.reading.gov.uk/businesses/Planning/planning-policy/community-infrastructure-levy/cil/>.

### Planning Enforcement and Lawful Development Certificates

Checklist 20: The Council can serve an Enforcement Notice where conversion works have been carried out without planning permission. This action can result in the unauthorised works being removed (or the unauthorised use discontinued) and the building/ use being reinstated. Non-compliance with the provisions of an enforcement notice constitutes a criminal offence.

- 2.48 However, the planning system provides the possibility of obtaining a statutory document confirming that an existing use is lawful for planning management purposes. For instance, unauthorised house conversions to self-contained flats may claim the 'four year rule' and apply for a Lawful Development Certificate (LDC). In those circumstances where an application for a LDC for a conversion is accompanied by appropriate evidence (such as Council Tax information, Environmental Health Licencing information, utility bills, tenancy agreements etc confirming that the number of units created by the sub-division have been paying Council Tax, had a licence, paid bills, paid rent etc for a minimum continuous period of 4 years from a specific date) the Council will regularise the use accordingly. However, there may still be action taken by Environmental Health and/ or Building Control Officers in respect of, for instance, fire safety or sound insulation.
- 2.49 Applications for HMOs will need to demonstrate that the property has been used in that manner continuously for 10 years from the date a specific date unless an applicant is seeking to demonstrate that permitted development rights for C4 HMOs have been exercised.
- 2.50 In all cases the onus of proof lies with the applicant to provide relevant evidence and where appropriate continuous use for the specified time periods. Further information is available on the planning portal website at <http://www.planningportal.gov.uk/permission/responsibilities/planningpermission/ldc>.

## Other Departments of Council most actively involved with Residential Conversions

### *Building Regulations Requirements*

#### *Means of escape:*

Checklist 21: Early discussions with a Building Control Officer will improve the internal layout of the scheme and may avoid the need for external fire-escapes (which may require planning permission in their own right).

### *Building Regulation Requirements*

- 2.51 External fire escapes are often unsightly and result in unacceptable levels of overlooking towards neighbouring property. Where external fire escapes are necessary and do not cause harm to residential amenity, particular attention should be given to the position, design and colour of the escapes. These details should be included as part of the planning application to enable a full assessment of the implications and should also comply with Building Regulations.

### *Environmental Health Legislation*

- 2.52 The HMO team should be contacted about matters such as
- Council Inspections and Procedures
  - Enforcement Powers
  - Housing Act 2004 - Housing Health and Safety Rating System
  - Licensing of Houses in Multiple Occupation
  - Fire Safety in Houses in Multiple Occupation
  - Space Standards in Housing
- 2.53 Further Environmental Health information about HMOs can be found at: <http://www.reading.gov.uk/residents/housing/housesinmultipleoccupation/hmo-management-pack/>

Checklist 22: The HMO team should be contacted about Environmental Health matters.

## 3.0 FLATS

- 3.1 The Council's policies seek to deliver appropriate residential conversions whilst maintaining a supply of family housing and protecting the character and amenity of the surrounding area.
- 3.2 The NPPF highlights the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. When determining an application for a house conversion, the provision of choice will be an important issue to consider and the provision of only one-bed units will fail to provide that choice for potential occupants. Instead, such a development will result in the loss of a family-sized unit and is likely to lead to an undesirable intensification of the use of the property in terms of noise and activity. It may also dilute the existing character of the street; many of which are currently characterised

by a mix of family dwellings and smaller households. To achieve this aim, the following considerations should be taken into account when considering planning applications:

- 3.3 Note: In order for a conversion to a flat the residential building must have four bedrooms or measure more than 120 square metres. See checklist point 6 above.

**Provision of Family Accommodation (maintaining supply of family housing).**

**Checklist 23 (DM8): At least one unit of accommodation created should be suitable for family occupation with a minimum of two bedrooms.**

- 3.4 There may be exceptional circumstances where the retention of a family unit is not physically possible and, in these cases, the Council will consider such applications on their own merits. The onus will be on the applicant to demonstrate that a building cannot be converted in accordance with the above Checklist Note.

**Checklist 24: Where a proposal incorporates a family sized unit, that unit should have direct access to a useable area of private, rather than communal, garden space.**

- 3.5 This requirement may result in non-family sized units being approved without direct access to amenity space, although these units will still benefit from an enhanced outlook. On balance, the Council believes that conversions which provide family-sized accommodation with direct access to a useable area of private amenity space will result in the 'best use' of amenity space. All units should meet the requirements of policy DM10: Private and Communal Outdoor Space. Also, see general section on useable outdoor amenity space.

#### **4.0 SUI GENERIS HMOS**

- 4.1 The Council will expect any proposals for non self-contained accommodation to be of good standard with an appropriate level of facilities. To this end full consultation will be undertaken with the Council's Environmental Health and HMO Team when considering proposals for non self-contained accommodation and regard will be had for the standards set out in their code of practice. All units of accommodation shall have access to a kitchen or cooking facilities that are conveniently accessible, suitable and sufficient for the number of occupants.
- 4.2 Planning applications for the change of use of properties into large HMOs will be assessed using the threshold limit as discussed in Section 2 of this SPD.
- 4.3 Planning permission will be required to change the use of a small HMO to a large HMO, or to intensify the use of a lawful large HMO (without any physical extension or external alteration to the property) by increasing the number of occupiers. In this instance the threshold limit will not be triggered as the HMO has already been established in the street and, therefore, have no further effect on the concentration of HMOs and balance and mix of households in the local community.

- 4.4 These types of planning applications will be assessed on their own individual merits on a case by case basis against the Council's relevant policies and guidance, including mixed and sustainable communities, character of the area, residential amenity, parking standards, cycle storage and bin storage, as set out in adopted policy and in this SPD.
- 4.5 To achieve these aims; the following points should be taken into account in the determination of such an application:

**Minimum Size of Property for Conversion (maintaining supply of family housing)**

- 4.6 See checklist point 6 above, in the general part of the SPD about residential conversions which sets out that properties need to be a minimum size to be considered appropriate for such conversions in addition to other considerations as set out in this SPD.

**Appropriate Balance Between Communal and Private Areas**

- 4.7 The amount of communal space in larger HMOs that is considered appropriate will depend on the number of bedrooms and the size of the bedrooms proposed.
- 4.8 Communal rooms will be expected to have an acceptable outlook and meet the amenity standards as set out in policy DM4 in particular, in terms of access to sunlight and daylight, noise and disturbance and artificial lighting to ensure the standard of accommodation meets the needs of the occupants using this space.
- 4.9 If the bedrooms provided as part of the HMO are at the minimum size considered appropriate, then a standard of one communal room per four bedrooms as a guide would be sought. Each communal room must provide sufficient space for four occupants, given that bedrooms are likely to have little or no room for any living space. It is not sufficient to have one large room, as with a significant number of residents living together this is considered more likely to result in conflict between the users. It should be assumed that the provision of a communal room is in addition to the provision of a kitchen, particularly where the kitchen provides no seating area or space to relax and is purely a functional area.
- 4.10 Where all bedrooms significantly exceed minimum room standards and Environmental Health confirms that any licence demonstrates the rooms are intended for single occupancy only, as a guide, one communal room per six bedrooms, may be considered appropriate.
- 4.11 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 accepted.

**Checklist 25 (DM8): A standard of one communal room for every 4-6 bedrooms (depending on the size of the bedroom) will be provided, which will have acceptable amenity standards and appropriate access for all residents.**

- 4.12 The applicant will be required to fully provide all communal spaces as approved prior to first occupation by the tenants and, thereafter, retained unless otherwise agreed in



writing with the Council. Where appropriate, it may be required that a proper agreement is in place to secure acceptable management of the HMO which will cover all internal and external communal areas.

**Checklist 26: A proper agreement may be required to ensure acceptable management of all communal parts of the HMO.**

## **SECTION 2: APPLICATIONS FOR HMOS WITHIN THE AREA COVERED BY THE ARTICLE 4 DIRECTION**

### **5.0 CONSIDERATION OF APPLICATIONS FOR HMOS WITHIN AREA COVERED BY ARTICLE 4 DIRECTION**

#### **Local Background and Context**

- 5.1 In Reading, 6.9% of dwellings, which is higher than the national average, are estimated to be Houses in Multiple Occupation (HMOs) as defined under the Housing Act 2004, distributed unevenly across the Borough. In wards with higher concentrations of HMOs the complex and often conflicting issues surrounding these properties can at times be keenly felt by residents.
- 5.2 A map showing the distribution of all HMOs across the Borough, based on Environmental Health data is included at Appendix 2 below.
- 5.3 Reading is home to the University of Reading, as well as Reading College. Residential conversions, often in the form of houses in multiple occupation, provides suitable accommodation sought by students who often spend some time at University in shared houses. Over recent years, there has been substantial growth in university places. Housing areas close to universities have seen an expansion in houses being bought and converted for let to students. It is unclear if this trend will continue, given changes to fees on one hand and changes to housing benefits for single people under 35 years on the other, plus other factors including the recession. Nevertheless, students and other more transient populations currently have, and are likely to continue to have, a significant effect on several parts of Reading Borough.
- 5.4 The issues surrounding residential conversions including conversions to houses in multiple occupation (HMOs) are complex and often conflicting. On the one hand, such conversions contribute to the provision of reasonably affordable rented accommodation, meeting an important need in the market. They can also contribute to the need for small, flexibly let accommodation reflecting household formation trends in the population and the more transient nature of some households, e.g. student households and parts of the labour market.
- 5.5 On the other hand, where there are concentrations of flats and HMOs, they are often perceived as being the cause of environmental and social problems, impacting on the character and appearance of an area or street, bringing increased pressure for parking and other issues associated with the more intensive use of properties. In addition, there are concerns about the mix of communities along with various social and anti-social behavioural problems.

#### **Background of Article 4 Direction**

- 5.6 The SPD will be used to assess applications that are required as a result of the 'Article 4 Direction' that was made in May 2012. This Direction removes permitted development rights to convert from a dwellinghouse (C3 use) to a house in multiple occupation (C4 use) in parts of Redlands, Katesgrove and Park Wards.

- 5.7 As set out above in paragraph 4.3, in cases where small HMOs are proposed to be converted to a larger, sui generis HMO, they will not trigger the threshold criteria. Paragraph 4.3 explains how they will be considered.
- 5.8 The background to this Direction is that planning legislation relating to Houses in Multiple Occupation (HMOs) changed on 6 April 2010 and a new planning use class (C4) for small HMOs (see definition below)<sup>5</sup> was introduced. Further changes came into effect on 1 October 2010 enabling changes between a dwellinghouse (C3) and the new use class 'C4', (small HMO), to be carried out without the need for planning permission. These changes are classed as permitted development. However, there are powers for a local planning authority to make an 'Article 4 Direction' to remove those permitted development rights.
- 5.9 A map of the Article 4 Direction in Reading covering parts of Redlands, Park and Katesgrove Wards is included at Appendix 3. This Article 4 Direction came into force on 16 May 2013.
- 5.10 Adopted policies CS18 and DM8 in particular will form the basis for consideration of such applications. The SPD will provide detail on the interpretation of policy DM8 in particular with regard to applications required as a result of the Article 4 Direction.

#### **Securing a Mixed and Sustainable Community - Significant Loss of Single Family Housing/ Background**

- 5.11 As set out both in the introduction to this SPD and general section on ensuring a mixed and sustainable community:
- 'Residential conversions have an important role to play in housing land supply in Reading and contributing to the provision of reasonably affordable rented accommodation. However, conversions, either individually or cumulatively, can have a harmful impact through unduly diluting mixed and sustainable communities.'*
- 5.12 There is therefore a need to identify what proportion of properties an area can accommodate as HMOs and what proportion of properties would represent a 'significant loss of single family housing' which would result in 'unduly diluting or harming an existing mixed and sustainable community'.
- 5.13 This proportion is defined as a 'tipping point', i.e. when the concentration of HMOs becomes over-dominant and the community is no longer considered to be mixed and sustainable. Some streets within the area covered by the Article 4 Direction have already exceeded this 'tipping point'. In those areas, it is unlikely that further HMOs would be permitted. If properties in an HMO use are converted back to a single family

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<sup>5</sup> A property, which is occupied by 3-6 unrelated individuals, who share one or more basic amenities, is an HMO under the new Use Class C4: Houses in Multiple Occupation. See also footnote 1. If there are more than 6, it is likely to be classed as a 'large HMO' (sui generis) which will be outside Use Class C4.

use, it may be possible to start to redress the balance over time. However, residents that have lawfully converted their property prior to the Article 4 Direction coming into force will be entitled to continue to use their property as an HMO.

### Defining the Tipping Point

- 5.14 It is difficult to identify precisely what constitutes a mixed and sustainable community. It is evident that areas with high concentrations of HMOs experience negative impacts on the sustainability of the communities (especially as perceived by permanent residents).
- 5.15 Paragraph 50 of the NPPF states that,  
*'To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*
- *Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community...*
  - *Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- 5.16 In order to help define a tipping point, various considerations have been taken into account including:
- Changes to the population structure of households in the three wards have been compared over a 10 year period using Census data from 2001 and comparing this to Census data from 2011.
  - Reviewing Environmental Health and Council Tax data to establish known levels of HMOs.
  - Feedback from consultations within the Article 4 Direction area.
- 5.17 The Census data indicates that across England there are around 3.6% of multi-person households. This figure is just over 80% higher in Reading at 6.6% of households in 2011.
- 5.18 For Reading as a whole, the proportion of multi-person households has remained virtually the same throughout the 10 year period from 2001 to 2011 at 6.6 and 6.7% respectively. Breaking this figure down further, Redlands Ward has seen the largest increase in the total number of multi-person households with an increase from 14.8% of the total households in 2001 to 20.5% in 2011, representing a 37.9 percentage increase.
- 5.19 Multi-person households are split into two sub-sections in the Census data;
- a) All full time students;
  - b) Other multi-person households.
- 5.20 When the statistics are broken down further, England, the South East and Reading Borough have seen an approximate 50% percentage increase in the multi-person households occupied by full time students. In Redlands, this percentage increase is over double that amount at 126%. In Park ward there has been a percentage increase of multi-person households occupied by full time students of 30.9%.

- 5.21 In Redlands there is almost three times the proportion of HMOs compared to Reading Borough. Park has just over double the proportion compared to Reading Borough and Katesgrove has just under double this figure. Reading Borough itself has almost double the proportion compared to the proportion in England as a whole.
- 5.22 The 2011 Census data therefore demonstrates that the levels of HMOs in these three wards are significantly higher than the average mix for other parts of the Borough and country.
- 5.23 Furthermore, research carried out when considering the area for the Article 4 Direction identified that large numbers of respondents, when questioned about the impacts of HMOs and what happens to an area when there are lots of HMOs, responded that there is the breakdown of the community and lack of interest by student tenants in the local community. There is a loss of families and children in the area, which are replaced by transient tenants. The social structure changes affect shops, schools and other amenities and there is a loss of a sense of community due to the increasing numbers of transient tenants.
- 5.24 This is contrary to the aims of the NPPF and the SDPD. Both the Census data and research collected from residents demonstrate that in parts of these wards, levels are such that the community is already considered to no longer be mixed and sustainable.
- 5.25 The definition of a tipping point must take into account historical data and a comparison of that data with current data and consideration of the impacts of the changes to the population.
- 5.26 The figures in the 2011 Census data represent the entire ward. As shown in Figure 1 above, there are definite hotspots of HMOs within certain parts of these three wards, with larger more concentrated hotspots in Redlands and Park wards. In terms of levels of HMOs, Council Tax and Environmental Health information indicates that levels of HMOs in some of these roads in Redlands and Park Ward are in excess of 40%. These roads are already suffering severe impacts in terms of the breakdown of the community structure as highlighted through feedback from residents during consultation carried out in these areas as well as various physical impacts on the character of the area.
- 5.27 The tipping level, or threshold, needs to be set significantly below the current levels of some hotspots of HMOs in these areas given that these are already considered to be severely suffering from the effects of a community that is no longer mixed and sustainable.
- 5.28 The threshold needs to recognise that many streets are already suffering severe impacts and are no longer considered to be balanced and unsustainable, whilst also acknowledging the proximity of the university to the area covered by the HMO Article 4 Direction.

- 5.29 A threshold of 25% meets this balance. This level would fall well below these concentrated hotspot levels, but would be above the average level for each of the wards as identified in the 2011 Census data.

### **Implementing the Threshold**

- 5.30 Having considered different radii, a 50m radius provides a fair and balanced area to create a meaningful sample size that will also respond to area specific concentrations.
- 5.31 The centre of the radius will be the front door of the property. A 50m radius will be drawn from this point and any properties or any part of a building falling within the radius will be taken into account in the assessment. If a part of a building falls within the circle and partly without, then the property will form a part of the assessment.<sup>6</sup>
- 5.32 This approach provides a consistent method of identifying the area surrounding the application site affected by a concentration of HMOs. A radius of 50m defined in this way, will almost always include the immediate neighbours to the application site and will typically include some properties on nearby streets.
- 5.33 Where the radius includes properties that are within Reading Borough's administrative boundaries but outside the area covered by the Article 4 Direction, they will be taken into account in the assessment.
- 5.34 Where the radius includes properties that lie outside Reading Borough's administrative boundaries (for example they fall within Wokingham Borough boundary), they will not be taken into account in the assessment and only those properties in Reading Borough will contribute to the assessment.
- 5.35 Where the radius includes entire buildings falling within an A, B, C1 or C2 use class, D or Sui Generis Use Class apart from a Sui Generis HMO they will be discounted from the total number of buildings in the radius<sup>7</sup>. Similarly, purpose built flats will be discounted from the total number of buildings in the radius. Any existing flat conversions will be included in the number of C3 dwellings and will not be included in the number of HMOs for the purposes of the threshold calculation. Any concern about how the number of flats contributes to the mixed and sustainable community will be considered in the general section about mix above.

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<sup>6</sup> Where a garage is attached to a property, it will be taken as a part of the property and where it is detached, it will not be taken into account in the assessment. Outbuildings will be considered in the same way. Extensions that have been completed and result in a property falling within the 50m radius, the property will be taken into account in the assessment. Where there is any doubt as to whether an extension is completed, it will also be taken into account.

<sup>7</sup> For clarification, if a building is partly within an A, B, C1 or C2 use class, D or Sui Generis Use Class (apart from a Sui Generis HMO) and partly used as a C3, C4 or sui generis HMO, the C3, C4 or sui generis HMO use will still count towards the threshold calculation.

Identifying types of properties

- 5.36 The Council will use information available to it to identify which of these properties is within an HMO use (either C4 or Sui Generis). It is anticipated that the information to calculate the percentage will initially be based primarily on environmental health and council tax information. Given data protection and other regulations preventing the use of certain information, these will form the principal sources of information. As part of data protection controls, the council tax information will be unable to identify specific properties in any public report, but will be able to refer to percentages of known HMOs within the defined area. However, it is intended that the evidence base would be built up over time from other available sources such as estate agency information.
- 5.37 The applicant should also undertake their own estimate of the number of HMOs to accompany the planning application and provide all of their supporting data. It is advised that pre-application advice is sought prior to submitting any planning application. It should also be noted that where the threshold in an area already is at, or exceeds, 25%, there will be a presumption against permitting any further HMOs within the Article 4 Direction area.
- 5.38 Using the above information and other sources as they emerge, the concentration of HMOs within the defined area will be calculated. The concentration of HMOs in the area surrounding the application site is calculated as a percentage of the 'total estimated number of existing HMOs' against the 'total number of residential properties', following the methodology set out above under 'Implementing the Threshold'.
- 5.39 Any extant but as yet unimplemented planning permissions will be counted as being in that use. For example, where a Sui Generis HMO has been granted planning permission, this would count towards the proportion of HMOs, even if it had not yet been implemented.
- 5.40 There may be existing HMOs which are occupied but unknown to the Council. In particular, on 6th April 2010 the Uses Classes Order introduced a class for HMOs to reclassify C3 dwellings to either the new C3 or C4 classes. The reclassification of existing dwellings to C4 use did not require planning permission and therefore will not be registered on the Council's register of planning applications. Planning permission was not required to convert from C3 to C4 under permitted development rights until the Article 4 direction came into effect on 16 May 2013.
- 5.41 The environmental health and council tax information will initially provide a reasonable indication of the numbers and location of HMOs in a street and further sources will be used as records develop over time. Further investigation of individual properties may be required by the planning officer to provide greater confidence in the estimate, but it is emphasised that it will not be possible to guarantee a 100% accurate count in all cases. Where there is significant doubt as to whether a property is an HMO, it will not be counted towards the threshold.

- 5.42 The Council does not have a comprehensive database or register of HMOs and it would be impossible to create or maintain one with the resources available.

#### **Threshold Guidance**

- 5.43 In implementing policy DM8 and ensuring that any change of use to a HMO within the area covered by the Article 4 Direction, either individually or cumulatively, does not unduly dilute or harm an existing mixed and sustainable community through the significant loss of single family housing, the following guidance will be used to determine a planning application:

**Planning permission will not normally be granted where the proportion of HMOs (either C4 or Sui Generis) will result in HMOs representing 25% or more of the residential properties within a circle of 50m radius measured from the application site.\***

\*Paragraph 5.31 explains how the radius would be measured and paragraph 5.35 explains how various building uses would be taken into account in calculating the percentage and additionally which buildings would be discounted from the calculations.

- 5.44 For clarification in interpreting the threshold guidance; if by permitting a planning application, it would result in the proportion of HMOs being taken from below 25% to 25% or over, then planning permission will not normally be granted. For the avoidance of doubt, the application property will be taken into account in calculating this percentage of properties.
- 5.45 A worked example of the threshold approach is included at Appendix 4.



## APPENDIX 1

### Internal Floorspace Guidance Note - Summary

A1.0 Note: The HMO Management: Fact Sheet 12 contains more detailed information about Space Standards in Housing and can be obtained from the Council's Environmental Health Department or via the link below:  
<http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&ved=0CC8QFjAA&url=http%3A%2F%2Fwww.reading.gov.uk%2Fdocuments%255Cconsumerservices%255Cenvironmentalhealth%255Chmo-team%2F14030%2FFact-sheet-12-v01-11.pdf&ei=rdh4Up3QGs2lhQe76oCIBA&usg=AFQjCNE-ck5AHu-2hHibqtZbBXeGiAtxOA>

A1.1 This Appendix provides a summary of information within that factsheet.

A1.2 The Housing Act 2004 sets out that Crowding and Space is a hazard associated with lack of space within the dwelling for living, sleeping and normal family/ household life. Lack of space and overcrowded conditions can affect mental and physical health. It can cause psychological distress, mental disorders and less ability to concentrate. Crowded conditions are also linked with increased hygiene risks, increased risk of accidents and spread of contagious diseases.

#### *Standards Applicable to Houses in Multiple Occupation*

A1.3 The space standards apply to habitable rooms, which for the purposes of these standards are bedrooms and living rooms. Kitchens, bathrooms and hallways are not classed as habitable rooms for the purpose of applying the standards. The floor area for a shared kitchen shall be not less than 7.0 square metres and not more than two floors distant from any user.

A1.4 When determining room sizes, the useable space will be considered. There may be situations where a room meets the minimum size but is not suitable due to its shape or ceiling height.

A1.5 Where the cooking facilities are provided in a separate room, each bedroom must be a minimum of:

- 6.5 square metres if occupied by one person;
- 10.5 square metres if occupied by two persons.

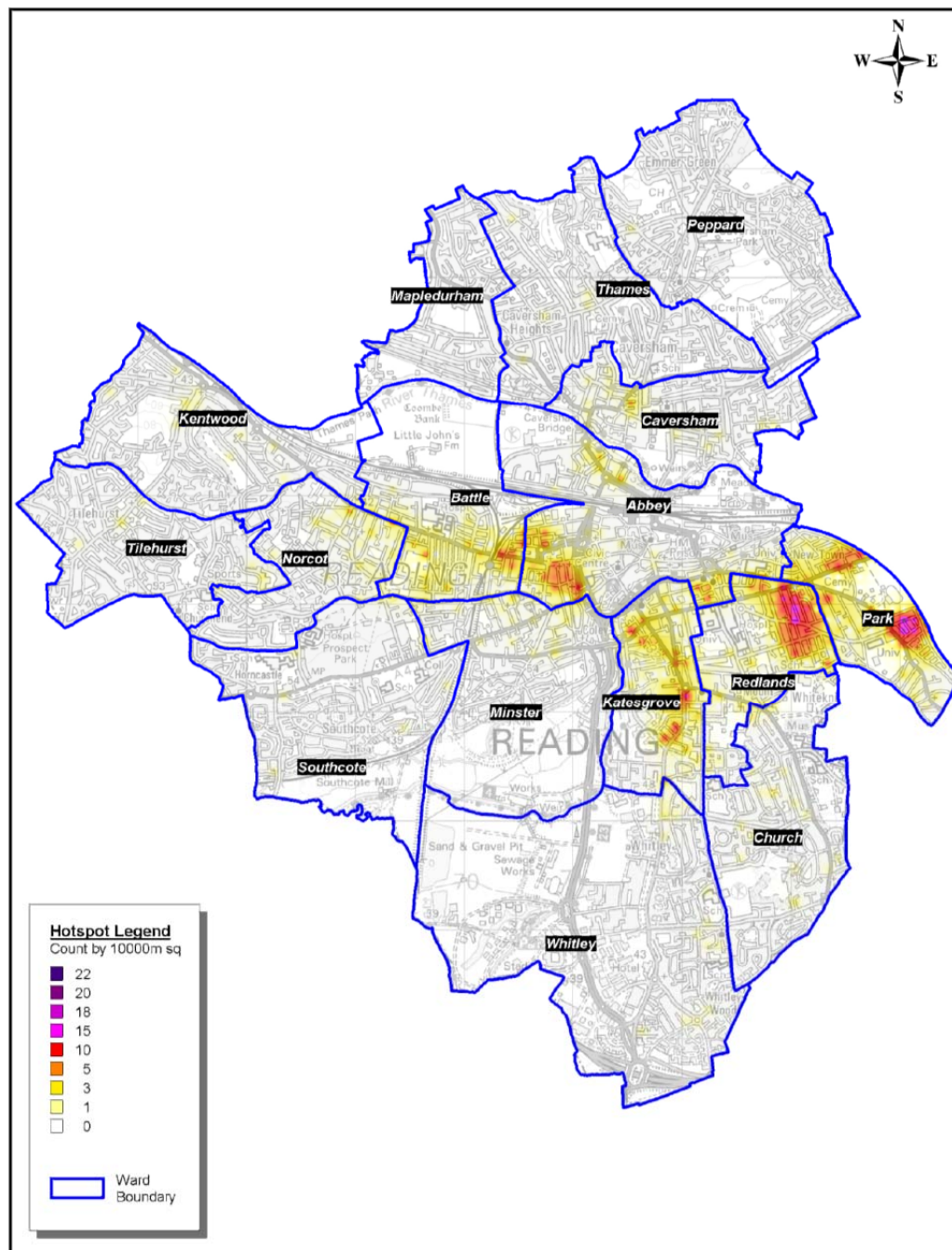
A1.6 For rooms with cooking facilities within the room, the following minimum room sizes shall apply:

- 10.5 square metres (if occupied by one person);
- 14.5 square metres (if occupied by two people).

A1.7 Room sizes for bedrooms to be used to house more than two occupants will be determined on a case-by-case basis.

## APPENDIX 2

### Distribution of HMOs across the Borough (based on Environmental Health Data)



Title: Census HMO Data 2011 - Hotspot Theme

Drg.No.:

Date: 07/04/2011

Scale at A4: 1:46000

Produced by GIS & Mapping Services

Ref: 35075/Census HMO Data 2011, Hotspot - A4P wor



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## APPENDIX 4

### Worked example of the threshold guidance

- In the example below at Figure 1, an application has been submitted on the property marked with a star.
- A radius of 50m from the application property would result in a circle being drawn as shown in red.
- There are 56 properties that are fully or partly located within the circle.
- Upon consultation with environmental health and council tax data, 31 properties are recorded as being occupied by students, or are recorded as being an HMO under either environmental health or council tax data.
- This equates to 55% of properties within this area as being in an HMO use.

### Diagrammatic example of 50m radius



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Figure 1

Note: this is a purely theoretical example of how the threshold will be calculated in the assessment of planning applications.