

Proposed Article 4 Directions – Change of Use to House in Multiple Occupation (HMO)

Authority to Make Article 4 Directions

Under Part 3, Section 3.6.6, paragraph (x) of the Council's Constitution, delegated authority is granted to the Head of Regulatory Services, to make Article 4 Directions.

Justification for Article 4 Direction(s)

Recently there has been an increase in the number of reports received by Planning Enforcement regarding HMOs. In the main, upon investigation, most recent reports of HMO involve smaller semi-detached or terraced houses. A number of these appear to involve change of use of a dwelling in to an HMO of the category that does not need planning permission. There is a concern that such properties, being in such close proximity to existing single household dwellings and given their likely intensity of occupation would cause significant noise and other disturbance to adjoining and nearby residents. There is further concern that, uncontrolled, there could be a concentration of HMOs in certain areas resulting in social issues.

In 2008 the DCLG report "Evidence Gathering - Houses in Multiple Occupation and possible planning responses" identified a number of problems associated with HMOs including:

- Anti-social behaviour, noise and nuisance
- imbalanced and unsustainable communities
- negative impacts on the physical environment and streetscape
- pressures upon parking provision
- increased crime
- growth in private rented sector at the expenses of owner-occupation
- pressure upon local community facilities and
- restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population

Although the report is a little dated, it is considered that these problems can still exist and in particular can be more severe if HMOs are formed in smaller dwellings as appears to be the recent trend in Havering.

It is recognised that HMOs make an important contribution to the private rented sector by catering for the housing needs of specific groups/households and by making a contribution to the overall provision of affordable or private rented stock. However, this needs to be balanced with the potential harm identified above. The best way of balancing the need against possible harm would be through the

Council's being able to determine a planning application. In this case, planning control can only be exercised through an Article 4 direction.

Consideration has been given as to the scope of any Article 4 Direction, in terms of scope and areas covered. Current LDF policy is generally supportive of HMOs in detached dwellings, where direct impacts on neighbours are generally better contained. Evidence suggests a trend towards conversion of smaller dwellings to form HMOs including semi-detached and terraced houses, particularly within the following Wards: Brooklands, Romford Town, Heaton, Gooshays. It is recommended that for these wards where the formation of HMOs is taking place in unsuitable properties and/or where the accumulation of HMOs is causing or risks causing significant impacts within the community, an Article 4 Direction be introduced to require planning permission for the formation of an HMO from any existing residential property type encompassing detached, semi-detached and terrace houses and flats anywhere within these wards.

However the recent reports received by Planning Enforcement regarding HMOs cover several different areas in the Borough where there are also smaller terraced and semi-detached properties. There is wide distribution of these types of property across the Borough, except for the more rural areas. A further consideration would be that to restrict any particular area or areas of the Borough geographically may result in issues arising in areas not covered by that Article 4 Direction. It is therefore recommended that a second Article 4 Direction be introduced to cover the remaining extent of the Borough beyond the wards of primary geographic attention.

The second Article 4 Direction should introduce the requirement for planning permission to be obtained for the formation of an HMO from any existing semi-detached or terraced house or flat anywhere within those other parts of the Borough. The change of use from a detached house to a HMO (C4) would not be covered by this second Article 4 direction.

An Equalities Impact Assessment has been carried out and will be reviewed with any consultation responses received.

Signed:

Date: 23 June 2015



Patrick Keyes, Head of Regulatory Services