

HMO Amenity Guidance 3 – Space Provision for Licensable and Non-Licensable HMOs

Bedrooms - The Council has maintained the 2013 locally set space standards for bedroom size. A bedroom is a room within a building used solely for the purpose of sleeping accommodation. Some larger bedsit-type rooms may have other basic facilities provided in the room such as a kitchen and bathroom and will therefore need to be larger and well laid out in accordance with the amenity standards for kitchens and bathing.

From 1 October 2018, Local Housing Authorities (LHAs) such as the Council are required to impose conditions specifying the maximum number of persons over 10 years of age and/or persons under 10 years of age who may occupy specified rooms provided in HMOs for sleeping accommodation. The purpose of room-size guidance and condition is to reduce overcrowding, as this may be the occupant's only private living space in the HMO. The statutory minimum is not intended to be the optimal room size. Therefore, the LHA will continue to have discretion to require higher standards but is required not to set lower standards. Any bedrooms below the locally set standard will not normally be considered suitable for sleeping accommodation.

Table 1 – Nottingham City Council HMO Bedroom Size

Number of Occupiers	Bedrooms in HMOs where there is adequate dining space elsewhere and where cooking facilities are not provided in the bedroom.	Bedrooms in HMOs where there is no lounge/dining space elsewhere and where cooking facilities are not provided in the room.	Bedrooms where cooking facilities are provided in the same room
One Person (under 10 years of age)	4.64 square metres	Not Applicable	Not Applicable
One Person (aged 10 years or over)	8 square metres	10 square metres	14 square metres
Two Person (any age)	12 square metres	15 square metres	18 square metres
Three Person (any age)	17 square metres	20 square metres	23 square metres
Four Person (any age)	22 square metres	25 square metres	28 square metres

The nationally prescribed statutory minimum set bedroom sizes in HMOs are as follows: 1 person under the age of 10 = 4.64 square metres, 1 person aged 10 or over = 6.51 square metres, 2 persons aged 10 or over = 10.22 square metres.

In no circumstances will rooms below the national prescribed statutory minimum sizes be accepted as sleeping accommodation. Communal space in other parts of the HMO cannot be used to compensate for rooms smaller than the national prescribed minimum.

<https://www.legislation.gov.uk/uksi/2018/616/made?view=plain> The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 (legislation.gov.uk)

The minimum sleeping room floor area sizes appropriate for the property will be imposed as conditions on the HMO licence. There will be a mandatory condition that any room of less than 4.64m² may not be used as sleeping accommodation, and the landlord will need to notify the local housing authority of any room in the HMO with a floor area of less than 4.64 m². In addition, LHAs are required to impose conditions specifying the maximum number of persons over 10 years of age and/or persons under 10 years of age who may occupy each specified room provided in HMOs for sleeping accommodation.

In general, for a bedroom the following guidance must be applied.

- The Council will not accept strangers sharing a bedroom under any circumstances.
- Shared bedrooms are suitable for persons in or with a relationship (e.g. husband and wife or same-sex partners).
- Shared bedrooms must not be used by persons of the opposite sex, who are 10 years old and over (e.g. a brother and sister).
- A shared bedroom size under 17 square metres, being used by more than two persons may be considered overcrowded. The bedroom will be subject to an individual assessment for suitability. The only exception would be an infant under 1 year old occupying a cot with parent(s) or legal guardian; they would still be counted as one person in the overall calculations.
- Any en-suite in a bedroom must be fully enclosed with a fully closing solid door, heating and ventilation. This may include a full bathroom suite or just a toilet and wash hand basin or shower cubicle so designed to be wholly for the exclusive use by the occupier of that bedroom. Any ensuite will be discounted when determining the usable floor area of that bedroom.
- A study in bedroom must be provided with a suitable desk and chair and must be well laid out in design to allow adequate circulation and other activity spaces.
- Any area of a room where the ceiling height is less than 1.5 metres cannot be included in the floorspace.
- Staircases, landings and open-plan mezzanines shall not be used as sleeping accommodation.
- Rooms that have been appointed as a shared kitchen or bathroom shall not be used as sleeping accommodation.
- Rooms that have a gas fire in them will not be considered suitable for sleeping accommodation.

- An openable window with a view must be provided for ventilation and wellbeing. The window must be located such that it can be opened and closed without the aid of a pole or other such similar devices. The view must include features such as a city view, rooftops or, similar and must not just be a view of the sky or a wall.
- Locks on bedroom doors (where fitted) must be operated from the inside without the use of a key or removable tool.
- If dining space is provided within the bedroom, an extra 2 square metres must be added for each person occupying the room in addition to the size as quoted in Table 1.
- Any dining space shall be suitably and conveniently located such that hot food and drinks can be carried from the kitchen to the dining area without going up or down stairs.
- A minimum of two (2) double electrical sockets must be provided in a bedroom up to 10 square meters and three (3) double electrical sockets must be provided in a bedroom larger than 10 square meters.
- Only rooms large enough must be considered for the addition of kitchen equipment (see Table 1). Additional electrical socket(s) must be added into the bedroom socket calculation when kitchen appliances are required. Please read the kitchen guidance when planning this type of letting.

Communal Space

Communal space provided in shared houses must be well managed and regularly inspected. It may be necessary for landlords to provide cleaning services on a regular basis in communal area such as hallways, stairs, shared bathrooms and kitchens. Cleaning will be a requirement for HMOs where rooms are rented individually and not occupied on a whole-house single tenancy agreement and any type of hostel or supported accommodation must have a cleaning service.

A landlord may provide an open plan kitchen-diner with living space combined; this room must be a sufficient size and layout to facilitate the multiple uses. As a guide, a communal living room space in a shared house must allow at least 2 metres square per occupant and ideally be its own room.

Adequate facilities must be provided for washing and drying of clothes. It would be good practice to include a washing machine for up to 5 occupants. Drying facilities must be designed for year-round use to minimise condensation and mould growth, particularly in bedrooms. In practice, this may mean that unless a whole house, positive pressure ventilation system or similar is installed, then either an externally vented and/or condensing type tumble dryer, suitably sited, managed and maintained or a suitably heated and ventilated drying room for drying clothes and bedding must be provided, in addition to any external drying facilities.

Where a gas appliance is provided within a unit of accommodation, a carbon monoxide detector must also be provided.

General note:

When considering a HMO licence application, the Council must be satisfied that the property is suitable for occupation by the number of people proposing to live there. Section 67 of the Housing Act enables Local Housing Authorities to impose additional conditions to a licence to make the property so suitable.

For the purposes of determining the maximum permitted numbers of occupants for an HMO, the Council will have regard to:

- The number of bedrooms in the HMO and the sizes of the rooms.
- The number of hygiene facilities such as bathrooms and toilets.
- The number of kitchens and the type of food preparation facilities.
- The location of bedrooms, hygiene & kitchen facilities within the HMO.
- Other communal space that may be available and the suitability of their location and use.

The conditions will form part of the HMO licence documents. HMO licence holders are legally required to comply with all conditions on a licence. The licence conditions can be found for each scheme on the Council's website under the resource and document tabs on each licensing page, available here [Licensing for Landlords - Nottingham City Council](#).

Extra conditions may also be imposed on the licence where the Council considers it is appropriate for regulating the management, amenities provisions, contents, use and occupation of the HMO and its general condition. Therefore, licence holders must read and understand the licence and its conditions as imposed. Landlords with non-licensable HMOs, may also wish to follow the conditions as good management practice.

As part of the licensing process, a calculation of all room measurements provided in the application will be carried out. A review of usable floor space and facilities provided along with the shape, design and layout of the room will be considered. Space taken up by usable fitted (floor to ceiling) storage units may be counted in addition to the total floor area calculation.

When measuring rooms, the skirting boards will be disregarded for the purpose of any room size calculation. Space taken up by chimney breasts, lobbies, en-suite bathrooms, toilets, shower rooms, bay windows or other significant obstructions will be

considered to reduce the usable floor area and will be disregarded from the room size calculations. This may include areas of opening door swings in smaller rooms.

Please Note: If a landlord is unable to comply with the Council's HMO amenity standards guidance or wishes to depart from them, they must discuss this with the Council before starting works. The Council encourages quality accommodation and adopts a flexible approach to discussions with landlords. Where a landlord can provide a well thought out alternative solution that works for the property and is within the legislative framework, this will be considered by the Council.

Any requested bespoke variations from the guidance standards will be considered on a case-by-case basis. Therefore, bespoke variations agreed with the council must not be implemented at any other property unless further approval is sought and given by the Council.

Contacts

HMO Team, Environmental Health, Nottingham City Council, Loxley House, Station Street, Nottingham, NG2 3NG.

Please use our Contact Form for all general enquiries:

https://myaccount.nottinghamcity.gov.uk/service/housing_licensing_contact_form

Other HMO amenity guidance documents available:

- HMO Amenity Guidance 1 – Kitchen and kitchen facilities in licensable HMOs
- HMO Amenity Guidance 2 – Shared bathing and toilet facilities for licensable HMOs