

## **Committee: Borough Plan Advisory Committee**

**Date: 23 March 2023**

Wards: all

### **Subject: Draft supplementary planning document on Houses in Multiple Occupation**

Lead officer: Interim Executive Director Environment, Civic Pride and Climate, Adrian Ash

Lead member: Cabinet Member for Housing and Sustainable Development, Councillor Andrew Judge

Contact officer: Deputy FutureMerton Manager, Tara Butler

---

#### **Recommendations:**

- A. That BPAC advise the Director in consultation with the Cabinet Member on the draft supplementary planning guidance, which is proposed for six week's public consultation following councillor and officer feedback on the draft.
- 

## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. Houses in multiple occupation (HMOs) play an important role in helping to meet London's housing needs. HMOs are regulated by the council's housing and planning functions depending on their size and characteristics. Due to concerns raised about the quality of HMOs in Merton, Merton Council is exploring a range of measures to drive up standards in the private rented sector, including via landlord licensing and the planning system.
- 1.2. On 10th October 2022 Cabinet resolved to introduce an immediate Article 4 Direction to require small Houses in Multiple Occupation (HMOs) in seven wards in Merton to seek planning permission. The immediate Article 4 started on 17<sup>th</sup> November 2022.
- 1.3. At the same Cabinet also committed resources to producing planning guidance to support landlords, tenants and planning decision-makers in improving standards for new HMOs across the whole borough. The planning guidance is being produced as a Supplementary Planning Document to Merton's Local Plan. Appendix A to this report contains a draft of this guidance.
- 1.4. Officer's recommendations to Cabinet on 20<sup>th</sup> March 2023 (Recommendation E) is to delegate authority to the Executive Director for Housing and Sustainable Development in consultation with the Cabinet Member for Housing and Sustainable Development to approve the draft Supplementary Planning Document (SPD) on HMOs for at least 6 weeks of public consultation and to approve any amendments required by proposed changes to the National Planning Policy Framework.
- 1.5. This report seeks the Borough Plan Advisory Committee's advice on this draft guidance to the Interim Executive Director Environment, Civic Pride and Climate,

Adrian Ash. Cabinet Member for Housing and Sustainable Development,  
Councillor Andrew Judge prior to consultation starting.

- 1.6. A separate report to this committee recommends the confirmation of Merton's immediate Article 4 Direction on HMOs in Merton, following the Article 4 Direction public consultation and provides an update on the consultation undertaken for landlord licensing (a non-planning measure).

## **2 DETAILS**

- 2.1. The Supplementary Planning Document on HMOs sets out planning guidance which is applicable to planning applications which relate to HMOs across the whole of Merton.
- 2.2. Supplementary planning document provide guidance on planning policies; they cannot be used to introduce new planning policies.
- 2.3. The SPD is intended to provide landlords, property owners, tenants and decision makers with clear guidance on what is expected for new HMOs that require planning permission, to help improve the quality of new HMOs across the borough.
- 2.4. The document is intended to ensure that applicants, communities and any other interested parties can gain further detail on what is likely to be permitted, following submission of a planning application. This document seeks to build on the policies identified in the National Planning Policy Framework, London Plan, Local Plan Policies and other Supplementary Planning Documents.
- 2.5. Key Elements of the SPD
- 2.6. The SPD places key focus on key standards and topic areas, which HMOs should look to provide/meet, in order to improve the standards for the future occupiers of HMOs and for adjacent neighbouring properties.
- 2.7. Standards
- 2.8. Key relevant policy standards that have been included within the document relate to:
  - Accessibility
  - Vehicle Parking
  - Cycle Parking
  - Internal space standards
  - Waste storage and provision
  - Noise
  - Air quality
  - Ventilation
- 2.9. Housing Mix
- 2.10. Additional guidance has been produced in relation to the council's policy on Housing Mix, and how this will be managed through the use of a 'Sandwich Test'.

- 2.11. London Plan (2021) policy GG4 (Delivering the homes Londoners need) states that developments should create mixed and inclusive communities, with good quality homes that high standards of design and provide for identified needs.
- 2.12. Emerging Local Plan policy H11.3 which relates to Housing mix states that residential development proposals must contribute to meeting the needs of different households such as families with children, single person households and older people by providing a mix of dwelling sizes.
- 2.13. To ensure that Merton's housing stock continues to meet the needs of different households, including HMOs, and that harm to residential amenity can be managed effectively, the draft SPD proposes that new HMOs for which planning permission is required do not sandwich family homes or other single residential development between two HMOs.
- 2.14. The proposed draft SPD is contained as Appendix A to this report. The Borough Plan Advisory Committee are asked for their advice on the draft SPD.

### **3 ALTERNATIVE OPTIONS**

- 3.1. None for the purposes of this report. Cabinet has committed to producing a supplementary planning document for HMOs in Merton based on planning policies. The alternative option of not producing an SPD would not comply with Cabinet's decision made at their meeting in October 2022 to provide additional planning guidance to help improve the standards of HMOs.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. As set out in a separate report to this meeting, public consultation took place on the Article 4 Direction for small HMOs in seven wards in Merton between 17<sup>th</sup> November 2022 and 22<sup>nd</sup> January 2023.
- 4.2. Borough wide public consultation on the draft SPD will be undertaken for at least six weeks in accordance with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Merton's Statement of Community Involvement. Merton's SCI sets out how planning policy and guidance consultations will take place in Merton. Consultation would be borough-wide
- 4.3. At their meeting on 20<sup>th</sup> March 2023, Cabinet considered a report on confirming the Article 4 Direction. Recommendation E of this report delegates approval of the draft SPD for public consultation to the Director in consultation with the Cabinet Member. The start date for public consultation will be agreed following feedback from BPAC, Merton's Planning Applications Committee and council officers on the draft SPD (contained as appendix A).

### **5 TIMETABLE**

- 5.1. As set out in the body of this report.

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. Resources for this project are met from allocated resources.

### **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. This report is based on the process for Supplementary Planning Documents is set out in Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and augmented by Town and Country Planning (Local

Planning) (England) (Coronavirus) (Amendment) Regulations 2020 (legislation.gov.uk) and the Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020.

- 7.2. This SPD is being prepared as a supplementary planning document to Merton's adopted and emerging planning policies, both of which are listed in the draft SPD. Should Merton's emerging Local Plan be adopted prior to Merton's HMO SPD, then the references to superseded planning policies would be removed from the SPD prior to its adoption.
- 7.3. Additional reference within the SPD is also made to London Plan and National Planning Policy Framework. At the time of writing the Government has proposed reforms to the National Planning Policy Framework (NPPF). Consultation of the revisions is ongoing and as such, the current NPPF (2021) is the most relevant framework, however following adoption of the updates the NPPF (2023) will supersede the previous framework.

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. The planning policies in Merton's local plan, on which Merton's draft HMO SPD is based, has been subject to equalities impact and strategic environmental assessment / sustainability appraisal at various stages including the Plan's adoption. The sustainability appraisal considers objectives including safe environments, social inclusion and cohesion, housing provision, health and wellbeing etc. Independent planning inspectors have considered the sustainability appraisal and equalities impact assessments when considering whether the council can adopt its planning policies.
- 8.2. An initial equalities impact assessment has been carried out on the draft SPD which demonstrates some potentially positive benefits for socio-economic characteristics by helping to improve the standards for new HMOs.

## **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. Please see paragraph 8.1 above.

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. Please see paragraph 8.1 above.

## **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix 1 – draft supplementary planning document on Houses in Multiple Occupation for the whole of Merton.

## **12 BACKGROUND PAPERS**

- 12.1. [Cabinet report 20<sup>th</sup> March 2023 - Confirmation of Article 4 Direction for small HMOs in seven wards in Merton](#)
- 12.2. [Cabinet report 10<sup>th</sup> October 2022 – Update on selective and additional licensing, empty homes and the introduction of an Article 4 Direction](#)

# Houses in Multiple Occupation

## Planning Guidance Supplementary Planning Document

# Contents

1. Purpose of Document .....	3
2. Introduction .....	4
3. Other Relevant Considerations.....	8
4. Policy Context .....	10
5. Standards .....	13
6. Housing Mix .....	25
7. Conclusions .....	28

DRAFT

# 1. Purpose of Document

## Consultation

- 1.1. The following Supplementary Planning Guidance Document (SPD) has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations (2012).
- 1.2. This SPD was adopted by the council on \_\_\_\_\_, following a \_\_ period of consultation.
- 1.3. **WORDING TBC. ADDITIONAL CONSULTATION DETAIL TO BE ADDED FOLLOWING CONSULTATION.**

## Purpose of Document

- 1.4. The Houses of Multiple Occupation (HMO) SPD sets out planning guidance which **is applicable to planning applications which relate to HMOs**. Through the adoption of planning guidance, local planning authorities can ensure control of the development of HMOs, where planning permission is required.
- 1.5. The document is intended to ensure that applicants, communities and any other interested parties can gain further detail on what is likely to be permitted, following submission of a planning application. This document seeks to build on the policies identified in the National Planning Policy Framework, London Plan, Local Plan Policies and other Supplementary Planning Documents.

## Licensing

- 1.6. This SPD relates to planning and planning applications. Irrespective of planning, all landlords, letting agents and property managing agents who let houses in multiple occupation may need to apply for an HMO licence. You can view the licensing requirements, separate to those requirements in **Appendix X** of this document.

## 2. Introduction

### Planning

- 2.1 As of 17<sup>th</sup> November 2022, an immediate Article 4 Direction, removing permitted development rights for the change of use of a dwelling (C3 use class) to a small HMO (C4 use class), has been in effect within certain wards in the borough (see below for full list of wards where this restriction applies). This SPD includes guidance to determine planning applications. It is important to note that planning applications are fully assessed against national and local planning policy and all other material considerations.

### What is an HMO

- 2.2 An HMO is defined as a property tenanted by three people or more people, not from the same household, living together.
- 2.3 In planning terms, a HMO is a dwelling (house or flat) that is occupied by a certain number of unrelated individuals who share one or more basic amenities such as a kitchen or bathroom. They are commonly known as shared houses.
- 2.4 The Town and Country Planning (Use Classes) Order 1987 (as amended) classifies HMOs as:
- Use Class C4 – accommodating between 3 and 6 unrelated individuals, or; ‘Sui Generis’ – accommodating 7 or more unrelated individuals.*
- 2.5 Whilst houses in multiple occupation (HMOs) play an important role in providing housing and meeting the needs of a wide range of residents, poorly managed HMOs can often have some of the worst housing conditions.
- 2.6 Some HMOs require very few physical changes to be converted into Use Class C4. For example, a 3-bedroom C3 unit being converted into a C4 HMO would require limited physical alterations. However, some HMOs will require significant alterations to convert from a C3 dwelling into either a C4 or Sui Generis HMO. New build HMOs will be required to meet additional London Plan and Local Plan policies for new dwellings, alongside the requirements of this SPD.



## Is my property an HMO?

2.7 The full legal definition of an HMO is given under the Housing Act 2004. Types of living accommodation defined include:

*One or more units of living accommodation within a building or part of a building not consisting of self-contained flats occupied by more than one household as their only or main residence with at least one person paying rent and two or more of the households sharing one or more basic amenities (or the building lacks an amenity) such as a bathroom, toilet or cooking facilities.*

*A self-contained flat within a building occupied by more than one household as their only or main residence with at least one person paying rent and two or more of the households sharing one or more basic amenities (or the building lacks an amenity) such as a bathroom, toilet or cooking facilities.*

*A converted building where new living accommodation has been created since its construction that is not a self-contained flat or flats and occupied by more than one household as their only or main residence with at least one person paying rent.*

*A building or part of a building which has been converted into self-contained flats where the conversion works did not comply with 1991 Building Regulations and more than one third of the flats are not owner-occupied.*

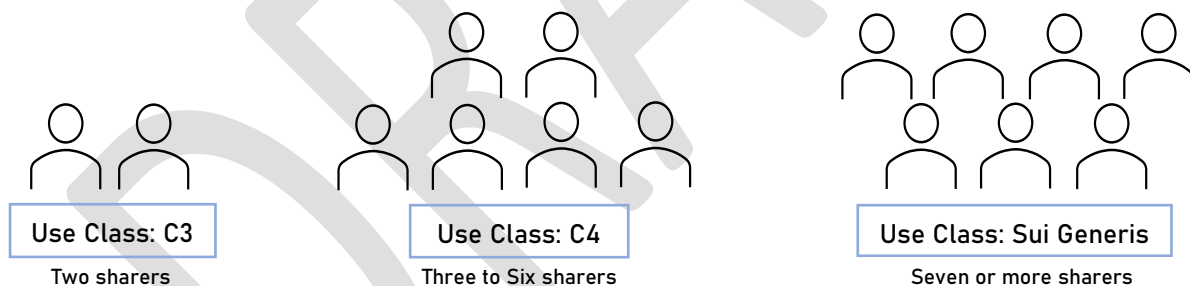


Figure 1 - HMO Use Class Classification

## Article 4 Direction

2.8 The Council, as a Local Planning Authority, has the power to remove permitted development rights. This can be done through what is known as an Article 4 Direction. The Council has done this for Class C4 HMOs.

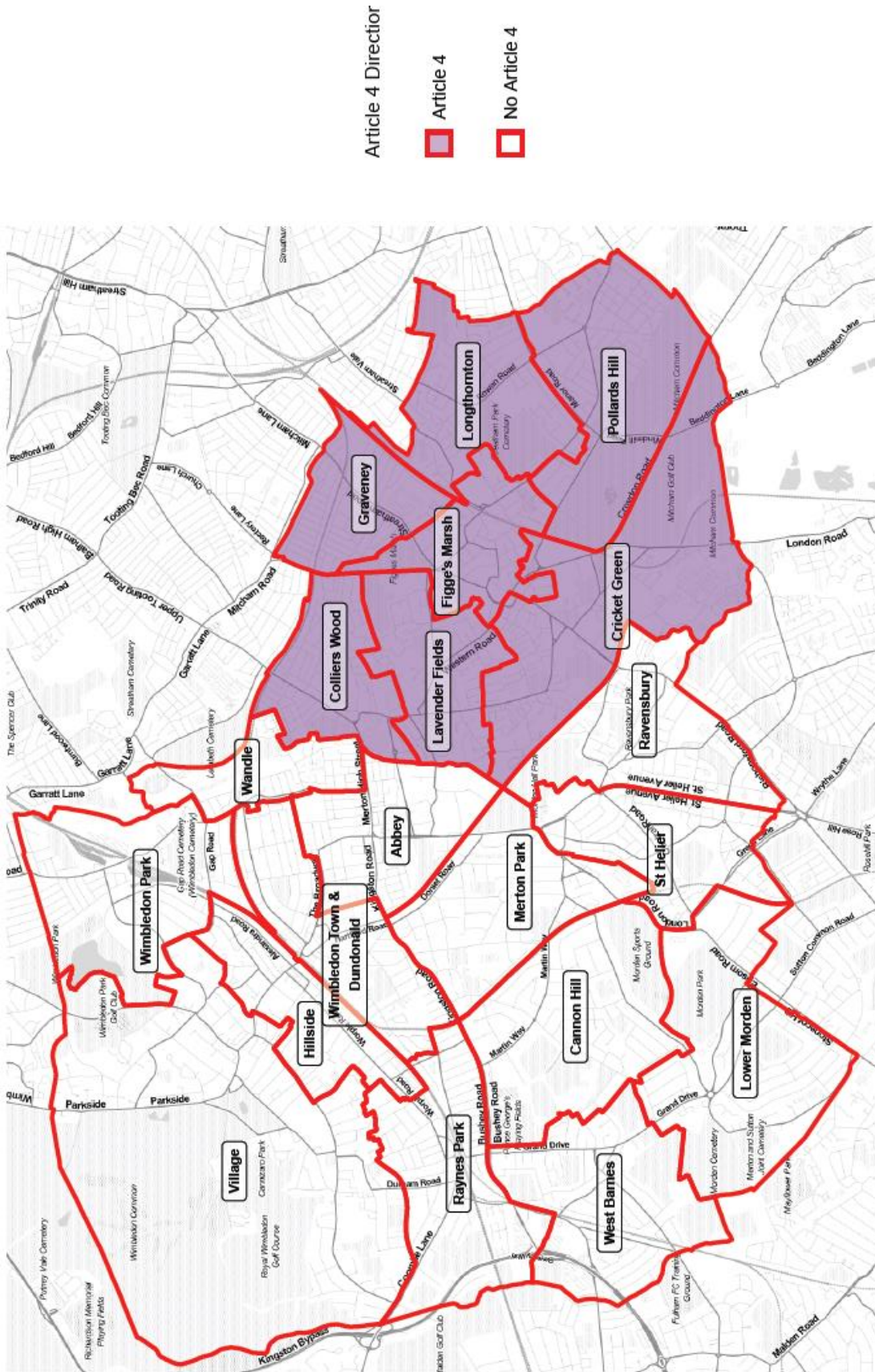
2.9 An immediate Article 4 Direction started on 17 November 2022 to remove permitted development rights for the conversion of homes (Use Class C3) to small houses in multiple occupation (Use Class C4) in seven wards in Merton:

- Colliers Wood
- Cricket Green
- Figge's Marsh
- Graveney
- Lavender Fields
- Longthornton
- Pollards Hill

2.10 To check if your property lies within one of these wards, please view the following webpage with the [ward boundary map](#).

DRAFT

Figure 2 - Area Covered by Article 4



## 3. Other Relevant Considerations

### Pre- Application

3.1 The Council provides a pre-planning application service. The service provides applicants with a dedicated planning officer who will give you (where relevant) information on relevant policies and planning requirements, the estimated timescale to process your application, the information you need to provide on your planning application, section 106 matters including likely heads of terms and best practice consultation methods. Additional information about the [pre-application service can be accessed here](#).

3.2 **ADD WORDING ON COMMITTEE DECISIONS DOCUMENT.**

### Small Sites Toolkit

3.3 The [Small Sites Toolkit](#) provides design guidance for residential-led projects that provide new homes on sites that are below 0.25ha in area. The toolkit is relevant where new HMOs are proposed on small sites. The SPD provides a design-led framework to help optimise the housing capacity of small sites.

### Licensing

3.4 All landlords, letting agents and property managing agents who let houses in multiple occupation may need to apply for an HMO licence. You can download a copy of the [HMO Licence Application Form](#). The form provides further advice, guidance and associated fees.

### Air Quality

3.5 The [Air Quality SPD](#) helps developers, decision makers, agents, residents and other interested parties to identify issues to be addressed in any development proposal application in which air quality will be important. It applies to developments that requires planning permission, which may have an impact on air quality. This includes; all major development, any development (including conversions) that introduces new exposure into areas of poor air quality; and smaller development that may emit odours, dust, smoke, and other fumes, for example, commercial kitchens and construction of basement developments.

## Building Regulations

- 3.6 Building regulations approval will be required for a new build HMO or, in some cases, where an existing (single dwelling) property is converted into an HMO which includes additional communal spaces or bedrooms.
- 3.7 In Merton [Building Regulations](#) will cover matters such as the installing of a new kitchen, bathroom, ventilation, new doors and windows and fire and sound insulation between units of accommodation, electrical wiring, and heating systems. As per the licensing requirements, it is the landlord's responsibility to ensure that the necessary building regulations have been secured for the premises to operate as a HMO.

## HMO Design Guidance

- 3.8 The [Council's HMO guide to landlords](#) provides an overview of the licensing process in Merton and how to apply for a licence, the guide should be used in the context of the licensing regulations and this SPD.

## 4. Policy Context

- 4.1 This Supplementary Planning Guidance has been informed by current national, regional and local plan policies. Relevant documents referenced in this guidance includes.

The National Planning Policy Framework (NPPF) (July 2021)  
London Plan (2021)  
Merton Core Planning Strategy (July 2011)  
Merton Sites and Policies Plan (July 2014)  
The Merton Emerging Local Plan (no date)

- 4.2 The Merton Core Planning Strategy (2011) and the Merton Sites and Policies Plan (2014) will shortly be superseded by the Merton Emerging Local Plan. References to the Core Planning Strategy and Sites and Policies plan are made throughout the document, where these will be superseded, references have been made the Emerging Local Plan.
- 4.3 At the time of writing the Government has proposed reforms to the National Planning Policy Framework (NPPF). Consultation of the revisions is ongoing and as such, the current NPPF (2021) is the most relevant framework, however following adoption of the updates the NPPF (2023) will supersede the previous framework.

### The National Planning Policy Framework

- 4.4 The National Planning Policy Framework sets out a need to provide a mix of housing supply to provide for current and future generations.
- 4.5 The NPPF does not itself contain any specific guidance on HMOs, however, does include general policies which covers delivering a sufficient supply of homes (paragraphs 59 to 79).
- 4.6 The new NPPF changes (2023) propose that to deliver a sufficient supply of homes, the overall aim should be to meet as much housing need as possible with an appropriate mix of housing types to meet the needs of communities.

### The London Plan

- 4.7 The London Plan (2021) (H1) Policy H9 details the best use of housing stock. Specifically, the policy states that boroughs should take account of the role

of houses in multiple occupation (HMOs) in meeting local and strategic housing needs. HMOs should be protected, where they are of a reasonable standard.

#### Merton Core Planning Strategy

- 4.8 The Merton Adopted Core Planning Strategy contains Policy CS 8 which states that redevelopment proposals should be well designed and located to create socially mixed and sustainable neighbourhoods.

#### Sites and Policies Plan

- 4.9 Sites and Policies Plan DM H2 specifies that Houses in Multiple Occupation contribute towards addressing needs. HMOs will be expected to meet good standards for both the occupier and the neighbours.

#### Merton Emerging Local Plan

- 4.10 Merton are in the process of creating a new Local Plan, once adopted the new Local Plan will replace Merton's adopted borough-wide Local Plan (the Core Planning Strategy 2011 and Sites and Policies Plan 2014). References to the emerging local plan will be made within the document below.
- 4.11 Emerging Local Plan policy H11.5 supports the development of shared facilities such as HMOs, provided that they are designed with a high standard of amenity for existing and future users.
- 4.12 The role of this SPD and its relationship to national, regional and local policy and guidance is shown below.

*Figure 3 - Structure of Planning Policy*

Government Legislation  
National Planning Policy Framework and  
Planning Policy Guidance



Regional Planning Documents  
The London Plan  
Mayoral Supplementary Planning



Local Planning Documents  
Local Plan  
Sites and Policies Plan  
Emerging Local Plan



Supplementary Planning Guidance  
House of Multiple Occupation SPD  
Air Quality SPD

Additional Council Guidance  
Small Sites Toolkit  
HMO Design Guidance



## 5. Standards

### Building Accessibility

- 5.1 To better meet needs, policy D7 of the London Plan seeks to ensure new build homes and other facilities such as visitor accommodation cater for those with more limited personal mobility. This usually **seeks a proportion of the homes (new build) or rooms to meet mobility standards or be suitable for easy conversion to wheelchair standard (10%)**. HMOs are likely to be limited in their capacity to deliver this requirement. This is because for the most part they are conversions of existing residential properties, rather than new build.
- 5.2 Where an HMO is designed to meet accessibility standards, it must ensure that adequate facilities are also provided at ground floor level, or suitable access is provided via a lift.

### Vehicle Parking Standards

- 5.3 Policy T6 of the London Plan relates to car parking, and specifically states 'Car-free development should be the starting point for all development proposals in places that are well-connected'. London Plan Policy T6.1 states that purpose-built large-scale Sui-Generis residential uses such as HMOs are required to be car free.
- 5.4 Core Strategy policy CS20 requires that developments should not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management. Sites and Policies plan policy DMT1-T3 seeks to ensure that developments do not result in congestion and have a minimal impact on existing transport infrastructure.
- 5.5 Emerging Local Plan policy T6.4 states that 'new developments will need to encourage a reduction in car use and offer sustainable transport alternatives.'

### New Build HMOs

- 5.6 It is recognised that some people with disabilities will rely on car travel more than others, whether as a passenger or a driver, so disabled persons' parking should be provided for new developments. The amount of disabled persons parking provision should be provided as set out within the London

Plan standards and should be included within maximum parking provision not in addition to it.

- 5.7 Where new build developments provide parking, **the provision must include electric vehicle charging infrastructure appropriate to the scale and type of development.** Development that provides on-site car parking should provide adequate suitable infrastructure for the charging of electric vehicles, in accordance with London Plan standards.

#### Existing Properties Converted into HMOs

- 5.8 **PERMIT FREE WORDING TO BE CONFIRMED AND FINALISED.**

#### Cycle Parking

- 5.9 London Plan policy T5, requires developments to provide appropriate levels of cycle parking which should be fit for purpose, secure and well located. Developments should provide cycle parking at least in accordance with the minimum standards set out below. The quality of cycle parking provision will need to be consistent with the latest London Cycling Design Standards (see below).
- 5.10 Merton Council Core Strategy Policy, CS18 seeks to promote active transport by requiring new developments to provide cycle parking. The design of cycle parking should provide for an accessible, attractive, safe and covered cycle store.
- 5.11 Emerging Merton Local Plan policy T16.2 (Prioritising Active Travel Choices) states that developments should provide secure, covered cycle parking in accordance with London Plan minimum standards and London Cycle Design Standards. Residential dwellings (C3 and C4) should provide: 1 space per studio/1 bedroom dwelling and 2 spaces per all other dwellings.
- 5.12 It is expected that new or intensified **HMOs should provide 1 cycle parking space per tenanted unit/bedroom.** Appropriate provision must be made for secure, sheltered and adequately lit storage, within the properties' curtilage. Ground floor level storage is preferable and there should be unobstructed access from the public highway to the store.
- 5.13 Applications should be accompanied by a site plan showing the location, size, and type of cycle store. Elevations should also be provided where the store is externally located. The storage should be well integrated with the

surrounding property and street scene.

- 5.14 See below examples of well-integrated and safe cycle storage to the front and rear of the property. It is noted that these stores will require inclusion within the planning application description of development.



Figure 4 - External Bike Store (Timber) (Front)



Figure 5 - External Bike Store (Timber) (Front)



Figure 6 - External Bike Store (Metal) (Rear Garden)

### Internal Layout Standards

- 5.15 Sites and Policies Plan DM D2 states that all proposals for residential development should safeguard the residential amenities of future occupiers in terms of providing adequate internal space, a safe layout and access for all users. Policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy state that the Council will require proposals for new homes to be well designed and fall within appropriate space standards.
- 5.16 Emerging Local Plan Policy D12.3 specifies that developments should meet, or exceed, the minimum space standards set out in the London Plan, or appropriate space standards, and are of functional size and proportions

demonstrating efficient layouts.

- 5.17 London Plan Policy D6 outlines Housing Quality and standards and states that housing developments should be of a high-quality design and provide adequately sized rooms, with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.
- 5.18 This SPD sets out space standards which go above and beyond those identified within the London Plan. These standards are also in accordance with those required to obtain a HMO license from the council also.
- 5.19 Bedrooms should be well designed to maximise usable space, with at least one window providing both adequate light and outlook. **To contribute towards the floorspace, floor to ceiling heights must be above 1.5 metres.** In addition, overall, 75% of the room has to be a minimum ceiling height of 2.14 metres (or 2.5 metres in new build). Entrance lobbies or corridors within rooms under 1.2 metres width will not count towards room sizes.
- 5.20 London Plan D6 net internal floorspace standards are considered the minimum acceptable to gain planning permission. These are 7.5m<sup>2</sup> (minimum width 2.15m) for a single and 11.5m<sup>2</sup> for a two-person room (minimum width 2.55m wide). This does not include space for en-suite facilities.

Room Type	Number of Occupants	Size
Single Room Lettings Where Cooking and Washing Facilities Are Situated in the Room	1 Person	13m <sup>2</sup> or more
	2 Persons	20.5m <sup>2</sup> or more
Single Room Lettings with Shared Kitchen	1 Person	10.22m <sup>2</sup> or more
	2 Person	15m <sup>2</sup> or more
	Kitchen	3m <sup>2</sup> per person
Single Room Lettings with Shared Kitchen and a Shared Living/ Dining Room	1 Person	7.5m <sup>2</sup> * or more
	2 Person	10.22m <sup>2</sup> or more
	Kitchen	3m <sup>2</sup> per person
Two Room Lettings Comprising Combined Living/ Bedroom and Separate Kitchen (not Shared)	1 Person	10.22m <sup>2</sup> or more for living/ bedroom 4.5m <sup>2</sup> or more for Kitchen
	2 Persons	15m <sup>2</sup> or more for living/ bedroom 7m <sup>2</sup> or more kitchen

Greater Than Two Room Lettings (not Shared)	Each Bedroom	7.5m <sup>2</sup> * or more (1 person) 10.22m <sup>2</sup> or more (2 persons)
	Each Kitchen	4.5m <sup>2</sup> or more (1 person)
	Each Additional Room	7.5m <sup>2</sup> * or more (1 person)

Table 1 - Internal Room Size Standards

\* The requirements for a 1-person room to achieve 7.5m<sup>2</sup> is in accordance with London Plan policy D2 (2021). This standard is higher than that outlined in the Merton Licensing standards document. All standards should be viewed as a minimum and applicants should look to exceed them.

### Personal Hygiene

5.21 With regard to personal hygiene, a readily accessible bathroom or a shower room, being not more than one floor distant from any user, must be provided in the following ratios:

1-5 persons: 1 bathroom or shower room  
6-10 persons: 2 bathrooms or showers rooms  
11-15 persons: 3 bathrooms or shower rooms

5.22 Each separate occupancy should ideally be provided with its own separate water closet (WC), however where this is not practical the following ratios should be adhered to:

1-5 persons: 1 WCs  
6-10 persons: 2 WCs  
11-15 persons: 3 WCs

5.23 Where no more than 4 occupiers share facilities, the WC may be located within the bathroom. Where 5 or more occupiers share facilities, a WC must be located separate from the bathroom.

### Kitchens

5.24 It is recommended that each occupancy should have its own kitchen facilities within their letting. Where this is not the case shared kitchens may be provided. Each kitchen can be shared by no more than 5 persons (kitchen to be of adequate size i.e., minimum 3m<sup>2</sup> per person) and must not be more than one floor distance from any room(s) occupied by the person(s) for

whom they are provided. This does not apply if there is a dining area / lounge available on the same floor as the kitchen.

- 5.25 Kitchen sizes facilities such as cookers, basins and food preparation areas must be provided and should be sufficient to meet the needs of the future occupiers.

### Outside Space

- 5.26 HMOs should also provide suitably sized and laid out amenity space. The Merton Sites and Policies Plan sets out external amenity or garden space standards for new build dwellings. It is noted that applicants should aspire to exceed the standards below, which are considered the minimum requirements. It is expected that where amenity space is provided, it should be well maintained.

#### New HMOs

- 5.27 New build HMOs are required to be compliant with new build housing policy regarding amenity space. Site and Policies Plan policy DM D2 specifies that new build dwellings should be provided with 50sqm of external amenity space. Emerging Local Plan policy D12.3 which ensures a high-quality design for all developments, also specifies that for all new houses, **'a minimum garden area of 50 sqm. as a single usable regular shaped amenity space is sought**. This requirement may be applied flexibly for higher density developments or constrained sites, but this would have to be fully justified in the planning application.

#### Existing Properties Converted into HMOs

- 5.28 Existing HMOs will be required to provide amenity space in accordance with the requirements of flatted dwellings. Emerging Local Plan policy D12.3 specifies that flatted **dwellings should provide a minimum of 5sqm of private outdoor amenity space (for 1-2 persons) and an extra 1 sqm should be provided for each additional occupant**. This standard should be viewed as a minimum and all applications at sites with existing gardens/outside space, should seek to retain those gardens.
- 5.29 This requirement may be applied flexibly for HMOs with higher-than-average occupancies or constrained sites, but this would have to be fully justified in the planning application or discussed at pre-application stage.

- 5.30 The amenity space provided should be of a high standard, receiving good levels of sunlight, and providing sufficient privacy for residents/occupiers of the unit whilst also ensuring privacy of adjacent properties.

### External Waste Storage

- 5.31 Appropriate refuse storage must be provided for developments in accordance with policy CS 17 of the Core Strategy. Emerging Local Plan Policy W14.4 also supports the objectives of sustainable waste management set out by the NPPF and London Plan.
- 5.32 London Plan Policies SI7 and SI8 also dictate that developments should include adequate, flexible, and easily accessible storage space and collection systems that support, as a minimum, the separate collection of dry recyclables (at least card, paper, mixed plastics, metals, glass) and food.
- 5.33 Applications for HMOs must clearly demonstrate that adequate space for waste storage will be provided. The bin storage must be sufficient to meet the needs of the future occupiers. Where adequate bin provision is not provided or has been provided and is not used, enforcement notices under licensing can be served.
- 5.34 Applications should be accompanied by a site plan showing the location, size, and type of bin store. The storage should be well integrated with the surrounding property and street scene.
- 5.35 The provision of sufficient off-street storage ensures that bins are accessible and do not obstruct footways, especially for people with mobility or mental health problems that make it difficult to navigate obstacles, block accesses or carriageways. Bins should be moved onto the front edge of the property on collection days. An example of an appropriate bin store is shown below.



Figure 4 - External Bin Store (Front)

5.36 The number and type of bins appropriate for the occupancy level is listed below. Where occupancy exceeds the numbers below, officer judgement for appropriate bin provision will be used.

Bin Type	HMO Occupancy	Bin Size/Number
Non-recyclable household waste 	4x occupants	180L wheelie bin per fortnight for Refuse
	5x occupants	240L wheelie bin per fortnight for Refuse
	6 & 7x occupants	240L+180L wheelie bins per fortnight for Refuse
	8 & 9x occupants	2x 240L wheelie bins per fortnight for Refuse
Paper and Card 	4x occupants	180L wheelie bin per fortnight for paper/card
	5x occupants	240L wheelie bin per fortnight for paper/card
	6 & 7x occupants	240L wheelie bin per fortnight for paper/card
	8 & 9x occupants	360L wheelie bin per fortnight for paper/card
Recycling Boxes 	4x occupants	2x 55L mixed recycling caddies per fortnight
	5x occupants	
	6 & 7x occupants	
	8 & 9x occupants	
Food Waste (External) 	4x occupants	23L caddies for food waste per week.
	5x occupants	
	6 & 7x occupants	
	8 & 9x occupants	

### External Alterations

5.37 The following policies apply both to new build HMOs and existing properties converted into HMOs. It is noted that most HMOs, where an existing property is converted, will require very few external alterations excluding the addition of bin and cycle stores. Where an HMO is a new build, the policies identified



below will be applicable, alongside additional Local Plan and London plan policies relating to new build dwellings.

- 5.38 Any external alterations which are required as a result of a conversion to a house of multiple occupation will need to be in accordance with the Merton Sites and Policies Plan policies DMD2 (Design considerations in all developments), DMD3 (Alterations and extensions to existing buildings) and if the site is located within a conservation area, DM D4 (Heritage assets). Core Planning Policy CS14 supports these policies.
- 5.39 Emerging Local Plan policy D12.4 relates to alterations and extensions. The policy specifies that alterations or extensions to buildings will be expected to be of high-quality design that responds to the character of the neighbourhood.
- 5.40 These policies seek to ensure a high quality of design in all developments which relates positively and appropriately to the siting rhythm, scale, density, proportions, height, materials and massing of surrounding buildings. Alterations should also ensure they are well integrated with existing street patterns, historic context, urban layout and landscape features of the surrounding area.

#### Noise

- 5.41 London Plan Policy D14 states that where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles.
- 5.42 Proposals must have regard to the Agent of Change principle, as set out in the London Plan (Policy D13) and associated planning guidance and the NPPF.
- 5.43 Emerging Local Plan Policy P15.10 states that the council will support good acoustic design and use of innovative technologies to minimise noise levels. The council is unlikely to support HMOs proposed nearby to an existing noise generating use.
- 5.44 Planning conditions seeking sound reduction measures, or a noise assessment may be attached to a planning permission for a new or intensified HMO development, where it is deemed necessary to ensure the amenity of both neighbouring occupiers and the occupiers of the HMO.

5.45 All developments should consider the following measures for mitigation:

- Soft closers on internal and external doors.
- Sound-deadening material on stair treads.
- Internal room layouts which avoid positioning of communal rooms opposite bedrooms in adjoining properties.

### Air Quality

5.46 In assessing HMO planning applications that may affect air quality in Merton or give rise to new exposure to poor air quality, the Council will have regard to National planning policies, London Plan policies and the Merton Local Plan including the Air Quality SPD and Merton's Air Quality Action Plan (AQAP).

5.47 Merton is designated an Air Quality Management Area (AQMA) and has three Air Quality Focus Areas (AQFA). All development proposals must consider the impact of air quality in accordance with the London Plan and Merton's Local Plan. Further guidance and more information on our air quality aims and priorities can be found in Merton's Air Quality Action Plan (AQAP) and Merton's Air Quality Supplementary Planning Document SPD 2021.

5.48 London Plan Policy SI 1 requires all minor development to be at least air quality neutral. Development proposals should ensure that where emissions need to be reduced to meet the requirements of Air Quality Neutral or to make the impact of development on local air quality acceptable, this is done on-site.

5.49 Merton's Emerging Local Plan seeks to reduce the health impacts of poor air quality and provide a consistent approach across the borough, through a number of policies including P15.10 Improving Air Quality and Minimising Pollution.

### New Build HMOs

5.50 The layout and design of new build development proposals must consider the impact of poor air quality on existing and new receptors, to reduce the exposure to poor air quality to future occupiers. The layout should set buildings as far from main roads as possible, avoid windows and habitable rooms fronting main roads and where possible use buildings as a screen against poor air quality. Necessary mitigation measures will be secured through negotiation on a scheme or using planning obligations or conditions where appropriate.

- Car sharing/car club

- Green planting/walls and screens (consideration to planting that absorbs or suppresses pollutants)

#### Existing Properties Converted into HMOs

5.51 Where existing properties are to be converted, and the principles above are not possible, appropriate mitigation measures below could be included:

- Exposure reduction (mechanical ventilation including PM/NO<sub>x</sub> filtration)
- Air Source Heat Pumps (or similar)
- Electric vehicle charging points
- Permit free developments

#### Ventilation

5.52 Adequate provision of ventilation for new or intensified HMOs, must be provided. The impact of outdoor air pollution on indoor air quality and the potential adverse impact on human health must be considered at the earliest stages of building and layout design process. This includes ensuring (not an exhaustive list):

- That the fabric of the HMO is protected from damage resulting from damp and mould.
- Provides and maintain dry, warm, healthy home.
- Ventilation inlets and the location of opening windows are on higher floors away from sources of air pollution at the ground level, but also away from stationary sources such as combustion plant.
- Air conditioning systems can be fitted with filters which filter particulates and NO<sub>2</sub>; the appropriate standard filter should be maintained following installation.
- Residents experience acceptable air quality without recourse to energy-intensive ventilation systems.
- Adequate space for drying of clothes within well ventilated areas of the property.

5.53 Applicants are required to demonstrate and outline the steps taken to ensure the property is adequately ventilated at planning application stage.

## 6. Housing Mix

### Assessment for Planning Applications – Housing Mix

- 5.1 Core Strategy Policy CS. 8 states that the Council will seek the provision of a mix of housing types, sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units, provision for those unable to compete financially in the housing market sector and for those with special needs. Properly managed and regulated Houses in Multiple Occupation can offer good quality affordable accommodation to people who cannot afford to buy their own homes and are not eligible for social housing.
- 5.2 London Plan (2021) policy GG4 (Delivering the homes Londoners need) states that developments should create mixed and inclusive communities, with good quality homes that high standards of design and provide for identified needs.
- 5.3 Emerging Local Plan policy H11.3 which relates to Housing mix states that residential development proposals must contribute to meeting the needs of different households such as families with children, single person households and older people by providing a mix of dwelling sizes.

### The Sandwich Test

- 5.4 Where C3 residential properties are sandwiched between two HMOs, issues commonly associated with HMOs regarding disturbance and impact on amenity can be intensified. This test ensures there is a balance of dwellings and prevents the potential for negative impacts upon existing dwellings. [Planning permission would not be granted where the introduction of a new HMO would result in an existing residential property \(C3\) being sandwiched by any adjoining HMOs on both sides.](#)
- 5.5 The diagrams below indicate how this principle would be applied:



In the example above the proposed HMO (at number 22) would result in a neighbouring non-HMO property (number 20) being sandwiched between two HMOs. This would not be acceptable.



In the example above the proposed HMO (at number 18) would not result in a non-HMO property being sandwiched between two HMOs. This would be acceptable in principle



In the example above the proposed HMO would result in a row of three HMOs. This would not be acceptable.



In the example above, whilst the proposed HMO (at number 20) would result in a row of three consecutive HMOs, the property is sandwiched between two existing HMOs. It is considered that allowing this property to convert to a HMO would solve an existing problem of a single home being sandwiched between two HMOs. This would be acceptable in principle.

Appendix X

Licensing Document

DRAFT

This page is intentionally left blank