



# A LANDLORDS GUIDE TO **Communal Space** **Requirements for Houses in** **Multiple Occupation (HMOs)**

**The Council's Space & Amenity Standards set out minimum standards required in all HMOs. The legal basis for this lies in Section 65 Housing Act 2004 where an HMO is licensed, and the standard is reinforced under licence conditions. Where an HMO is not licensable, the requirement stems from Part 1 (HHSRS) Housing Act 2004 and Section 139-140 Housing Act 2004.**

**The purpose of ensuring adequate space is to ensure there is no overcrowding, and occupiers have adequate space not only in bedrooms but also in living and dining rooms.**

## What do we mean by communal space?

In this context we mean a room, or space within a room (such as a dining area within a kitchen), designated for shared living or dining purposes. Areas such as utility rooms or storerooms will not be counted.

## When is communal space required?

- Communal space is required when any bedroom has a floor area of less than 10 square meters (sq.m.) the standard for a single bedsitting room.
- If occupiers must travel more than one storey to reach a kitchen (irrespective of the bedroom size) then communal space is only required for those occupants that need to travel. This is because the standards do not allow food to be carried more than one floor distance from a kitchen to a bedroom.

## What if only one bedroom has a floor area less than 10sq.m.?

The standard requires that ALL bedrooms must meet 10sq.m. to avoid having to provide communal space. Even if just one bedroom is less than 10sq.m. communal space will be required for the total number of occupiers.

## How much communal space is required?

The standards state that communal space is expected to be a minimum of 1.9 sq.m. per person. All bedrooms will be considered (not just those rooms with floor areas less than 10sq.m.) for the purposes of calculating communal space required. The table below shows the communal space requirement.

Number of occupants	Communal space requirement (sq.m.)
3	5.7
4	7.6
5	9.5
6	11.4
7	13.3
8	15.2
9	17.1
10	19.0

## What about HMOs with more than 10 bedrooms?

Where HMO's have more than 10 bedrooms, calculating communal space using a factor of 1.9 sq.m. per person, would require disproportionate amounts of communal space. This is because you would not expect all occupiers to converge at the same time in larger groups. Such cases will be examined on their merits and may be acceptable with proportionately lower levels of communal space.

## How is communal space calculated?

- Measured from wall to wall, disregarding skirting boards
- Add irregular shaped areas including bays
- Discount chimney breasts
- Discount areas where the ceiling height is less than 1.5m high, excepting a breakfast bar may be deemed acceptable

## How are open plan kitchen/dining areas measured?

The working area of the kitchen is discounted and cannot be included as communal space. This includes the unit/appliance and 600mm of working space beyond. Depending on the kitchen layout, for example in a U-shaped kitchen, this may leave only a small 'island' of communal space which may be disregarded depending on whether can practically be used. In cases where the kitchen contains a 'breakfast bar' which may be positioned along a wall or internally, it would normally be possible to include the breakfast bar in the communal space calculation (if the area underneath is unobstructed).

## What if there is no dining space, only a lounge area?

There is no requirement for separate dining and living areas, one or the other will be regarded as adequate so long as it meets the space standard.

## What if the communal space is not near to the kitchen?

If the occupier has travelled more than one floor from their bedroom to the kitchen then the communal/dining space would be required within or adjacent to the kitchen.

If the occupier has travelled one floor to the kitchen from their bedroom, then it would not be permitted for them to travel more than one additional floor from the kitchen to the communal/dining area. For example, where a bedroom is on the first floor, kitchen on the ground floor and common room is in the basement.

## What if there are separate communal areas?

The floor areas of separate rooms can be combined to give an overall calculation of communal space. Typically, one would be a dining space and the other a living space.

## What if there is a freestanding fridge or other white goods located in the lounge/dining space?

The floor area on which the appliance is located will be discounted from being communal space including the door opening space in front of the appliance if it is required to meet the amenity standard.

The floor area on which the appliance is located can be included as communal space if the appliance is in addition to what is required to meet the minimum standard, e.g., if occupiers provide additional appliances.

## How is the floor area adjacent to a worktop in an open plan kitchen/diner calculated?

The food preparation area is only regarded as being on the kitchen side of the worktop so all the floor area leading up to the worktop on the sitting/dining side is counted.

## What if the worktop is also a breakfast bar?

If the worktop has space below to enable chairs to be arranged to allow persons to sit there for the purpose of eating, it would be reasonable to allow the area of the worktop to be included as communal space. Where the breakfast bar is intended for both food preparation and dining purposes, an assessment will need to be made of worktop requirements for food preparation.

Some breakfast bars are of sufficient depth to allow both dining (on one side) and food preparation (on the other) simultaneously, in which case, they can be apportioned accordingly.

## What if there are door openings into the room?

Door openings can normally be discounted even if the door opens into the living/dining space. However, if there are multiple doorways leading off the living/dining space, Officers may make an appropriate adjustment since there may be difficulty in finding enough space in which to position tables/chairs etc.

**Please note all communal space also requires adequate heating, lighting, and ventilation.**

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