
DEVELOPMENT CONTROL POLICY

GUIDANCE NOTE 13

Conversion of Buildings to Houses In Multiple Occupation

Adopted May 2007



This guidance note is aimed at developers and providers of Houses in Multiple Occupation (HMO) and the contents are as follows:

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PRE-TEXT

This pre-text to the Development Control Policy Guidance Note No.13 sets out the details of the consultation and publicity steps that were undertaken during the preparation of this Supplementary Planning Document (SPD)

This Supplementary Planning Document (SPD) has been produced in the form of a Development Control Guidance Note. It is intended to support policies contained in Bury's adopted UDP (adopted 31st August 1997). This Note provides a more formal basis to advice which is given to applicants on a regular basis and is now a material consideration in the determination of planning applications.

This SPG was approved for a consultation exercise by the Council's Executive on the 10th January 2007. This was after a period of internal consultation with Officers in various Sections of the Council. Views were sought from members of the public and private organisations and relevant interest groups over a six-week period (23rd January 2007 to 6th March 2007). Copies of the Draft SPD were made available for inspection at the planning reception desk and in the Borough's main libraries. Further copies could also be obtained on request and the draft was also made available on the Council's website.

The draft SPD was revised in the light of the comments received through the consultation process. The revised version went to the Council's Executive on the 30th May 2007 and was formally adopted.

In accordance with the requirements in PPS12, a Statement of Consultation document was drawn up, which outlined the representations received and the Authorities response to these. This statement is available for inspection on request, together with the adopted version of the SPD.

Any queries you may have regarding this Note, the Bury UDP or Bury's Local Development Framework should be directed to the Planning Policy Team on 0161 253 5283.

1 - INTRODUCTION

- 1.1 This Development Control Policy Guidance Note relates to the Council's planning policy with regard to the conversion of buildings into Houses in Multiple Occupation (HMO). It should be treated as a significant material planning consideration as a Supplementary Planning Document (SPD) that provides additional information on the implementation of Policy H2/4 of the Bury Unitary Development Plan (UDP), which deals with this issue, as well as general residential conversions.
- 1.2 The objectives of this SPD are as follows:
- **Objective A** - To improve the quality and design of proposals for the provision of Houses in Multiple Occupation for the benefit of prospective residents; and
 - **Objective B** - To ensure that, where permitted, Houses in Multiple Occupation do not detract from the character of the surrounding area and the amenities of local residents.

2 - BACKGROUND

- 2.1 The conversion of large houses and the change of use of other buildings¹ into flats or bed-sits can often make an important contribution to the local housing stock, providing small dwellings often for rent and without the requirement for additional land up-take. Such conversions are also often the best way to utilise vacant or underused space, including space above shops.
- 2.2 However, it is recognised that the conversion of buildings to HMO can raise privacy issues, parking problems, put demand on services and can have an adverse effect on residential amenity. Some conversions also seek to change the external appearance of buildings which can sometimes harm the fabric of a particular building or even the whole character of an area.
- 2.3 Due to these concerns it is important that any conversions to HMO that do take place provide satisfactory standards of accommodation for future and existing residents and that any harmful impact on their amenity is minimised.
- 2.4 It is also important to safeguard the character of areas and to preserve important architectural and historical aspects of the building to be converted. This note, therefore, builds on the criteria in Policy H2/4 of the Bury UDP (see Appendix 1) and provides guidance on what the

¹ please note that reference to conversions in this SPD will also include the change of use of non-residential buildings.

Council will take into account when determining planning applications for conversions to HMO.

- 2.5 HMO have received a poor reputation in regard to housing standards and overpopulation aspects. This guidance seeks to ensure that proposals avoid the negative aspects associated with HMO, whilst also ensuring that the proposed accommodation offers adequate living standards for future occupants that meets the relevant regulations.

Definition of a HMO

- 2.6 There is no common definition in Housing and Planning legislation of a HMO. Strictly speaking, in planning terms, a HMO is defined as a property where two or more residents occupy a unit of accommodation and do not operate as a family unit. The determination of whether a unit of accommodation is being occupied by a 'family unit' is often complex but there are a number of appeal cases that have helped to shed light on this issue (see para. 2.9).

- 2.7 The Housing Act 2004 gives a much more detailed classification of HMO accommodation, including:

- one or more units of living accommodation not comprising self contained flats;
- occupied by persons who do not form a single household;
- it is their only or main residence;
- rents are paid by at least one of the persons; and
- two or more of the households share one or more basic amenity (e.g. bathroom or kitchen).

- 2.8 However, like Planning, part of the standard test for a unit of accommodation being classified as a HMO refers to whether a building is being occupied by persons who do not form a single household.

Requirement for Planning Permission

- 2.9 Planning permission is not required when a unit of residential accommodation (e.g. house, bungalow, flat, maisonette) continues to operate as a dwelling house. To operate as a dwelling house one of the following must apply:

- It is used by a single person or family (includes a person or family taking in lodgers); or
- It is used by no more than six persons living on a communal basis as a single household (includes people with an impairment or disability living together and other small groups who chose to live together on a communal basis, such as students)².

² Please note that under Class C3 of the Town and Country Planning Use Classes Order a house used for multiple occupation for six or less residents will not require planning permission, as identified above. However, if there are more than six residents living together in multiple occupation, planning permission will normally be required.

- 2.10 The following conditions are often indicative of a single household:
- the tenants regularly eat together;
 - the rent is paid communally;
 - kitchen and bathroom facilities are shared;
 - fridges and food stores are not locked; and
 - individual tenants occupy the premises with a reasonable degree of permanence.
- 2.11 If the premises does/would not operate as a family home of a single household then development is involved and **planning permission is required for a change of use.**
- 2.12 The following will generally be considered to be HMO accommodation in 'planning' terms:
- Traditional HMO/Bedsits; whereby properties would be converted to provide flatlets, bedsits and rooms each occupied by a separate household. Within these properties two or more households will share one or more facilities (e.g. bathroom or kitchens) or will have common circulation space (e.g. halls/landings) between the rooms which are for their exclusive use;
 - Shared Houses; dwellings occupied by two or more non related adults who are not partners. The occupiers of shared accommodation may live as a single household for certain activities but not for others.
 - Lodgings; accommodation where resident landlords let rooms.
 - Hostels and bed and breakfast hotels³; these houses can provide a relatively permanent home for people with no other place of residence and are distinct from the type of hotel or B&B providing accommodation for visitors who will normally have a more permanent place of residence; and
 - Registered Residential Homes/Hotels; operate similar to hostel accommodation but these residential homes provide personal care for persons in need of such care by reason of old age or disablement.
- 2.13 It is important to remember that legislation and case law relating to HMO is complex and you should always check whether planning permission is required by contacting a Planning Officer (please see contacts at Section 5).
- 2.14 Also, it is important to be aware that proposals for HMO may require other consents:

³ Under Paragraph 3(b) (i) of the Use Classes Order Hostels are not included in any use class. They were removed from class C1 in April 1994. This means that planning permission is required to change a building to a hostel from any other use.

- Building Regulations approval will be required to ensure that any building work meets set standards in areas such as health and safety. Advice can be obtained from a Building Control Officer (see contacts in Section 5); and
- The Housing Act 2004 and associated Regulations require that the property is suitable for use as a HMO. The Act gives Local Authorities powers to ensure the property meets certain physiological and psychological requirements and offers adequate protection against infection and accidents. The Act also requires that HMO with three or more storeys, and five or more occupants forming two or more households be licensed. Failure to obtain a licence for a licensable HMO can result in a fine of up to £20,000. Advice can be obtained from the Regeneration and Housing Standards Team (see contacts in Section 5).

2.15 Please note that some or all of these consents may be required even if planning permission is not required.

3 - POLICY CONTEXT / FRAMEWORK

- 3.1 In determining planning applications for HMO, the Council will have regard to the following advice and, therefore, it is important for those submitting planning applications to take full account of the guidance in their proposals. Whilst each proposal will be considered on its own merits the guidance outlined in this note will be treated as a significant material consideration in assessing the suitability of a planning application.
- 3.2 The Council will also take full account of other planning policies and material considerations when determining planning applications. For example, if a proposal for an HMO involves an extension to the existing building, other policies and guidance will be applicable, including the Council's guidance note on Extensions and Alterations. Similarly, other policies may be applicable if proposals seek to extend the building's curtilage.
- 3.3 In general terms, the increased occupancy of a building for HMO purposes should :
- not have a detrimental effect on the amenity of surrounding residents through noise, visual intrusion, the position of entrances, impact of parking areas, extensions and fire escapes;
 - not harm the general character of an area and should respect the street scene;
 - should respect the building's exterior and particular characteristics;
 - provide an acceptable standard of accommodation for occupants; and

- provide appropriate levels of car parking and adequate service facilities.

Suitable Premises

- 3.4 In the first instance, the Council will seek to ensure that the premises the subject of a planning application are actually suitable for conversion to a HMO. Properties should be of sufficient size to accommodate the proposals and large enough to offer satisfactory levels of accommodation for future residents.
- 3.5 Normally, HMO will be restricted to either detached or large semi-detached properties (with detached being the preference), as these tend to have larger internal and external floor areas. Large terraced houses may also be considered but this will depend on their size and on the traffic and noise impact of the development.
- 3.6 The Council will not accept proposals on properties with an original floor area of less than 115 sq metres, as this is considered to be the minimum size at which a property can be converted into a HMO and provide satisfactory accommodation for future residents. For the purposes of this guidance note, the Council will calculate the 'original floor area' as the area of the building 10 years prior to the planning application. The fact that a property achieves the minimum required floor area does not in itself mean that it is suitable for a conversion to a HMO.

Scale and Concentration of HMO

- 3.7 The scale of a proposed HMO (either individually or cumulatively) is a concern for the Council. Large buildings being converted into HMO can often cause management problems, whereby it is more difficult to maintain the property and regulate the residents. Similarly, a concentration of HMO within an area can pose additional management problems, whereby issues associated with one building can have a knock on effect on the rest of the HMO in an area which may start to deteriorate as a result.
- 3.8 Therefore, the Council will seek to ensure that HMO, wherever possible, are generally limited to up to 10 bed spaces. HMO of this size pose fewer management problems and may be more readily integrated into the local community. Smaller HMO also tend to have less impact on neighbouring properties and the general character of an area than larger HMO.
- 3.9 Although HMO are often most suited to particular locations (see para 3.10 below), the Council considers that an undue concentration of such uses can cause amenity problems such as noise or an increase in on-street car parking. Therefore, the Council will seek to avoid the concentration of HMO accommodation and where it is considered that additional HMO would lead to or worsen problems within a particular area, planning permission will normally be refused.

Location of HMO

- 3.10 Whilst not always the case, HMO tend to attract residents that are in their teens or twenties, who are single and have no dependants. By nature, these age groups can be a little more energetic than older people and can lead a much more active social life in the evenings than other groups. On some occasions this can cause disturbance to nearby householders and the impact of such activity is much more evident in quiet residential areas.
- 3.11 In addition, it is recognised that car ownership is much lower in those groups who traditionally occupy HMO than other householders. Accordingly, many occupants often rely on public transport to get to places of interest.
- 3.12 Therefore, HMO are often best located in vibrant areas that are:
- On or near a relatively busy highway;
 - In areas well served by public transport;
 - In areas well served by cycle routes; and
 - In areas well served by a range of services, including shopping and leisure.
- 3.13 Such locations tend to be more lively than traditional residential areas that cater for families and therefore these areas are better equipped to deal with a use that traditionally has more activity throughout the day and night.
- 3.14 Generally, planning applications will not be approved in areas of predominantly single family dwellings. However, decisions on such applications will depend upon the particular characteristics of each scheme, and its impact on the amenity and character of the neighbourhood. The size of the development, number of bedspaces, provision of off-street car parking facilities and the development's proximity to nearby properties will be taken into account when assessing proposals in such locations.

Character and Appearance of the Area

- 3.15 One of the Council's main concerns when assessing planning applications for HMO will be the impact the proposal would have on the character and appearance of an area. Traditionally, HMO have received a poor reputation in terms of their impact on the character of the street scene. This sometimes stems from poor standards of maintenance of the properties themselves and within the buildings curtilage (gardens and gates etc). Absent landlords are often unaware of problems or are too slow to react to maintenance issues causing them to get worse. The occupants themselves often do not have the desire or the means to take care of areas of the building that fall outside their immediate living accommodation and see such responsibilities as falling on the landlord or

other residents. Poor maintenance standards can sometimes have a considerable impact on an area's character.

- 3.16 In addition to poor maintenance issues, the nature and operational requirements of HMO can sometimes cause harm to the character of an area. Examples of this include unsightly pipework that may be required to conform to specific requirements in terms of services, or unsightly fire escapes that may be required to meet Building Regulations. These often have a greater impact where surrounding properties are clearly absent of such features. Even things like diverse curtaining and multiple door-bells or letter boxes can detract from an area's character, particularly if done unsympathetically.
- 3.17 Therefore, if it is considered that a proposal for HMO in an area would cause harm to the character of that area it will be refused planning permission. Such decisions will be based on the individual merits of each proposal and the particular characteristics of each scheme, assessed against the overall street scene and character of an area.

Character and Appearance of the Building

- 3.18 In addition to the harm a proposal may cause to the general character of an area, the Council will also assess the impact a proposal may have on the individual building. There are a number of Listed Buildings throughout the Borough and these will obviously be protected through the normal statutes, along with buildings within the Borough's Conservation Areas. However, there are also a number of other important buildings that are not 'listed' but nevertheless are considered to have a significant local historical or architectural value. Some of these are on the Council's 'Local List', which warrants some protection but others may not be.
- 3.19 Where a building is considered to have significant local interest the Council will seek to ensure that its individual character is preserved. Any works to the property will be carefully assessed in accordance with this advice note (and other advice) to ensure that the proposals would not detract from the building's importance. Where a proposal is considered to have an unacceptable impact on a building of local interest (whether Listed or not) the Council will not approve a planning application.

Landscaping

- 3.20 Landscape proposals should form part of a planning application to help enhance the general character of the property and neighbourhood. Excessive use of hard landscaping should be avoided. Consideration should also be given to the question of maintenance of the landscaping (see para.3.26 for further advice on landscaping).

Parking Provision

- 3.21 Parking issues will be a major consideration when assessing a planning application for HMO, as parking will impact significantly on the character of an area/building and on the general amenity of residents. Any proposal that is considered to have a detrimental impact on highway safety or harm to amenity will not be permitted.
- 3.22 When assessing planning applications, the Council will seek to ensure that the proposals provide adequate levels of car parking to meet the future requirements of the likely occupants. Where possible, the car parking should be provided off street.
- 3.23 However, the Council recognises that it is difficult to set actual car parking standards for HMO as this will often depend on the end user and the location of the property. Accordingly, the level of parking provision will be considered depending on the specific circumstances involved and location of the proposal.
- 3.24 Nevertheless, as a general principle, off-street car parking facilities should be provided for future occupants where this is possible. The type of resident to be accommodated, together with visitor demand and any requirements for staff parking should be considered when determining parking provision.
- 3.25 Where no off-street parking can be provided then the effect of the development upon parking in the vicinity of the site will be carefully considered to ensure that there will be no significant adverse impact upon residential amenity or highway safety.
- 3.26 The design and layout of parking is an important consideration and the Council will take account of the following factors when considering parking arrangements as part of a planning application for HMO⁴:
- **Proposed Landscaping:** Car parking areas should be sufficiently landscaped to ensure that the proposals help to create an attractive environment. The location and proposed type of landscaping schemes should take account of the need to avoid any traffic difficulties when first planted and when the landscaping reaches maturity. Consideration should also be given to how the proposed landscaping will be maintained so that it does not become overgrown and an eyesore. Low maintenance landscaping is often considered the best type for HMO. Proposals that do not include appropriate levels of landscaping and that simply put forward large expanses of hard surfacing for car parking areas will generally not be granted planning permission.
 - **Existing Landscaping:** The Council will seek to ensure that the proposals for car parking do not lead to the removal of existing vegetation, particularly where the existing vegetation makes an important contribution to the character of an area. The Council will

⁴ The advice on parking standards and design issues should be read in conjunction with the Council's SPD on Parking Standards.

reject proposals that lead to an unacceptable impact on existing trees and other features of importance to the visual amenity of an area.

- **Existing Boundary Features:** As well as the buildings themselves, the character and appearance of an area is often defined by the boundaries to the properties. Therefore, the Council will seek to ensure that proposals do not lead to the unnecessary removal of existing boundary walls, particularly where they form part of the character of an area.
- **Security⁵:** Consideration should be given to both the security of the property and the cars. The removal of walls and other boundary features to accommodate car parking can mean access to the property and cars (and perhaps adjacent properties) is made easier and leads to less secure accommodation. Therefore, the Council will seek to ensure that proposals include secure measures to reduce the instances of crime associated with HMO accommodation. The implementation of security measures, such as new gates or walls, should be carefully designed to protect the character of the property and wider area.
- **Amenity of Occupiers:** It is important that the amenity of occupiers is not harmed by the design and layout of car parking. In general terms, car parking areas should not be put immediately in front of habitable room windows (including bedrooms and main common rooms) where harm to amenity could be caused by noise and exhaust fumes pollution and through vehicle movement vibration.

3.27 In relation to these points, it is often the creation of forecourt car parking that has harmed the traditional layouts and setting of some streets, through the loss of boundary features and mature vegetation. As mentioned, the frontage of properties, including boundary features and gardens are significant to an area's character.

3.28 Therefore, proposals that seek the intensification of existing buildings for HMO that would result in the loss of front gardens to car parking provision will be discouraged.



Removal of front garden space for car parking can detrimentally harm the character of individual buildings and the street scene

Highway Safety

3.29 Planning applications will be considered against their impact on highway safety and the Council's Engineers will assess all proposals to ensure that highway safety is not compromised. The most appropriate location for HMO is along major transport routes and this often means that highway issues are particularly important in determining whether a proposal is or is not acceptable. Therefore, in addressing highway safety, it is important that:

⁵ General security issues will be assessed against the Council's 'Planning Out Crime in New Development' guidance note.

- vehicles are able to enter and exit the parking area without any hazards being caused;
- the design of off-road turning facilities meet appropriate highway standards;
- visibility splays are kept clear of obstructions (for example, ensuring that any proposed landscaping would not obstruct views once matured or proposed parking areas would do likewise); and
- where a gate or door is being proposed that it does not open out over a path or a road.

3.30 If you wish to discuss car parking issues and highway safety measures in more detail, please consult Traffic Management and Road Safety Services (See contacts, Section 5).

Cycle Parking

3.31 The Council will require that appropriate levels of cycle parking facilities are provided. The actual level of cycle parking facilities will be determined on the individual merits of the scheme but provision should be based on the needs of occupants, staff and visitors.

3.32 The provision of cycle parking facilities will be particularly important where car parking provision is not being proposed or is limited. This will help encourage occupiers to use alternative modes of transport other than the private car.

3.33 The location of the cycle parking areas should be in a convenient place where users can securely leave their cycles without obstructing common internal areas, entrances and exits (which are often the main means of fire escape). Secure cycle parking areas should be designed to ensure that provision is integrated with the character of the property and surrounding area. Further advice on cycle parking can be found in the Council's Parking Standards SPD.

Amenity Space

3.34 Applicants for HMO conversion will need to demonstrate that the proposal would provide an adequate amount of enclosed external amenity space for its residents where the opportunity exists. This should be at least in the form of a yard or a garden at the rear of the property. The exact amount of garden/yard space should be directly related to the needs of the likely residents.

3.35 Generally, the amenity space provided should allow:

- occupants to be able to sit outside in the fresh air;
- for ease of accessibility for all residents; and
- for a safe and secure environment (secure by design).

- 3.36 The Council will seek to ensure that any proposal that would seek to reduce or remove amenity areas for other purposes (e.g. an extension to the property or for car parking) still provides satisfactory levels for residents. Where such proposals are not considered to provide adequate amenity space, planning approval is unlikely to be granted.
- 3.37 Whilst each proposal will be considered on its own merits, some flexibility may be allowed in certain circumstances, for example, where an applicant can demonstrate that less space is required due to the close proximity and accessibility of parks and other forms of public open space. The quality and nature of any 'alternative' amenity spaces will need to be considered, as will the specific requirements of the residents.
- 3.38 Proposals that would block or considerably reduce daylight to surrounding properties will generally not be permitted. Proposed extensions to buildings should also avoid being oppressive and over-dominating the surrounding area.

Natural Lighting and Ventilation

- 3.39 Each habitable room will need to be provided with a window or windows opening directly into the external air and giving a glass area equal to at least one-tenth of the floor area. The windows should have an opening equivalent to at least one-twentieth of the floor area of the room. In all cases adequate natural light, ventilation and a view shall be provided in order to provide an acceptable standard of amenity for residents.
- 3.40 Roof lights should be at normal sill level where they are the only natural light into a room. Bedrooms, living rooms and kitchens should not be lit solely by roof lights as they do not provide adequate amenity. Artificial lighting should be provided and maintained at all times by electricity to all parts of the premises that people have access to.

Drying Clothes

- 3.41 The drying of clothes will be an important consideration in determining planning applications. If no drying facilities are provided on site (or at least in very close proximity) this can often lead to residents drying their clothes within their living accommodation. This can cause damp and health problems if the property is not adequately ventilated. Residents often also use open windows or balconies for drying clothes which can significantly detract from the character of an area.
- 3.42 Therefore, in addition to providing recreation/amenity space, the Council will seek to ensure that rear garden areas should provide suitable space and facilities for drying clothes. In the absence of garden areas or where this is not possible, the Council will seek to ensure that suitable space or facilities are provided elsewhere within the curtilage or premises for the drying of clothes.

Bin Storage

- 3.43 Garbage disposal is often one of the main areas of consideration when determining planning applications for HMOs. The Council will seek to ensure that garbage disposal facilities would not (or would not have the potential to) detract from the character of an area or cause environmental health concerns. Situations have occurred in the past where no consideration was taken of bin storage and this often meant that front gardens were saturated with overflowing bins that were not suitable to meet the needs of the occupants.
- 3.44 Accordingly, the Council will not permit proposals for HMO unless they provide adequate levels of bin storage to meet the requirements of the occupants.
- 3.45 Ideally, bin storage should be well concealed to the rear of the properties with easy access being gained by all occupants. There should also be ease of access to the storage areas by refuse collectors or that the bins are easily transported to areas where refuse collectors can access the rubbish.
- 3.46 Where this is not possible and bins need to be located to the front or side of properties, they should also be concealed in custom built storage areas. Wherever the storage areas are positioned they should:
- be well integrated with the character of the building so as not to detract from its character, nor that of the surrounding area;
 - be located in a position that would not harm the amenity of existing or future residents (e.g. outside their habitable room window which could create noise and odour concerns);
 - be provided at a minimum rate of 1 bin per three units together with appropriate recycling facilities;
 - be hygienic and regularly maintained; and
 - not cause obstruction or fire risk in escape routes.
- 3.47 It is important to note that full details of the location, design and operation of refuse storage facilities should be included as part of the details in a planning application for HMO.

Means of Escape

- 3.48 The Housing Health and Safety Rating System (England) Regulations 2005 and Approved Document B (Fire Safety) will require certain fire precaution measures within the property. This may include the provision of fire doors, a fully automatic fire detection system, emergency lighting and fire fighting equipment. Building Control Officers and Environmental Health Officers will seek to enforce these requirements and need to be consulted by applicants at an early stage.
- 3.49 In Planning terms, the most common issue relating to means of escape relates to potential physical alterations to a building through external fire

escapes⁶. The main concerns when assessing proposals for external fire escapes on existing or proposed HMO will be the impact on the character of the area and any overlooking issues that may arise:

- **Character** – fire escapes, where required, should be located to the rear of properties and should minimise the public view of them. They should be of a material and design that integrates well with the property so as not to detract from its specific character. Fire escapes that are proposed to be located to the front of the property will generally not be accepted and planning permission is unlikely to be granted; and
- **Overlooking** – this should not normally be an issue when considering proposals for fire escapes as most are generally only used in an emergency and not for day to day use. However, there have been examples where proposals seek to utilise balcony areas within fire escape routes as an extension to the living accommodation and/or to locate plant pots etc. Whilst this is rare, the Council will seek to ensure that where proposals do arise that there would not be any loss of amenity or detrimental overlooking issues.

3.50 It is important to ensure that internal layouts are designed to ensure that there is direct access from any room to the protected escape route.

Overlooking

3.51 The Council will seek to avoid proposals that would lead to loss of neighbouring occupant's privacy. Overlooking can be a particular problem where upper floor rooms previously used as bedrooms become used as living rooms, meaning that future occupants would tend to spend more of their time within these rooms than perhaps they would if they remained as bedrooms. This could be even more problematic if balconies were being proposed.

3.52 The Council will also seek to ensure that any proposed extension to a building does not create overlooking or would lead to the loss of privacy. The Council's Alterations and Extensions SPD will be used to help assess this.

Noise Issues

3.53 One of the greatest causes of disputes between neighbours relates to issues concerning noise. Converting or sub-dividing a property into a HMO results in more people living in the property and increases the potential for greater noise levels, particularly given the socio-economic characteristics of most occupants in HMO accommodation outlined in paragraph 3.10. Noise disturbance within the HMO is of particular significance because occupants do not live as a family and are likely to have quite different lifestyles and enjoy different activities at different periods of the day. Consequently, when determining a planning

⁶ It is acknowledged internal means of escape are preferable to external routes.

application, the Council will have regard to the nature of potential noise disturbance and the impact the HMO may have on surrounding properties from noise.

- 3.54 When designing the layout of HMO it is important that attention is given to the location of living accommodation and communal rooms (such as lounges, bathrooms and kitchens) as they tend to be particular generators of noise. Ideally, they should not immediately adjoin sleeping accommodation on the same floor.
- 3.55 Where this is not possible, acoustic insulation or soundproofing will be required. This will generally be required in internal vertical walls surrounding sleeping accommodation and between floors. It should also be used in party walls between the converted property and adjoining properties.
- 3.56 In determining planning applications, the Council will require details of the proposed internal layout in order to assess issues around noise (and other issues). Conditions may be imposed where it is felt that sound proofing would be required.
- 3.57 It is recommended that advice is sought from the Building Regulations Section on sound proofing requirements (see contacts in Section 5).

Access

- 3.58 Primary access to accommodation by way of rear passageways is unacceptable, unless such rear passageways are wide, well lit and already used extensively for this purpose. Primary access should preferably be provided to the front of the property with secondary access provided to the rear.
- 3.59 People with disabilities should be given access to the same facilities as non-disabled people. The ground floor of HMO premises should be accessible to wheelchair users, as should all public/ and communal areas. At least one bedroom should be suitable for wheelchair users with en suite shower and toilet facilities.

Internal Specification

- 3.60 Whilst the internal specification of a proposal for a HMO may fall outside the *direct* remit of Development Control, there is concern that substandard accommodation and overcrowding can have a knock on effect on wider amenity issues or land use concerns. This can have a detrimental impact on the character and amenity of local residents and, therefore, the Council will assess the suitability of proposals against the internal specification as well as external considerations.
- 3.61 Accordingly, when determining planning applications, the Council will seek to ensure that the minimum space standards for internal rooms contained in current legislation and/or local guidance are adhered to. Please contact the Regeneration and Housing Standards Team for further details on internal

space standards to ensure that proposals for HMO meet current requirements (See Contacts at Section 5).

Protected Species

- 6.62 Species such as bats, which use roof spaces as roost or hibernation sites, and birds which nest under the eaves of buildings are protected from harm by law. Applications for developments that involve alterations to existing roof spaces, listed buildings, pre-1939 houses, barns or other traditional buildings and, any work involving disturbance to trees or hedges may have an impact upon protected species. If the presence of bats or birds is suspected then an application may need to include a survey report, together with details of mitigation measures to safeguard the protected species from the adverse effects of the development. The Council may impose planning conditions or obligations on planning permissions to ensure that these measures are implemented. Such measures may simply include, for example, avoiding carrying out any work during the bird breeding season, or the inclusion of artificial nest boxes as part of the development. The Council may refuse permission for developments where inadequate survey and mitigation details are included with an application.

4 - BACKGROUND DOCUMENTS

- Bury Unitary Development Plan, Bury MBC (Adopted August 1997)
- Development Control Policy Guidance Note 3: Planning Out Crime in New Development
- Development Control Policy Guidance Note 6: Alterations and Extensions to Residential Properties
- Draft Development Control Policy Guidance Note 11: Parking Standards in Bury
- Houses in Multiple Occupation – Guidance Standards (Environmental Health Publication)

5 - CONTACTS

- 5.1 The advice in this note has been designed to be user-friendly and seeks to clarify the issues that the Council will consider when determining planning applications for HMO. However, if you require further information, please contact:

Development Control Team

Planning, Engineering and Transportation Division
Craig House
5 Bank Street
Bury
BL9 ODN
TEL: 0161 253 5432
Email: development.control@bury.gov.uk

Building Control

Planning, Engineering and Transportation Division
Craig House
5 Bank Street
Bury
BL9 ODN
TEL: 0161 253 5313
Email: building.control@bury.gov.uk

Housing Regeneration & Standards Team

Environment and Development Services
Textile Hall
Manchester Road
Bury
BL9 ODG
TEL: 0161 253 5566

continued

Traffic Management and Road Safety Services

Planning, Engineering and Transportation Services Division

Lester House

21 Broad Street

Bury

BL9 OAW

Telephone 0161 253 5788

Email: p.holmes@bury.gov.uk

Planning Policy

Planning Division

Craig House

5 Bank Street

Bury

BL9 ODN

TEL: 0161 253 5306

Email: planning.policy@bury.gov.uk

Appendix 1

H2/4 - Conversions

Applications for the conversion of buildings into two or more self contained units, or the conversion of a building into a house of multiple occupation, will be considered with regard to the following factors:

- a) the effect on the amenity of neighbouring property through noise, visual intrusion, the position of entrances, impact of parking areas, extensions and fire escapes;
- b) the general character of the area and the existing concentration of flats;
- c) the amenity of occupants;
- d) the effect on the street scene of any changes to the external appearance of the building;
- e) car parking and servicing requirements.

Justification

Given the trend towards smaller households, the conversion of buildings into self contained units and houses in multiple occupation can be an effective way of providing small, relatively low cost accommodation. However, it is necessary to ensure that dwelling standards are maintained and to ensure that, generally, an over provision of such property does not adversely affect the need to maintain a good mix of housing types, or adversely affects the character and amenity of residential areas. The car parking requirements in factor (e) should accord with the Council's car parking standards referred to under Highways and Transportation Policy HT2/4 - Car Parking and New Development and set out in Appendix 4 of the Plan.



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www.bury.gov.uk/planning/home.htm



Craig House, 5 Bank Street, Bury, BL9 0DN

May 2007

Graham Atkinson BA DMS

Director of Environment & Development Services

Bury ● Prestwich ● Radcliffe ● Ramsbottom ● Tottington ● Whitefield
Metropolitan Borough of Bury