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**Proposed Article 4 Directions 1 and 2 – HMOs**

**Confirmation of Article 4 Direction**

**Art4/1/2015 – Direction Notice 1 – Brooklands, Romford Town, Heaton and Gooshays Wards**

**Art4/2/2015 – Direction Notice 2 – Whole of Borough, except Brooklands, Romford Town, Gooshays and Heaton Wards**

**Recommendation:**

The Council continue to be concerned by the nature of HMOs being formed in the Borough. These often involve small terraced or semi-detached houses which are gutted and subdivided into 6 small rooms with very few communal facilities. Such intensive use of the building significantly changes the nature of the property. There are concerns over the quality of the accommodation and the impacts upon the amenity of adjoining occupiers, such that these issues should be properly considered through the planning application process.

The consultation period ran from 13 July and 31 August 2015. The responses and comments on these are summarised below. There are not considered to be any comments received that would require any change to the equality impact assessment or lead to a different recommendation in regard to the Article 4 Directions. However, the Equality Impact Assessment will be continually monitored from now on and beyond the Directions coming into effect to identify any impacts arising.

On the basis of the continuing concern with HMOs in the borough and the consultation responses, it is recommended that the Article 4 Directions are confirmed so that they come into effect on 13 July 2016. From that date, planning permission will be required for change of use from C3 to C4 for all properties in Brooklands, Romford Town, Heaton and Gooshays Wards and for all flats, semi-detached and terraced houses in the rest of the borough.

Signed:



Date: 3<sup>rd</sup> November 2015

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Patrick Keyes, Head of Regulatory Services

### Summary of Consultation Responses with Commentary

	Name	Resident?	Date	Representation	Comment
1	Mr Hall	Y	14/07/15	Welcome the proposal	Noted
2	Mr Jordan	Y	14/07/15	Fully support the proposal	Noted
3	Ms Allen	Y	16/07/15	Support the idea	Noted
4	Ms Shinkle	Y	16/07/15		Noted
5	Mrs Wotton	Y	17/07/15	HMOs are a fire risk and cause noise.	Noted
6	Mr Cork	Y	20/07/15		Policy DC4 is permissive of HMOs in detached properties and it is considered that there is insufficient justification to widen the Article 4
7	Mrs Callaghan	Y	17/08/15	1) Agree that neighbours should be advised before permission is granted.  2) Concern over poor state of HMOs in area	1) Noted  2) Noted
8	Rush Green Regeneration Group	Y	26/08/15		1) Noted  2) Noted
9	Residential Landlords Association	N	28/08/15	1) Consultation process unfair  2) Failed to make the case as there is no local data	1) The consultation process has been carried out in accordance with the legislation  2) The Article 4 directions are based on evidence of type of properties recently converted being small

	Name	Resident?	Date	Representation	Comment
				<p>3) Pre-emptive knee jerk reaction</p> <p>4) DCLG report from 2008 is out of date</p> <p>5) Question whether consultation is legal given lack of data</p> <p>6) No details of monitoring regime to be put in place to judge success</p> <p>7) No outcomes are specified</p> <p>8) No justification for excluding detached properties</p> <p>9) The problem is to do with tenants and a planning tool is not the correct measure to deal with these problems</p>	<p>family houses. It is not necessary to wait for the adverse impact before issuing Direction.</p> <p>3) Evidence suggests that the comparative low value of houses in parts of the Borough are attractive and, as well as impact on immediate neighbours, concentrations of HMOs are not considered to represent the good planning of the area.</p> <p>4) It is the most up to date report on the issue of HMOs and many of the conclusions are relevant.</p> <p>5) The legislation does not require a significant or detailed justification, although the Cabinet report and justification are considered to be suitably comprehensive.</p> <p>6) Monitoring of HMOs is taking place. The Equality Impact Assessment will continue to be monitored.</p> <p>7) The outcome would be to be able to assess the suitability of HMO proposals through planning application rather than uncontrolled at present.</p> <p>8) Detached properties are only excluded in 4 wards where the most HMO conversions have taken place for reasons of controlling concentrations. In the rest of the borough detached properties can continue to be converted to small HMOs without the need for planning permission.</p> <p>9) The main issues are the quality of living conditions for occupiers and impact on adjoining residential amenity – these are relevant planning</p>

	Name	Resident?	Date	Representation	Comment
				<p>10) Incorrect to say that tenants would be transient</p> <p>11) HMOs are vital and provide key to mobility of workforce particularly young workers</p> <p>12) Increasing demand from under 35 age group and this is the only housing they can afford</p> <p>13) "Flipping" between HMO and family housing should be encouraged</p> <p>14) ASB can be tackled by police and landlords</p> <p>15) Question resource to deal with applications</p> <p>16) Demand for small HMOs must be identified in local plan</p> <p>17) HMOs in detached properties only allowed in 4 wards</p>	<p>considerations. The nature of the tenants is not a planning consideration.</p> <p>10) The indication from those HMOs being investigated is that inner London authorities are housing those on there waiting lists in Havering HMOs. It would be right to conclude that the tenants are transient in nature.</p> <p>11) By requiring planning permission, the Council would be able to ensure that HMOs are of sufficient quality and provide low cost accommodation</p> <p>12) See above</p> <p>13) Applicants could apply for a dual use of the property (C3 and C4) which, if approved, would allow this to take place.</p> <p>14) The Direction is not directly aimed at issue of ASB which can be tackled through other powers</p> <p>15) Resources will be monitored, but in itself would not be a reason not to proceed with Direction</p> <p>16) Policies DC4 and DC5 in the current LDF are relevant to HMOs. The replacement local plan is in preparation. Policies for HMOs would be included.</p> <p>17) This is a misinterpretation. Permitted development rights for detached properties in the Borough will remain, except in the 4 wards covered by Notice 1</p>

	Name	Resident?	Date	Representation	Comment
				18) Restriction will result in lack of supply of small HMOs	18) Suitable HMO proposals will be granted planning permission
<b>10</b>	Gidea Park and District Civic Society	Y	09/09/15	2) Concerned that detached houses are excluded in the rest of the borough Direction. Many detached dwellings including those in the Gidea Park conservation area are small and should be protected.	2) Policy DC4 is permissive of HMOs in detached properties and it is considered that there is insufficient justification to widen the Article 4 beyond the 4 wards where overconcentration is a concern.