

**Conversions to Flats and Houses in Multiple Occupation**

**Draft Supplementary Planning Document**

**September 2022**

**For Consultation**

DRAFT

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## **1. Introduction**

1.1 The main purpose of a Supplementary Planning Document (SPD) is to provide further detail to existing policies in the adopted Local Plan. It does not have Development Plan status, but it will have some weight as a material planning consideration in the determination of planning applications.

1.2 Flats and Houses in Multiple Occupation provide small, affordable, and flexible accommodation for a wide variety of people including single people, students, low paid and seasonal workers, those on short term contracts and also unemployed people on housing benefits and are therefore an important part of the housing market. They can also offer temporary accommodation for people who are saving to purchase a home.

1.3 Houses that provide accommodation for at least 3 people who are not all members of the same family (or 'household'), are known as 'Houses in Multiple Occupation' (HMOs). HMOs are created through the conversion of buildings, either currently residential or other uses (such as public houses, shops etc). Most conversions to Houses in Multiple Occupation require planning permission for the change of use. The exception is a conversion from a dwellinghouse to a House in Multiple Occupation that has 6 or fewer occupants. However, Sefton has restricted this exception in parts of Southport and South Sefton (see para 2.6 below).

1.4 Poorly designed Flats and HMOs can lead to problems, both for the occupants and for neighbours, due to the large number of people living within relatively small places. These issues can include, noise, disturbance, loss of privacy and inadequate living accommodation. Similarly, an over-concentration of HMOs, or those that are poorly located, can be detrimental to residential amenity and harm the character of the area.

1.5. This document sets out how the Council intends to manage the development of Flats and HMOs and will be used in the determination of any planning application for the development of these properties within Sefton. The work involved in a conversion of a house to flats or to an HMO, will also require Building Regulations approval. Please note that this is a totally separate requirement to Planning consent.

## **2. Policy Context and Background**

### **National**

2.1 The National Planning Policy Framework sets out a need to provide a mix of housing supply to provide for current and future generations and to 'create sustainable, inclusive and mixed communities'.

2.2 The definition of what constitutes an HMO primarily relies on legislation concerning the private rented sector i.e. Housing Act 2004. In simple terms, an HMO is defined as a property where occupants share one or more basic amenities (i.e. a toilet, personal washing facilities or cooking facilities), and is occupied by 3 or more people who do not form a single household

and occupy the property as their only or main residence. There is also a requirement that rent is payable by at least one occupant of the property.

2.3 For planning purposes, HMOs are identified within the Town and Country Planning (Use Classes) Order 1987, as amended, as “*use of a dwelling house by 3-6 residents as a “house in multiple occupation”*” (Use Class C4) or a large HMOs (more than 6 people sharing) (Sui Generis). HMOs are not defined within the Order, which instead relies upon the definition given within the Housing Act 2004.

2.4 In October 2010 permitted development rights were amended to allow changes of use from dwelling houses (Class C3) to houses in multiple occupation (Class C4) without the need for planning permission. This allowance still stands in many parts of Sefton, although we have removed this right in parts of Southport and South Sefton (see below). This SPD only considers with conversions to flats or Houses in Multiple Occupation that require planning permission, though it could be use to provide good practice for conversions that can be done without planning permission.

#### Local - Planning

2.5 The Local Plan for Sefton was adopted on 20<sup>th</sup> April 2017. This sets out how the Council will manage development in the borough to ensure it meets housing need and secures sustainable development’. Policy HC4 (part 2) of the Local Plan states that:

*Development involving the conversion of buildings to Houses in Multiple Occupation or flats will be permitted where it will not cause harm to:*

- a. The character of the area*
- b. The living conditions for either the occupiers of the property or for neighbouring properties.*

2.6 On September 20<sup>th</sup> 2017 the Council issued an Article 4 Direction to remove the permitted development rights to convert a residential property into a small HMO (C4) in parts of Bootle, Seaforth, Waterloo and Southport. The area covered by the article 4 direction is shown in appendix A. This came into force on 20<sup>th</sup> September 2018.

#### Local - Housing

2.7 In September 2017, the Council approved the designation of a selective licensing scheme for all privately rented properties within parts of Bootle.

2.8 Selective licensing requires landlords who privately rent out properties in the designated area to obtain a licence from the Council. Landlords will be required to meet a range of licence conditions, and show that they have appropriate management arrangements in place.

2.9 On the same date, the Council approved the designation of an ‘Additional (HMO) Licensing’ scheme for all privately rented Houses in Multiple Occupation within parts of

Seaforth, Waterloo, Brighton-le-Sands and Southport. Additional licensing requires landlords who privately rent out Houses in Multiple Occupation within designated areas to obtain a licence from the Council. Additional (HMO) licensing will be applicable to all types of HMO situated within the designated licensing area (with the sole exception of those that fall within the remit of the current national 'Mandatory HMO Licensing' regime).

2.10 Both these designations came into effect in **March 2018** and will last for a period of 5 years up until 28<sup>th</sup> February 2023. Consultation on the proposal to extend Sefton's 'Selective' and 'Additional (HMO) Licensing' schemes in certain areas of the borough, for a further five years (i.e. March 2023 to February 2028) is currently underway, and will remain open until 31<sup>st</sup> July 2022. For further information on the consultation please see <https://www.sefton.gov.uk/housing/private-housing/selective-and-additional-hmo-licensing-scheme-consultation/>

2.11 It is important to note that if a proposal does not require planning permission, this does not mean that a selective or additional licence will not be required. Furthermore, the granting of planning permission does not automatically mean that a licence will be granted. You should check the requirements for a licence separately with the Housing Standards Team (see Appendix C).

2.12 Conversions to flats that have not been carried out in accordance with current Building Regulations, may constitute an 'HMO' under section 257 of the Housing Act 2004. If situated in a designated licensing area, such premises will therefore require an 'Additional (HMO) Licence'.

### 3. Conversion to Flats

3.1 This section of the guidance deals with conversions to flatted accommodation that is self-contained and falls within Class C3 of the Use Class Order. This guidance also applies to self-contained flats situated within premises that contain a mix of self-contained and non-self-contained accommodation.

#### Room Sizes

3.2 To ensure that self-contained flats are large enough to provide suitable accommodation for residents the following minimum size standards should be met<sup>1</sup>:

#### Minimum gross internal floor area for flats (m<sup>2</sup>)

	Total size of accommodation	Minimum main bedroom size <sup>3 &amp; 4</sup>	Minimum secondary bedroom size <sup>4</sup>
Studio flat <sup>2</sup>	25	n/a	n/a
1 bedroom flat	37	10.5	n/a
2 Bedroom flat	61	10.5	8.5
3 Bedroom flat	74	10.5	8.5

<sup>2</sup> A studio flat is accommodation which has all the living accommodation (bedroom, kitchen, living room) within a single room/space. <sup>3</sup> A main bedroom is the only bedroom in a one bedroom flat or the largest bedroom in flats with two or more bedrooms. <sup>4</sup> The minimum bedroom floor areas exclude any en-suite bathroom, shower or toilet facilities.

3.3 In flats that have two or more bedrooms it is considered that at least one of the bedrooms should be a double (i.e. able to accommodate a double bed or two single beds).

3.4 The space within the flat can be used flexibly so that new flats can be designed to meet local market needs or conversions can take account of existing layouts. However, rooms should be of sufficient size for their purpose and the internal arrangement of rooms within the flat (or multi-roomed bedsit) should avoid 'inner room' situations. This is where escape from a bedroom (in the event of a fire) is only possible, by passing through an area of higher fire risk such as a living room or kitchen.

#### Outlook, Prospect and Privacy

3.5 In flats, each habitable room<sup>2</sup> should have at least one window with a reasonable outlook and prospect. There should be a minimum distance of 12 metres between a main window in a habitable room on the ground floor and a blank wall (or a wall with a window of a non-habitable room) of a property opposite. To ensure privacy there should be a minimum distance of 18 metres between a main window in a habitable room and another window of a habitable room in a property opposite.

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<sup>1</sup> These standards are based on the Technical Housing Standards – nationally described space standards (DCLG, March 2015)

<sup>2</sup> That is a room where residents will spend a lot of time, such as a bedroom, living room, dining room or kitchen

[include illustration to show interface distances]

3.6 In many urban parts of Sefton these standards may not be achievable in conversion schemes as the existing buildings were built at a time when higher densities were more commonplace. In these instances, we will consider the outlook and prospect of the accommodation as a whole. We will also consider the previous use of the rooms with a conversion scheme and determine whether the proposal will have any greater harm, for example if a room was previously a habitable room. However, if new windows are proposed to be added we will be less flexible. We will assess each case on its merits.

### **Ground Floor Bedrooms**

3.7 Many homes in Sefton, particularly the older parts of Bootle, Litherland, Seaforth, Waterloo and Southport, have little or no front garden space. In such cases the front living space fronts directly onto, or very close to, the public highway. When this room is used as a living room, dining room, or home office, this does not cause an issue. However, if these rooms are used as a bedroom within a flat conversion (or HMO see below) it can result in unsatisfactory living accommodation due to noise from the street from passing pedestrians and traffic.

3.8 Therefore, to protect residential amenity for future residents, the Council will not permit the use any room on the ground floor (or basement) as a bedroom that fronts directly onto a public highway, unless there is a front garden space of at **least 3m** that separates the room from the public highway.

### **Basement Accommodation**

3.9 In most cases basements are unlikely to be considered acceptable for conversion to habitable rooms.

3.10 For basements, we will only grant planning permission where there is a reasonable outlook from all habitable room windows. We will also only grant planning permission where there is no known flood risk, or where flood risk has been managed to the satisfaction of both the Environment Agency and the Council.

3.11 When considering whether there is a reasonable outlook from a window in a habitable room in a basement, the Council will consider the function of the space to which it looks onto. For example, it would not be considered appropriate if the window looks directly onto a bin storage area or where cars will be parked. The Council would expect a minimum distance of 3m from a habitable window to an area of bin storage or car parking.

3.12 More generally, internal floor levels should not be more than 1 metre below the existing ground level from outside (it will not be acceptable to excavate land in order to provide a reasonable outlook). This is to prevent accommodation from being dark, gloomy and damp. Basements can be used for bathrooms, storage, laundry rooms, bicycle storage or other uses. This restriction on excavation to provide a reasonable outlook from a

basement applies especially to 'heritage assets' as additional excavation can affect the appearance of the building.

### **Roof Space Accommodation**

3.13 The same principles apply to roof space accommodation as to other accommodation in the main building.

3.14 When calculating the floorspace of rooms or flats in a roof space the Council will not include space that has a floor to ceiling height of 1.5m or less. It is considered that these spaces would not provide useable accommodation, although they would be suitable for storage space. Applicants must identify on submitted plans the floorspace area that has a floor to ceiling height of 1.5m or more.

3.15 Habitable rooms within the roof space area must provide a reasonable outlook. Roof lights that only face the sky are not considered to provide a reasonable outlook and prospect. If a roof light is providing the main outlook in a habitable room, it must be positioned at a minimum of 1.5m from the floor level.

3.16 Rooms within the roof need will need to be thermally insulated from excess cold or heat

3.17 Developers should be aware that large numbers of roof lights can spoil the appearance of a building, especially where the building is a heritage asset, and such proposals are unlikely to be acceptable.

### **Private Outdoor Space**

3.18 It is important that residents have access to an area of private outdoor amenity space. This space should not be accessible to the public. For flats this is usually provided as a communal area that is available for all residents of the flats to use. This space should be designed to provide an area for residents for informal recreation, gardening, drying clothes and socialising.

3.19 The minimum standard for outdoor amenity space for flats is as follows:

<b>Amenity Space Required</b>
20m <sup>2</sup> per flat

3.20 The amenity space must be accessible to all residents and be of high quality. The standard can be met either by provision of a communal area, such as:

- a rear garden, or
- a communal roof terrace (subject to no harmful effect on neighbours), or
- a private space (such as a balcony, subject to no harmful effect on neighbours) or
- a combination of these.



3.21 Areas to the front of a building that are not private, and areas intended for parking and bin stores will not be included in the calculation. Narrow spaces (typically less than 2.5m wide) will not be included in a calculation of available amenity space as they are not considered to provide useable space.

[insert illustration for above standard]

3.22 Applicants must take all opportunities to provide at least the minimum amenity space requirement within the proposals. This may include the removal of existing extensions and outbuildings and/or the inclusion of appropriate roof terraces (where this does not result in detrimental harm to the living conditions of neighbouring residents or the character of an area). The Council will not permit insufficient amenity space if all opportunities to maximise the amount of space have not been taken. Extensions to properties to increase accommodation will not be permitted if this would result in an inadequate amount of amenity space.

3.23 Furthermore, if the required amount of amenity space cannot be met the Council would expect the applicant to reduce the number of units provided within the proposal.

3.24 If all measures to address the amenity space standards have been adequately demonstrated, and they still cannot be met the Council may be prepared, in exceptional circumstances, to accept a lower amount. Appendix B sets out how the Council will assess planning applications for conversions to flat or HMOs in relation to private outdoor amenity space.

3.25 If the proposal is not providing the full outdoor private amenity open space standard, it is the responsibility of the applicant to clearly demonstrate why a lower standard should be accepted addressing the points in the flowchart at Appendix B. This should be demonstrated in a statement submitted with a planning application. It should not be assumed that the Council will accept a shortfall in the amount of amenity space, and it is the responsibility of an applicant to demonstrate to the Council's satisfaction that a shortfall of amenity space would, on balance, still achieve in a high quality and sustainable development.

3.26 The flowchart at Appendix B refers to proximity to 'main parks' as a potential route to a reduced amount of outdoor private amenity space. Main parks are defined in the Open Space Supplementary Planning Document (SPD). If there is a deficit of private amenity open space, and the shortfall is being considered due to the proposal being within 200m of a main park, the applicant will be expected to make a financial contribution to the improvement of that park. This will be set at the rate set out in the Open Space SPD, currently £2,328.00 for every 40m<sup>2</sup> of shortfall.

3.27 If an applicant is relying on a regeneration benefit to justify a shortage of amenity space, the benefits must be to the wider regeneration area and not be restricted to the immediate property. We are unlikely to accept re-using a vacant property in a regeneration area as a sole justification for deficient amenity space. Applicants should look at the objectives of the relevant regeneration area and seek to link any benefits to these.

3.28 Notwithstanding the flexibility we may apply in the circumstances set out in the flowchart at Appendix B, we will not accept no outdoor amenity space as all residents need at least some outdoor space, for example to dry clothes. We will not accept the argument that having a tumble dryer negates the need for external space to dry clothes, particularly given issues with fuel poverty.

### **Bin stores**

3.29 A suitable space for refuse and recycling bins must be provided, for all of the occupants of the building. The bin storage area must be within 25m of a publicly accessible pavement for ease of collection. Where possible, the bin store should be to the side or rear of the property out of public view and where it will not be a nuisance. Where it is necessary for bins to be stored at the front of the property, the bin store should be designed to fit in with the street scene. Bin stores should not create dark recessed areas which could encourage misuse, vandalism or pest control problems.

3.30 Where a development affects a heritage asset, the bin store should, where possible, be out of sight from the road.

### **Access and parking and cycling**

3.31 The Applicant will need to consider how many car parking spaces, if any, are required, and provide a plan of the site showing the layout of the spaces as part of any planning application.

3.32 The Applicant must also include secure cycle parking facilities within the site unless the developer demonstrates to the Council's satisfaction that this is not possible. One secure cycle parking space should be provided for every flat within the proposal, plus one additional visitor cycle parking space for every ten units. Details should be provided as part of any planning application.

3.33 Car parking areas can spoil the appearance of heritage assets, particularly where they are at the front of buildings. Where this is unavoidable, car parking should be sensitively designed and kept to the minimum in line with the Sustainable Travel and Development SPD.

3.34 Conversions to flats, particularly those situated above existing commercial premises, should not be accessed from the rear via 'alley gated' alleyways. Such access can be long and circuitous, with obstructions such as bins and domestic refuse, over poor surfaces and with inadequate lighting, all of which may constitute various hazards. It is also a security risk. Access to multi-occupied flats should therefore only be through a dedicated accessway, direct from the street, at the front or side of the building and should not be via external staircases.

## 4. Conversions to Houses in Multiple Occupation

4.1 This section sets out how the Council intends to manage the provision of HMOs within the borough, so that they adhere to Policy HC4 of the Local Plan.

4.2 An HMO can broadly be defined as:

*A house occupied by unrelated individuals, some of whom share one or more of the basic amenities. Shared amenities include: bathrooms, toilets, shower rooms and kitchens and living rooms.*

4.3 A building defined as an HMO may consist entirely of bedsit unit type accommodation (where some or all amenities are shared) or a combination of both bedsits and fully self-contained flats.

4.4 Applications for HMOs are defined by the number of residents that will occupy the property. **When submitting an application for the conversion to a House in Multiple Occupation, the application description must specify the maximum number of occupants that will occupy the HMO, rather than the number of units. For example; 'six person HMO'.**

### Amenity of Future Occupiers of HMOs

#### Room Sizes

4.5 To ensure that Houses in Multiple Occupation are large enough to provide suitable accommodation for residents, the following minimum room size standards should be met:

#### **Single Room Bedsit (HMO) Accommodation<sup>1</sup> – Minimum internal room sizes**

	Accommodation that has access to a communal living room/lounge area		Accommodation that <b>does not</b> have access to a communal dining room or lounge area	
	Single Person	Two Person	Single Person	Two Person
Single room bedsit without kitchen facilities	10m <sup>2</sup>	12.5m <sup>2</sup>	15m <sup>2</sup>	18.75m <sup>2</sup>
Single room bedsit with integral kitchen facilities	13m <sup>2</sup>	16.25m <sup>2</sup>	19.5m <sup>2</sup>	24.4m <sup>2</sup>

<sup>1</sup> These figures assume there is only one occupant. Were a single room bedsit unit within a HMO is intended for two occupants then these standards are increased by 25%. These areas exclude en-suite bathrooms, toilets or shower rooms.

4.6 A self-contained flat within a HMO must meet the standards under section A on flats.

4.7 It is recommended that all residents in HMO schemes have access to communal areas in which they can spend time to relax, socialise, eat meals etc. This is particularly important as

residents will otherwise only have one room to spend the majority of their time. However, if the rooms are provided are spacious (i.e. all bedsits meet the standards in the right-hand column above) then the Council recognises that communal rooms may not be required as residents will have sufficient private space. It is considered this provides a flexible approach that will allow applicants to best use the available accommodation.

#### Multi Room Bedsit Accommodation

4.8 A HMO bedsit unit will occasionally have more than one private room for the use of the occupier. These additional rooms should also meet minimum standards as set out below.

4.9 The main room should meet the standards as set out above. Any additional room must meet the standards below depending on its function:

Separate Bedroom – two people sharing	10.5m <sup>2</sup>
Separate Bedroom – single person occupant	8.5m <sup>2</sup>
Living room	9m <sup>2</sup>
Combined living room/kitchen	11m <sup>2</sup>
Kitchen	5.5m <sup>2</sup>

#### Shared Facilities

4.10 Typically HMOs will share one or more key amenity, usually a kitchen, dining room, living room or bathroom. Shared bathrooms should be no more than one floor up or down from the bedsit units that they are intended for. Shared kitchens should be no more than one floor up or down from bedsit units they are intended for unless they include a dining area (provided it meets to room standard below), or a separate dining room is provided nearby. If bedsit accommodation is provided within a separate building or annex to the main building, these residents must have access to a suitably located bathroom and kitchen within that building. No resident will be expected to go outside or into another building, in order to access a bathroom or kitchen.

4.11 Shared facilities, where residents may be expected to socialise for a period of time, such a communal lounge or dining room (essentially rooms that have seating), should be located to minimise the impact on bedrooms, both within the building and adjoining properties. These typically may be best located on the ground floor.

4.12 The table below sets out the minimum size of the communal rooms if these are provided.

Separate Kitchen	7m <sup>2</sup>
Lounge or Dining Room	11m <sup>2</sup>

Multi use communal area (e.g. kitchen/dining room or kitchen/lounge)	14m <sup>2</sup>
Bathroom/wc	No set standard – however must have a suitable internal arrangement to allow residents to use the facilities safely without resulting in a slip / trip/ collision or entrapment hazard.

4.13 The space standards above, and the level of shared amenities will increase depending upon the number of occupants they are intended to serve. A sufficient number of kitchens, bathrooms and toilets will need to be provided, for the number of persons sharing those amenities. In the case of Mandatory or Additionally Licensed HMOs, specific levels of amenities are required by law. Therefore the number of occupants should be specified in an application, rather than the number of units (see paragraph 4.4 above).

4.14 Communal rooms, where residents would be expected to spend periods of time (kitchen, lounge etc.) or circulation areas (including stairwells), should be avoided where they would share a party wall with a bedroom in a neighbouring property. Communal rooms and circulation areas should therefore be located, to cause minimal nuisance to both future and existing residents. In any case, all bedrooms in an HMO should be provided with good sound proofing to reduce noise disturbance from the comings and goings that inevitably occur in a multi occupant residence.

4.15 The internal arrangement of rooms within a multi-roomed bedsit (or flat) should avoid 'inner room' situations. This is where escape from a bedroom (in the event of a fire) is only possible, by passing through an area of higher fire risk such as a living room or kitchen.

### **Outlook, Prospect and Privacy**

4.16 In HMOs each bedsit should have at least one window with a reasonable outlook and prospect. Similarly, at least one window in communal habitable rooms should have a reasonable outlook and prospect. There should be a minimum distance of 12 metres between a main window in a habitable room on the ground floor and a blank wall (or a wall with a window of a non-habitable room) of a property opposite. To ensure privacy there should be a minimum distance of 18 metres between a main window in a habitable room and another window in a habitable room of a property opposite.

[insert illustration to show above standard]

4.17 In many urban parts of Sefton these standards may not be achievable. In these instances, we will consider the outlook and prospect of the accommodation as a whole, including communal habitable rooms. We will also consider the previous use of the rooms and determine whether the proposal will have any greater harm. However, if new windows are proposed to be added we will be less flexible. We will assess each case on its merits.

## **Ground Floor Bedrooms**

4.18 Many homes in Sefton, particularly the older parts of Bootle, Litherland, Seaforth, Waterloo and Southport, have little or no front garden space. In such cases the front living space fronts directly onto, or very close to, the public highway. When this room is used as a living room, dining room, or home office, this does not cause an issue. However, if these rooms are used as a bedroom within an HMO conversion (or within a flat, see above) it can result in unsatisfactory living accommodation due to noise from the street from passing pedestrians and traffic.

4.19 Therefore, to protect residential amenity for future residents, the Council will not permit the use any room on the ground floor (or basement) that fronts directly onto a public highway as a bedroom, unless there is a front garden space of at least 3m that separates the room from the public highway.

## **Basement Accommodation**

4.20 In most cases basements are unlikely to be considered acceptable for conversion to HMO accommodation.

4.21 For basements, we will only grant planning permission where there is a reasonable outlook from windows in each bedsit and each habitable room within the basement. We will also only grant planning permission where there is no known flood risk, or where flood risk has been managed to the satisfaction of both the Environment Agency and the Council.

4.22 When considering whether there is a reasonable outlook from a window in a habitable room in a basement, the Council will consider the function of the space to which it looks onto. For example, it would not be considered appropriate if the window looks directly onto a bin storage area or where cars will be parked. The Council would expect a minimum distance of 3m from a habitable window to an area of bin storage or car parking.

4.23 More generally, internal floor levels should not be more than 1 metre below the existing ground level from outside (it will not be acceptable to excavate land in order to provide a reasonable outlook). This is to prevent accommodation from being dark, gloomy and damp. Basements can be used for storage, laundry rooms, bicycles or other uses. This restriction on excavation to provide a reasonable outlook from a basement applies especially to 'heritage assets' as additional excavation can affect the appearance of the building.

## **Roof Space Accommodation**

4.24 The same principles apply to roof space accommodation as to other accommodation.

4.25 When calculating the floorspace of bedsits and communal rooms in a roof space, the Council will not include space that has a floor to ceiling height of below 1.5m. It is considered that these spaces would not provide useable accommodation. Applicants must

identify on submitted plans the floorspace area that has a floor to ceiling height of 1.5m or more.

4.26 Habitable rooms within the roof space area must provide a reasonable outlook. Roof lights that only face the sky are not considered to provide a reasonable outlook and prospect. If a roof light is providing the main outlook in a habitable room, it must be positioned at a minimum of 1.5m from the floor level.

4.27 Rooms within the roof need will need to be thermally insulated from excess cold or heat.

4.28 Developers should be aware that large numbers of roof lights can spoil the appearance of a building, especially where the building is a heritage asset, and such proposals are unlikely to be acceptable.

### **Outdoor Amenity Space**

4.29 It is important that residents have access to an area of private outdoor amenity space. This is usually provided as a communal area that is available for all residents of the HMO to use but should not be accessible to the public. This space should be designed to provide an area for residents for informal recreation, gardening, drying clothes and socialising.

4.30 The minimum requirement for amenity space for Houses in Multiple Occupation is **10m<sup>2</sup> per occupant**.

4.31 The amenity space must be accessible to all residents and be of high quality. The standard can be met either by provision of a communal area, such as:

- a rear garden, or
- a communal roof terrace (subject to no harmful effect on neighbours), or
- a private space (such as a balcony, subject to no harmful effect on neighbours) or
- a combination of these.

4.32 Areas to the front of a building that are not private, and areas intended for parking and bin stores will not be included in the calculation. Narrow spaces (typically less than 2.5m wide) will not be included in a calculation of available amenity space as they are not considered to provide useable space.

4.33 Applicants must take all opportunities to provide the minimum amenity space requirement within the proposals. This may include the removal of existing extensions and outbuildings and/or the inclusion of appropriate roof terraces (where this does not result in detrimental harm to the living conditions of neighbouring residents or the character of an area). The Council will not permit insufficient amenity space if **all** opportunities to maximise the amount of space have not been taken. Extensions to properties to increase accommodation will not be permitted if this would result in an inadequate amount of amenity space.

4.34 Furthermore, if the required amount of amenity space cannot be met the Council would expect the applicant to reduce the number of occupants expected to be accommodated.

4.35 If all measures to address the amenity space standards have been adequately demonstrated, and they still cannot be met the Council may be prepared, in exceptional circumstances, to accept a lower amount. Appendix B sets out how the Council will assess planning applications for conversions to flat or HMOs in relation to private outdoor amenity space.

4.36 If the proposal is not providing the full amenity open space standard, it is the responsibility of the applicant to clearly demonstrate why a lower standard should be accepted addressing the points in the flowchart at Appendix B. This should be demonstrated in a statement submitted with a planning application. It should not be assumed that the Council will accept a shortfall in the amount of amenity space, and it is the responsibility of an applicant to demonstrate to the Council's satisfaction that a shortfall of amenity space would, on balance, still achieve in a high quality and sustainable development.

#### **Bin stores**

4.37 A suitable space for refuse and recycling bins must be provided, for all of the occupants of the building. The bin storage area must be within 25m of a publicly accessible pavement for ease of collection. Where possible, the bin store should be to the side or rear of the property out of public view and where it will not be a nuisance. Where it is necessary for bins to be stored at the front of the property, the bin store should be designed to fit in with the street scene. Bin stores should not create dark recessed areas which could encourage misuse, vandalism or pest control problems.

4.38 Where a development affects a heritage asset, the bin store should, where possible, be out of sight from the road.

#### **Access and parking and cycling**

4.39 The Applicant will need to consider how many car parking spaces are required, and provide a plan of the site showing the layout of the spaces as part of any planning application.

4.40 The Applicant must also include secure cycle parking facilities within the site. This is especially important due to the low levels of car ownership associated with HMOs. Unless the developer demonstrates to the Council's satisfaction that this is not possible, one secure cycle parking space should be provided for every HMO bedsit unit or self-contained flat within the building. Details should be provided as part of any planning application.

4.41 Car parking areas can spoil the appearance of heritage assets, particularly where they are at the front of buildings. Where this is unavoidable, car parking should be sensitively designed and kept to the minimum.



4.42 Conversions to HMOs, particularly those situated above existing commercial premises, should not be accessed from the rear via 'alley gated' alleyways. Such access can be long and circuitous, with obstructions such as bins and domestic refuse, over poor surfaces and with inadequate lighting, all of which may constitute various hazards. It is also a security risk. Access to HMOs should therefore only be through a dedicated accessway, direct from the street, at the front or side of the building and should not be via external staircases.

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## **5. Local impact of converting buildings to Flats and HMOs**

5.1 Permitting the conversion of a building into Flats or a House in Multiple Occupation can help bring back into viable use an otherwise vacant property. Furthermore, the re-use and adaptation of such buildings reduces the consumption of resources, can contribute to local character, assist regeneration and support local services through the increase of residents. They can also contribute to the Council's housing requirement. However, they also have the potential to cause a nuisance to existing neighbouring residents. Additionally, an over proliferation of conversions to Flats and HMOs in a local area can have a negative impact on residential amenity and change the character of the area for the worse.

### **Limiting the Impact of Conversions of Flats and HMOs on a local neighbourhood**

5.2 In some parts of Sefton, the impact of conversions to HMOs (but also flats) was considered to be having a significant detrimental impact, and so an Article 4 direction was implemented.

5.3 The Council has implemented an article 4 direction for small HMOs in two areas in Sefton (Southport and South Sefton). In these areas the Council has removed the permitted development rights to convert a dwellinghouse (C3 use) to a House in Multiple Occupation for up to 6 occupants (C4 use). In these areas, planning permission is now required for all HMOs. Elsewhere, permission is only required if the HMO is to have 7 occupants or more. The article 4 areas cover Bootle, Seaforth, Waterloo and central Southport. These areas are identified in appendix A.

5.3 The rationale for the setting of an article 4 in these areas is set out in supporting evidence to the article 4 direction (available at [www.sefton.gov.uk/article4hmo](http://www.sefton.gov.uk/article4hmo)). This document identifies the social, environmental and economic issues that are prevalent in these areas that make them more susceptible to problems caused by an over-concentration of HMOs, which affect the character of the area. These have been identified as high deprivation, high unemployment, higher crime, more homes in poor condition, low demand, low value housing, greater prevalence of environmental issues and higher instances of anti-social behaviour. As a result, the Council considers it necessary to restrict the total number of HMOs (and conversion to flats) within these areas, particularly where there are concentrations in local neighbourhoods. This will help to restrict significant harm to the character of the area and the living conditions of residents in neighbouring properties.

5.4 Similarly, an overconcentration of conversions to flats can have similar negative impact, resulting in the same issues as conversions to HMOs. This is particularly a problem in areas where there is already a high concentration of converted flats, making it difficult for residential amenity to be maintained. The Council periodically review whether permitted development rights need to be restricted and it may consider additional Article 4 directions in the future.

5.5 To reduce the impact of too many conversions to Flats or HMOs on a neighbourhood, the Council will apply maximum concentration of conversions to Flats or HMOs in a local area. The Local Area will be defined as being within a 100m radius of a proposal for

conversion to flats or HMOs. The maximum number of conversions to flats or HMOs in a 100m radius of the application property will be:

If there are fewer than 40 buildings in the local area (100m radius) – **maximum 3 conversions to flats or HMOs allowed**

If there are 40 or more buildings in the area – no more than **10% of the total number of properties are allowed to be converted to flats or HMOs**

5.6 Flats or HMO conversions that would lead to or increase an existing over-concentration of conversions to HMOs within a defined 100 radius will be considered inappropriate. The above limits apply to the number of flat and HMO conversion combined. It is not acceptable to have 10% conversions to flats and 10% conversions to HMOs.

5.7 This cap only applies to proposals for conversions to HMOs and flats and does not apply to new build flats. This is because new build flats are designed for that purpose and should provide sufficient space for parking, bins, outdoor amenity etc as part of the overall proposal. It also only applies to proposals for conversions to Flats and HMOs that require planning permission (and not those that can be done under a prior approval process). For example, it does not apply to dwellings outside of the article 4 areas that can be converted to small HMOs under permitted development rights or accommodation above shops that can be converted to flats under permitted development rights. However, properties converted through permitted development rights will still be used when calculating how many HMOs are in a local area, and therefore if there is an over concentration of Flat and HMO conversions in an area.

5.8 The above restriction will not be applied to proposals for conversion to flats within one of the Council's defined Town, District or Local centres (as shown on the Local Plan policy maps). This is because centres are an excellent place to have a large number of people living, due to the concentration of services and facilities. The restriction will, however, be applied to conversions to HMOs in Sefton's Town, District or Local centres.

5.9 Furthermore, proposals to convert a listed building or non-listed heritage asset to flats will also be exempt from the 10% 'over concentration' restriction. However, the restriction to convert a listed building or non-listed heritage asset to an HMO, will be subject to the restriction set out above.

5.10 In determining whether there is or will be an overconcentration of conversions to Flats or HMOs the Council will undertake the following approach:

- **Step 1** - plot a 100m radius from the application property using the address point of the property, as defined by the Council's Local Land and Property Gazetteer (LLPG). Properties, including the curtilage of the property, that are within the 100 metre radius buffer zone will be identified. This is demonstrated in an example below. Identify the total number of properties in the defined area noting that a property converted to flats will be counted as a single property.



- **Step 2** - Identify the total number of existing properties that have been converted to Flats or HMOs (either through the planning application process or through permitted development rights) within the defined area. This will be determined using the following sources of information:
  - information on licensed Flats and HMOs
  - previous planning permissions
  - Previous prior notification approvals
  - enforcement information
  - other Flats and HMOs declared to the Council
  - information from residents

5.11 It is important to emphasise that it may not always be possible to ascertain a complete and accurate record of all properties that have converted to Flats or HMOs as many properties may have been converted under permitted development rights and the Council may not be aware of these. The Council will only be able to apply this limit using the information that it has.

- **Step 3** - Determine whether an over-concentration of conversions to Flats or HMOs already exists in the defined area, or the proposal would result in an over-concentration.

5.12 In the example above there are 272 properties (light red) that are identified as being within the 100m radius (dotted circle) of the application property (dark red). In this case, if there are already 27 or more properties that have already been converted to flats or HMOs

within the identified area, the Council will not grant planning permission to anymore. It must be remembered that the above does not restrict proposals that are allowable under permitted development rights.

### **Limiting the impact of Conversions to Flats or HMOs on immediate neighbours**

5.13 In addition to the impact on the local area, the conversion of a dwelling into flats or an HMO, has the potential to adversely impact on its immediate neighbour, if that remains as a single dwelling. This is due the potential increase in comings and goings, parking issues, refuse disposal and other residential amenity issues that could occur. It could also introduce shared living spaces, such as kitchens and living rooms, next to a bedroom in adjacent property.

5.14 Therefore, the Council will not permit a single dwelling to be 'sandwiched' between two converted Flats or HMOs (or one of each). This restriction applies across the whole borough for proposals to convert to Flats or HMOs that require planning permission. Conversions to Flats or HMOs that do not require planning permission cannot be controlled by the Council and are not subject to this restriction.

5.15 In the example below the proposed conversion to a Flat or HMO (at number 22) would result in a neighbouring residential property (number 20) being sandwiched between two converted Flat or HMO. **This would not be acceptable.**



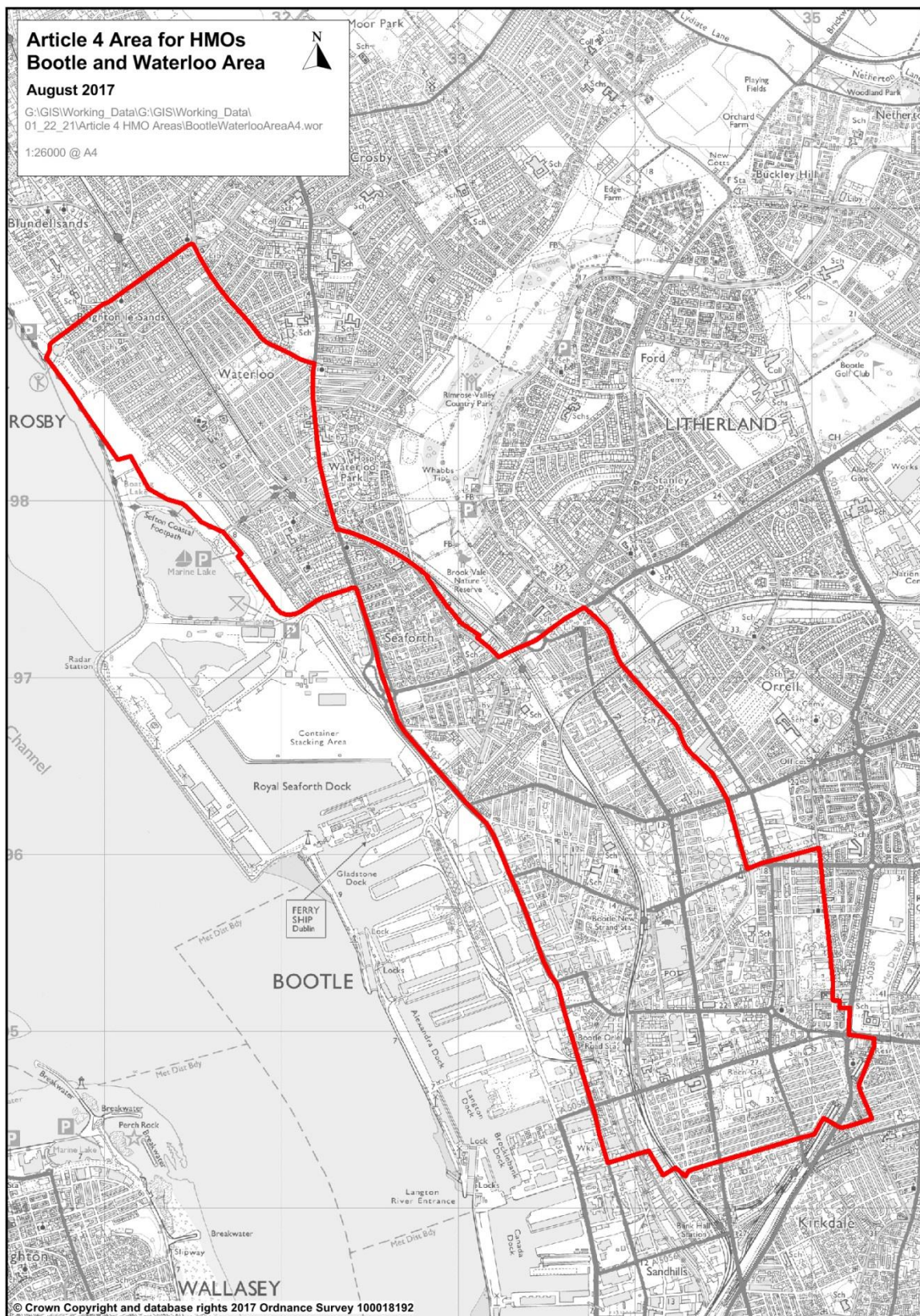
5.16 This restriction applies to all dwelling types, including terraced, semi-detached and detached properties. These restrictions will not apply if the properties (including the

curtilage) are separated by a road (minimum of 5.5m) suitable for vehicles or an area of undeveloped land (that is at least 5.5m wide).

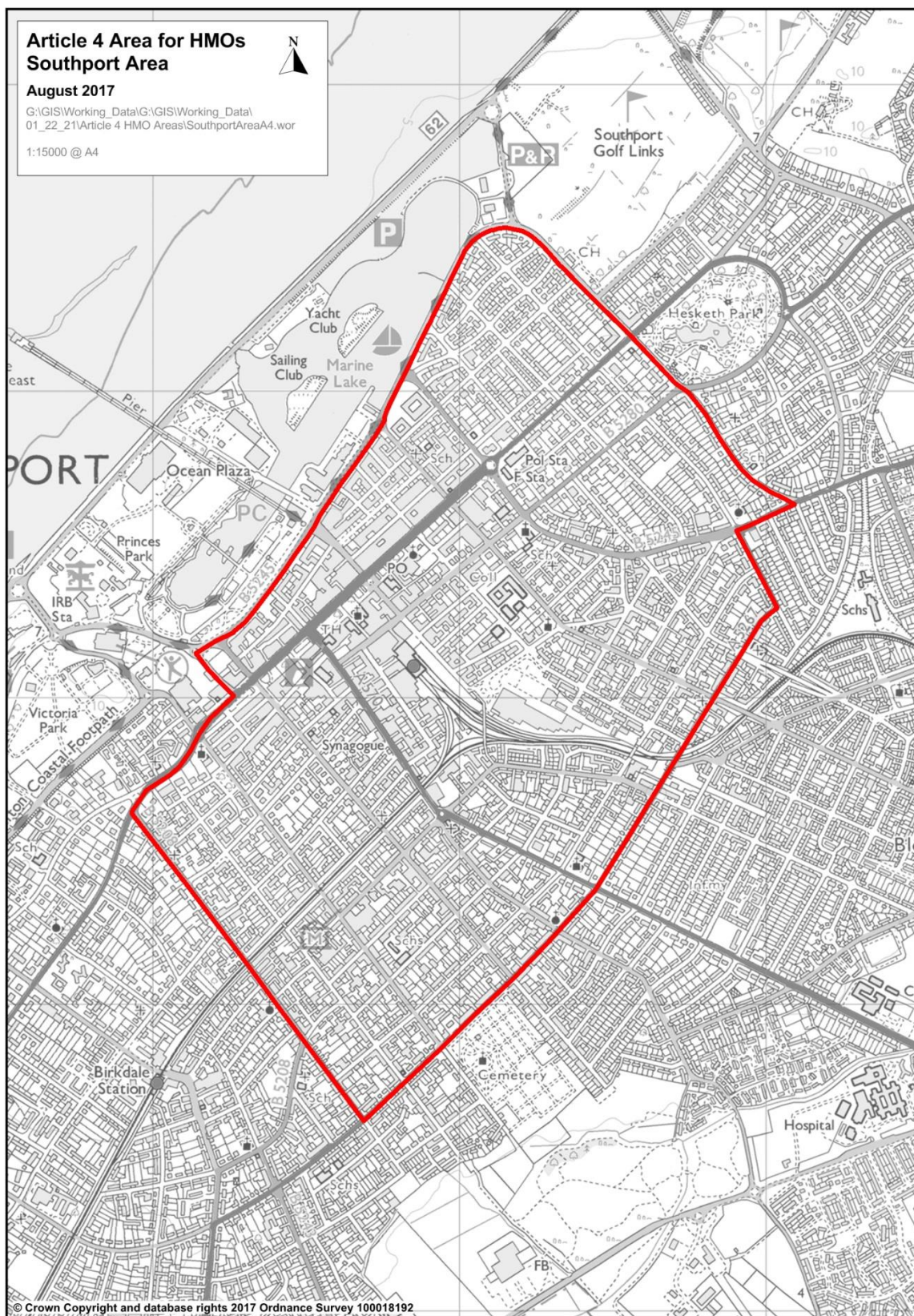
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## Appendix A



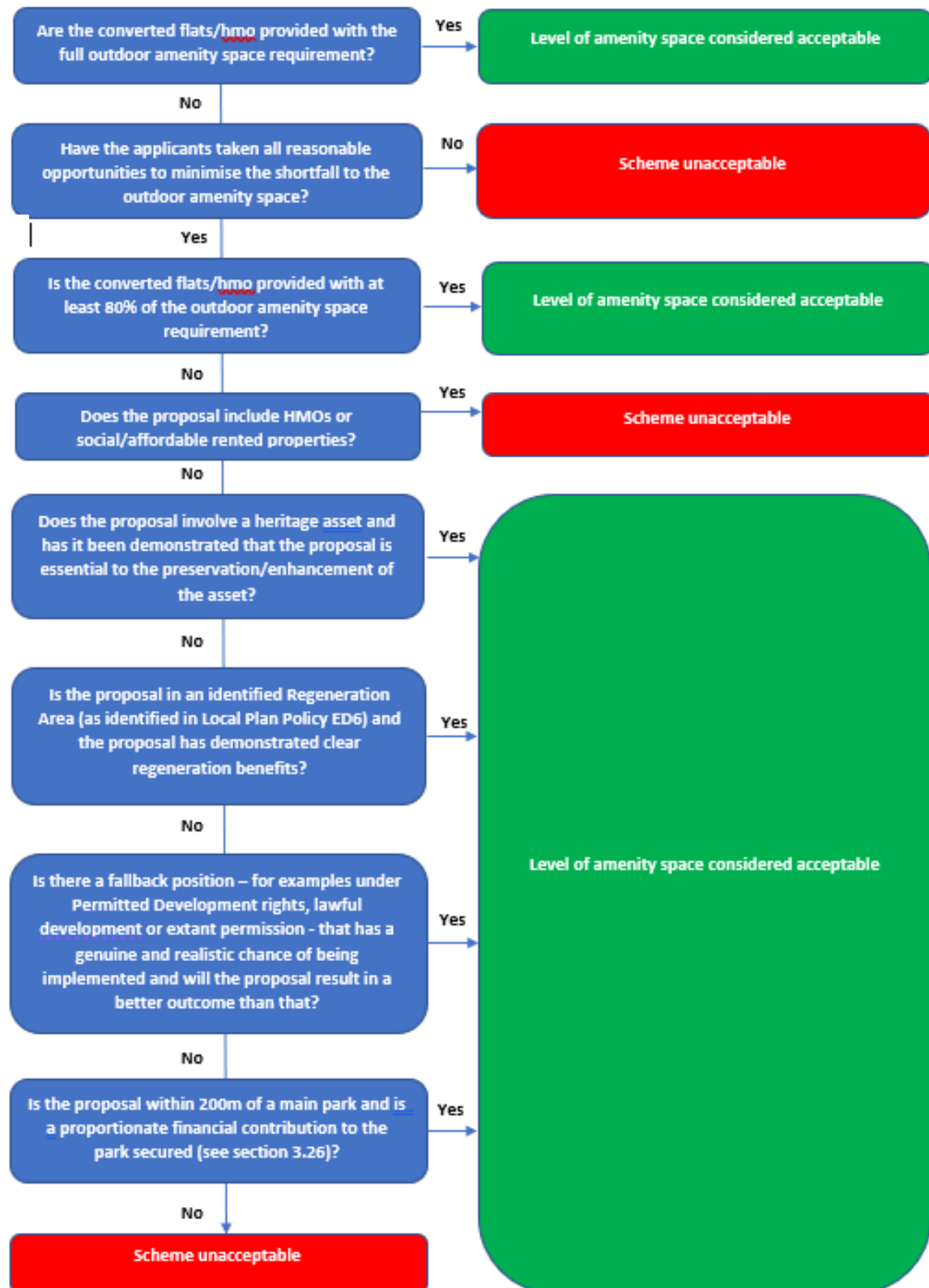






## Appendix B

Flow chart to determine if the level of private outdoor amenity space for a flat or HMO conversion is acceptable



## **Appendix C**

### **Useful contacts/information**

#### **Planning Department Pre-Application service**

<https://www.sefton.gov.uk/planning-building-control/apply-for-planning-permission/pre-application-advice-on-development-proposals.aspx>

Email: [planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)

#### **Building Control**

Web: <https://www.sefton.gov.uk/planning-building-control/building-control.aspx>

Email: [building@sefton.gov.uk](mailto:building@sefton.gov.uk)

#### **Housing Standards**

Web: <https://www.sefton.gov.uk/housing/private-housing.aspx>

Email: [private.housing@sefton.gov.uk](mailto:private.housing@sefton.gov.uk)

#### **Highways Development and Design**

Web: <https://www.sefton.gov.uk/parking,-roads-travel/highway-development-and-design.aspx>