

Wigan Metropolitan Borough Council  
Borough Planning Department



Report to Planning and Development Committee

17 December 1996

Conversion of properties to flats and houses in multiple occupation

**Introduction**

At the meeting on 11 June 1996, Committee approved a Draft Policy for the Conversion of Properties to Flats and Houses in Multiple Occupation as a basis for a consultation exercise with members of the public and appropriate organisations.

This consultation was completed as a result of which responses were received from the North West Landlords Association, the Borough Environmental Health and Consumer Protection Officer and the Director of Housing.

These responses were considered by the Standing Sub Committee at its meeting on 26 November 1996 who accepted my recommendation that the only significant amendment to the Policy, as a result of the consultations, would be to reduce the amount of private amenity space to 18 square metres for every two units, with an additional 5 square metres for each unit above this. Other minor amendments agreed to include an amendment to the description of the policy such that this is described as Supplementary Planning Guidance under Policy H3B of the Unitary Development Plan, and certain technical amendments recommended by the Borough Environmental Health Officer.

I attach a copy of the revised Supplementary Planning Guidance together with a copy of my report to the Planning and Development Sub Committee meeting.

**Recommendation**

Members are requested to approve the Supplementary Planning Guidance under Policy H3B for conversion of properties to flats and houses in multiple occupation.

J P Sloane  
**Borough Planning Officer**

<b>Resource Implications</b>	
<b>Financial:</b>	Nil
<b>Staffing:</b>	Nil

# Supplementary Planning Guidance for conversion of properties to flats and houses in multiple occupation (HMO's) under Policy H3B of the Unitary Development Plan

## Need for Guidance

The need for guidance has been highlighted by an increase in the number of planning applications received for such conversions and the lack of any precise standards against which to assess proposals and make consistent decisions. Problems particularly arise from the sub division of dwellings which normally results in intensification of occupation which is accentuated by the creation of separate households. This has particular implications for immediately adjoining properties. It can also impact on the wider area and concern has been expressed about the standard of accommodation created for potential occupants.

It is recognised that the type of accommodation created contributes to meeting a demand in the borough amongst small and single person households. It is the role of the Council to ensure that conversions take place in a manner which protects the privacy and amenities of adjoining residents, is compatible with the character of the area, and provides a minimum standard of accommodation.

This report will therefore cover the following issues:-

- (a) Existing UDP Policy
- (b) Need for Planning permission
- (c) Definition of flats and HMO's
- (d) Standard of accommodation
- (e) Amenity standards
- (f) Parking requirements
- (g) Issues relating to size, location and current use.

It should be noted that this guidance does not include advice regarding such matters as the provision of amenities, fire precautions and sound proofing which are enforced by Environmental Health and Building Control. Applicants are advised to contact the Borough Environmental Health and Consumer Protection Officer and the Building Control Section of the Borough Planning Department regarding these issues.

(a) **UDP Policy**

Policy H3B of the Unitary Development Plan relates to Conversions to Flats and states the following:-

*“The Council will generally give favourable consideration to proposals for the conversion of buildings into flats providing there is:-*

- (a) *no loss of amenity to the surrounding residents through over-looking, noise transmission, or over-dominant extensions;*
- (b) *adequate parking provision;*
- (c) *adequate amenity space and refuse storage provision.”*

It is the intention of this report to provide more precise standards against which proposals can be assessed.

(b) **Need for Planning Permission**

Planning Permission is required for the conversion of a dwellinghouse into two or more flats as Section 55 (3) (a) of the 1990 Town and Country Planning Act states that *‘the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part of it which is so used’*.

As a consequence this involves development as defined in Section 55 (1) and Planning permission is required.

Similarly, in many instances conversions to HMO's from use as a single dwellinghouse will require consent. However, in this instance, some conversions to shared houses for occupation by up to 6 people may be carried out without the need for consent. A dwellinghouse falls within Class C3 of the 1987 Town and Country Planning (Use Classes) Order which includes dwellinghouses used by up to 6 unrelated persons living together as a single household – for example sharing housekeeping, meals and financial arrangements.

More recently, under the 1995 Town and Country Planning General Development Order, Planning permission is not required to use the first floor above a ground floor shop or office as a single self contained flat.

(c) **Definition of Self-contained Flat and House in Multiple Occupation**

For the purposes of this report, it is important to define the different types of accommodation to which it refers.

(i) **Self contained flat**

This includes converted self contained accommodation within a building which has its own external access and does not share any internal facilities. (it is important to note that this type of accommodation is normally covered by Section 345 of the 1985 Housing Act).

(ii) **House in Multiple Occupation**

The Council has already accepted definitions produced by the Borough Environmental Health and Consumer Protection Officer which are based on guidelines produced by the Chartered Institute of Environmental Health. These definitions are as follows and relate to Section 345 of the 1985 Housing Act:-

**Category A - Bedsit.** Properties occupied as individual rooms for exclusive occupation with some sharing of amenities, i.e. bathroom, WC and possibly kitchen. Occupants do not live together as a family or a single household. Each occupancy would be rented separately. This property is also recognised by having one or more of the following features:-

- Meters (gas/electricity/water) in the occupants' rooms or separate meters on premises.
- Rooms other than original bedrooms used for sleeping.
- Security locks on doors.

**Category B - Shared houses.** A property let to a group of persons who lead related lives. The occupants

**Category C - Lodging Houses.** Properties catering for lodgers on a small scale and which have a resident proprietor. Lodgers do not live as part of the main household and their meals are provided in a dining room.

**Category D - Guest Houses.** Bed and Breakfast Accommodation and Hostels. Accommodation for people with no permanent place of residence as distinct from an hotel which provides accommodation for short periods. Would include accommodation where there is a mixture of permanent residents and short term visitors.

**Category E - Registered Hostels recognised under the Registered Homes Act 1984.** Hostels which provide board and personal care or properties which would require registration if the required number of persons were resident.

**Category F - Flats.** Within this category, the following terms are frequently used:

<b>Flatlet</b>	-	comprises two habitable rooms (eg bedroom and combined living/dining/kitchen room).
<b>Flat</b>	-	occupies one floor only and comprises three or more habitable rooms.
<b>Maisonette</b>	-	occupies two or more floors and comprises three or more habitable rooms

This report refers to Categories A, B and F

(d) **Standard of Accommodation**

Before describing standards it is important to note the following:-

- (a) The Borough Environmental Health and Consumer Protection Officer has produced a Policy on the basic standards to be applied to HMO'. These were accepted by the Council in 1993 and are deemed to be the minimum standards for HMO's for the purposes of the Housing Act 1985 as amended by the Local Government and Housing Act 1989. They form the basis of a programme of enforcement being undertaken by the Borough Environmental Health and Consumer Protection Officer.
- (b) The standards enforced by the Borough Environmental Health and Consumer Protection Officer do not include any reference to car parking or external amenity space.

The Council has already accepted the space standards for Houses in Multiple Occupation which are enforced by the Borough Environmental Health Officer under Section 345 of the 1985 Housing Act. Members of the Planning and Development Committee have expressed concern in the past about the size of accommodation being created by conversions which have been the subject of planning applications. In the interests of consistency I would advise that the Borough Environmental Health and Consumer Protection Officer's standards be adopted as guidelines when determining planning applications.

The space standards applied are described in Appendix 1.

(e) **Amenity Standards**

With the increased intensity of use of a property which normally results from its conversion to flats or HMO's it is important to ensure that disturbance to existing residents and any visual impact on the area, is minimised whilst at the same time ensuring the amenities afforded to occupiers of the converted property are satisfactory.

It is therefore suggested that the following be applied when assessing proposals:-

(i) **Relationship to adjoining property**

Increased activity in properties in halls, stairs, landings and former bedrooms can result in disturbance to adjoining properties, particularly terraced and semi-detached still in single family occupation.

This can be overcome to some extent if the layout of the rooms is similar to the adjoining properties. Realistically, however, this is difficult to achieve when the adjoining property is a single dwellinghouse.

It is therefore essential that applicants give due consideration to the adequacy of sound insulation of existing party walls. It is the applicants' responsibility to obtain any necessary consent under the Building Regulations with regard to sound insulation.

Any proposals will be assessed by the Borough Environmental Health Officer regarding the layout of rooms, sound insulation where the Building Regulations do not apply, or where specialist acoustic treatment may be needed to protect the development from industrial or commercial noise in adjoining buildings. It is the applicants' responsibility to provide adequate information in this regard. Any conditions suggested by the Borough Environmental Health Officer should be implemented satisfactorily prior to occupation.

(ii) **Overlooking**

Conversions of properties inevitably lead to upper floor windows being used for living rooms. This can result in overlooking of adjoining residential properties and result in a loss of privacy. Proposals will not be allowed where it is considered that residents would suffer a significant loss of privacy as a result of proposals. Fire escapes can exacerbate this problem, particularly if used for regular access, and are therefore not encouraged for primary access in locations which overlook surrounding properties.

(iii) **Amenity Space**

An area of screened private amenity space should be available for use by residents which should include an area for refuse bin storage and clothes drying which should be accessed without the need for the use of fire escapes. The provision of balcony areas can intrude on the privacy of adjoining residents and is not therefore encouraged.

In order to achieve an adequate provision, a standard of 18 square metres per two units is required to be provided. For each additional unit above two, an area of 5 square metres is required to be provided.

(iv) **Visual amenity**

Any proposals will be expected to have regard to the general character of the area in which the property is located and seek to retain external features such as hedges, trees, walls and gateposts. Where it is considered that proposals would adversely affect the character of the area they will be resisted. This is most notably the case in Conservation Areas which have old large properties frequently seen as suitable for conversion.

Careful consideration will be paid to the location of refuse bins and proposals for extensive areas of hard surfacing. Any approvals may be subject to conditions requiring adequate landscaping which will be strictly enforced.

In terms of the alterations to the property any new windows serving living rooms, kitchens or bedrooms should not directly overlook adjoining properties. Any internal alterations should not result in the reduction of ceiling heights or introduction of vertical partitions, which would be visible externally.

(f) **Car Parking**

The provision of adequate space for the parking of motor vehicles is an important consideration when determining proposals. Such provision should take place without detriment to highway safety or to the amenity of the locality. Preferably proposals will include adequate provision within the curtilage of the property or on a dedicated site nearby provided no nuisance is likely to occur.

The critical question is how much parking should be available. Demand may vary between self contained flats and HMO's, depending on the size of the unit. However it is considered that the provision of a minimum of one space for each unit within the building would be an acceptable level.

Many properties considered suitable for conversion lie within terraced streets where there is limited off street parking available and, due to increased levels of car ownership, there exists significant levels of on street parking. A balanced view needs to be taken but initially every attempt must be made to achieve the above standard of provision with the exception of those specific circumstances identified in Section (g) below. If this is impossible an assessment has to be made about the implications of allowing on street parking to achieve the standard. This is however expected to be the exception rather than the norm. Care should be taken with regard to the siting of parking spaces to ensure on the one hand they are readily accessible, and on the other that they do not detract from the character of the area, for example by depending on committing the whole of front gardens to parking areas.

(g) **Issues relating to size, location and current use**

**Size of Property**

From the evidence of planning applications submitted, various sizes of house and property are in demand for conversion to flats and HMO's. Given the problems created by conversions with regard to their relationship to existing dwellings, and the need to provide an adequate level of amenity for occupiers of the flats or HMO's, small

sized terraced and semi-detached houses would appear to be unsuitable. In any event such conversions of properties invariably contribute to the supply of small family size dwellings. It is suggested that properties with a total floor area of less than 60m<sup>2</sup> will be resisted.

### **Town Centres**

Conversions of upper floors of retail and office properties to flats and HMO's will be acceptable in town centres which are identified in the Unitary Development Plan. In such areas the locational requirements and those for private amenity space and car parking will not be applied.

### **Existing Commercial Uses**

Conversions of existing ground floor retail and office units to flats and HMO's will generally be acceptable for individual properties subject to compliance with the required amenity standards. Conversions of shops and offices in existing parades will not generally be acceptable. Car parking will be assessed having regard to the number of units proposed and the nature of the commercial use which will be replaced.



## Space Standards for Houses in Multiple Occupation

### Category A (Rooms; Bedsits, Flatlets)

Minimum acceptable room sizes for this type of accommodation are listed below. Any floor area where the ceiling height is less than 1.5m will be disregarded.

#### One person units of accommodation

13.0 m<sup>2</sup> where room used for sleeping, living and cooking.

9.0 m<sup>2</sup> where room used for sleeping and living only.

11.0 m<sup>2</sup> where room used for living and cooking only.

8.0 m<sup>2</sup> where room used for living only.

6.5 m<sup>2</sup> where room used for sleeping only.

4.0 m<sup>2</sup> where room used as kitchen only.

#### Two person units of accommodation

The two persons concerned shall comprise a single household. No more than two persons shall be accommodated in any bedsit/flatlet unit of accommodation.

18.0 m<sup>2</sup> where room used for sleeping, living and cooking.

14.0 m<sup>2</sup> where room used for sleeping and living only.

15.0 m<sup>2</sup> where room used for living and cooking only.

11.0 m<sup>2</sup> where room used for living only.

11.0 m<sup>2</sup> where room used for sleeping only.

6.0 m<sup>2</sup> where room used as kitchen only.

Shared kitchens where provided should provide 3.0m<sup>2</sup> per person using the facility.

### Category B (Shared Houses)

Listed below are the minimum acceptable room sizes for the type of accommodation. Any floor where the ceiling height is less than 1.5m will be disregarded.

#### One person units of accommodation

- (i) Each bedroom 9.0m<sup>2</sup> except where a separate living room is provided which is not a kitchen/dining room in which case the bedroom shall be 6.5m<sup>2</sup>.

#### Two person units of accommodation

- (i) Each bedroom 14.0m<sup>2</sup> except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be 11.0m<sup>2</sup>.

## Common Rooms

### (i) Kitchens

used by 1-5 persons	7.0 m <sup>2</sup>
used by 6-10 persons	10.0 m <sup>2</sup>

### (ii) Dining/Kitchens

used by 1-5 persons	11.0 m <sup>2</sup>
used by 6-10 persons	19.5 m <sup>2</sup>

### (iii) Living Rooms and Dining Rooms

used by 1-5 persons	11.0 m <sup>2</sup>
used by 6-10 persons	16.5 m <sup>2</sup>

## Category F (flats)

Listed below are the minimum acceptable room sizes for this type of accommodation. Any floor area where the ceiling height is less than 1.5 m will be disregarded.

No more than two persons shall be accommodated in any flatlet-type unit of accommodation i.e. where a separate bedroom and kitchen are not provided. The two persons concerned must comprise a single household e.g. a married couple.

### (i) Bedroom

1 person	6.5 m <sup>2</sup>
2 persons	11.0 m <sup>2</sup>

(Bedroom for more than two persons, other than young children, will not be acceptable).

### (ii) Living Room

1 person	8.0 m <sup>2</sup>
2 or more persons	11.0 m <sup>2</sup>

### (iii) Bedroom/Living Room

1 person	9.0 m <sup>2</sup>
2 or more persons	14.0 m <sup>2</sup>

### (iv) Living/Kitchen

1 person	11.0 m <sup>2</sup>
2 or more persons	15.0 m <sup>2</sup>

(v) **Kitchen**

1 person	4.0 m <sup>2</sup>
2 or more persons	6.0 m <sup>2</sup>

The Council considers that ground floor flats may provide satisfactory accommodation for disabled persons. Applicants are therefore encouraged to contact the Council's Access Officers who can provide advice on the needs and requirements of disabled persons.