

FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

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| Case Reference | : | BIR/00CR/HIN/2025/0019 |
| Property | : | 10, 11 and 12 Tipton Road, Dudley DY1 4SH |
| Applicant | : | Zakir Shah |
| Representative | : | n/a |
| Respondent | : | Dudley Borough Council |
| Representative | : | n/a |
| Type of Application | : | Appeal against a prohibition order Sections 20 & 21 and paragraph 7(1) of Schedule 2 to the Housing Act 2004 |
| Tribunal Members | : | Judge M K Gandham<br>Mr R Chumley-Roberts MCIEH, JP |
| Date and venue of Hearing | : | 10 August 2026<br>Centre City Tower, 5 – 7 Hill Street, Birmingham B5 4UU |
| Date of Decision | : | 27 October 2026 |

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DECISION

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## Decision

1. The Tribunal orders that the Notification of Hazard(s) set out in Schedule 1 and the Specification of Works set out in Schedule 2 to the Prohibition Order dated 5 June 2025 in respect of the Property known as 10 Tipton Road, Dudley DY1 4SH be varied as set out in Appendix A.

2. The Tribunal orders that the Notification of Hazard(s) set out in Schedule 1 and the Specification of Works set out in Schedule 2 to the Prohibition Order dated 5 June 2025 in respect of the Property known as 11 Tipton Road, Dudley DY1 4SH be varied as set out in Appendix B.

3. The Tribunal orders that the Notification of Hazard(s) set out in Schedule 1 and the Specification of Works set out in Schedule 2 to the Prohibition Order dated 5 June 2025 in respect of the Property known as 12 Tipton Road, Dudley DY1 4SH be varied as set out in Appendix C.

## Reasons for Decision

### Introduction

4. The First-tier Tribunal (Property Chamber) received an application from Mr Zakir Shah ('the Applicant') for an appeal under paragraph 7(1) of Schedule 2 to the Housing Act 2004 ('the Act').

5. The appeal related to three separate prohibition orders ('the Orders') each dated 5 June 2025, served upon the Applicant by Dudley Borough Council ('the Respondent'), relating to the properties known 10 Tipton Road Dudley DY1 4SH, 11 Tipton Road Dudley DY1 4SH and 12 Tipton Road Dudley DY1 4SH ('the Properties').

6. The Applicant was the leaseholder of the Properties, the freehold of which was held by Mr Pervez Ahmed.

7. The Orders detailed, in Schedule 1 of each prohibition order, various deficiencies at each property, with the remedial action that needed to be carried out for that order to be revoked set out in Schedule 2. The Respondent also served, with the Orders, a Statement of Reasons as to why the decision to take enforcement action had been made.

8. Directions were issued by the Tribunal on 13 October 2025. In accordance with the Directions, the Respondent provided their digital Statement of Case to the Tribunal on 3 November 2025. Although the Applicant initially failed to provide their Statement of Case, this was provided after a strike-out warning, and the Respondent then provided a Reply to the same.

9. The matter was listed for an inspection on 10 August 2026, with a hearing to take place thereafter at the Tribunal's hearing rooms.

10. As the Applicant failed to pay the hearing fee (despite being chased), the application was deemed withdrawn on 17 July 2026. Following an application for reinstatement from the Applicant, the Tribunal confirmed that the inspection and hearing would remain as listed pending the outcome of a decision on reinstatement.

11. On 30 July 2026, after considering both parties submissions on reinstatement and taking into account the proper approach to procedural defaults as set out by Judge Cooke in *Islam v Thanet District Council* [2025] UKUT 281, I reinstated the application.

12. The inspection took place as previously scheduled, as requested by the Applicant in his submissions on reinstatement, with the hearing held thereafter at the tribunal's hearing rooms at Centre City Tower in Birmingham.

## The Law

13. The Act introduced a new system for the assessment of housing conditions and for the enforcement of housing standards.

14. The Housing Health and Safety Rating System ('HHSRS') replaced the system imposed by the Housing Act 1985, which was based upon the concept of unfitness. The HHSRS places the emphasis on the risk to health and safety by identifying specified housing related hazards and the assessment of their seriousness by reference to (1) the likelihood over the period of 12 months of an occurrence that could result in harm to the occupier and (2) the range of harms that could result from such an occurrence.

15. These two factors are combined in a prescribed formula to give a numerical score for each hazard. The range of numerical scores are banded into ten hazard bands, with Band A denoting the most dangerous hazards and Band J the least dangerous. Hazards in Bands A to C (which cover numerical scores of 1000 or more) are classified as 'category 1 hazards' and those in bands D to J (which cover numerical scores of less than 1000) are classified as 'category 2 hazards'.

16. Where the application of the HHSRS identifies a category 1 hazard, the local housing authority has a duty under section 5(1) of the Act to take appropriate enforcement action. Section 5(2) sets out the courses of action, which include the making of a prohibition order, that constitute appropriate enforcement action. Where the application of the HHSRS identifies a category 2 hazard, the local housing authority has a power under section 7(1) of the Act to take enforcement action in respect of that hazard. Again, these include the making of a prohibition order.

17. Section 9 of the Act requires the local housing authority to have regard to any guidance for the time being given by the appropriate national authority about the exercise of their functions in connection with the HHSRS. In February 2006, the Secretary of State issued 'Housing Health and Safety Rating System – Operating Guidance' ('the Operating Guidance') which deals with the assessment and scoring of HHSRS hazards. At the same time the Secretary of State also issued 'Housing Health and Safety Rating System – Enforcement Guidance' ('the Enforcement Guidance), which is intended to assist local housing authorities in deciding which is

the most appropriate course of action under section 5 of the Act and how they should exercise their discretionary powers under section 7 of the Act.

18. A relevant person may appeal to the First-tier Tribunal (Property Chamber) under paragraph 7 of Schedule 2 to the Act. In relation to such an appeal, paragraph 11 of Schedule 2 states as follows:

> *"11 (1) This paragraph applies to an appeal to the appropriate tribunal under paragraph 7.*
>
> *(2) The appeal—*
> *(a) is to be by way of a re-hearing, but*
> *(b) may be determined having regard to matters of which the authority were unaware.*
>
> *(3) The tribunal may by order confirm, quash or vary the prohibition order.*
>
> *... "*

## Inspection

19. The Tribunal inspected the Properties on 10 August 2026. The Applicant did not attend and was not represented. The Respondent was represented by Mr Tim Holder (a solicitor), Mr James Martin (a Senior Environmental Housing Officer), and Ms Sian Murphy (Team Manager for the Private Sector Housing), all employed by the Respondent.

20. The Properties comprised three adjoining two-storey terraced houses in a block of four, with 10 and 11 Tipton Road being mid-terraced, and 12 Tipton Road being an end-terraced on the left-hand side of them as viewed from the front. All three houses appeared to be of traditional brick construction with pitch, slated rooves. Some of the tiles were uneven on the main roof to 11 Tipton Road.

21. Numbers 10 and 11 Tipton Road, in addition to their own front doors, shared a communal door, which led to a joint accessway to the rear of the Properties. The first-floor bedrooms in each of these houses appeared to overhang the accessway.

22. Number12 Tipton Road had a two-story extension to the left-hand side, where the previous garage would have adjoined the main part of the house. The ground floor section of the extension (referred to in the Respondent's bundle as the garage conversion) had its own front door, which was damaged. The external rendering to the house was also cracked, with parts of the rendering missing.

23. The front drives to the houses were not separated and the whole frontage was in a poor state of repair with rubbish, including an old mattress and shopping trolley, present on the day of the inspection. The driveway was not tarmacked and appeared to be made up of hardcore and rubble.

24. The Tribunal was unable to carry out an internal inspection of 12 Tipton Road or the garage conversion, as no-one was present to provide access. The Tribunal was, however, able to carry out an internal inspection of the inside of 10 Tipton Road and the ground floor rooms and first-floor landing of 11 Tipton Road, made possible by tenants. The Tribunal was also given access to inspect the rear gardens and communal accessway.

25. Both houses had been converted in a similar fashion into four 'bedsits', with two bedsits to the ground floor and two bedsits to the first floor. From the limited inspection of numbers 10 and 11 Tipton Road, it appeared that there was only one person in actual occupation – the tenant of the rear ground floor room at 11 Tipton Road.

26. The ground floor front facing rooms were the smallest rooms in each house. Each of these bedsits had a small 'kitchen' area with a sink within the main bedroom area, however, there was insufficient space and facilities to prepare or cook food. Each room also contained a separate shower room which was fitted with an electric shower and w.c., but there was no sink unit and the w.c. was ill-placed due to the limited floorspace.

27. The other three bedsits in each house had a separate area/room for the kitchen, and although there was a sink and slightly larger workspace, the surface area and facilities in each kitchen were still inadequate to be able to prepare and cook food. In these bedsits, the shower rooms did have the benefit of a small sink (with cold water only), however, the sanitaryware was again ill-placed due to the lack of available floorspace.

28. Some of the shower rooms had the benefit of extraction fans and shower doors at the time of the inspection, however, both houses were in a poor condition with no fixed cooking facilities and any amenities which had been provided being poorly installed or lacking general attention. The doors to each bedsit were fire doors with thumb-turn locks and closers, although many of the smoke seals were either missing or ill-fitting.

29. Both houses had the benefit of double-glazing, although the window units and the doors which led to both the front and rear of the houses in each property were poorly fitting. Neither house had the benefit of central heating.

30. The ground floor hallway in each house had a lip, where it appeared an inner door may have been removed and there was missing skirting in the hallway in number 11 Tipton Road. The loft-hatches in both houses at the first-floor landing level were missing.

31. Although both houses had fire alarms, some of the sounders still had their covers and the alarm at number 11 Tipton Road was detailing a fault.

32. The rear gardens were in a very poor state, with badly laid concrete adjoining the houses and building rubble and other rubbish strewn throughout the remainder of the garden. There was no separation of the rear gardens of the three houses, and the adjoining boundary with 13 Tipton Road was made up in some parts with loose

bricks resting on an existing wall and, in another section, with a metal fence simply laid against overgrowth.

33. The rear doors to both numbers 10 and 11 Tipton Road were badly fitting and the roof downpipe between numbers 11 and 12 was disconnected. The doorway to the common accessway between numbers 10 and 11 Tipton Road was also badly fitting and the soffit boarding above the accessway was either broken or missing, exposing the floor beams and pipes to the first-floor bedsits which traversed the same.

## Hearing

34. An oral hearing was held at the Tribunal's hearing rooms in Birmingham. Mr Holder represented the Respondent, with Mrs Murphy and Mr Martin also in attendance. The Applicant, again, failed to attend.

35. The Tribunal, after checking that the Applicant had been informed of the inspection and hearing date and noting that he had referred to the same in his application for reinstatement and specifically asking for them to remain as listed, was satisfied that reasonable steps had been taken to notify him of the hearing and that it was in the interests of justice to proceed without him.

## Submissions

### *The Applicant's Submissions*

36. The Applicant objected to the Orders made in respect of the Properties. He stated that he was the lessor of the Properties and that, shortly after taking over his interest in them, he became aware that there had been a longstanding dispute between the Respondent and the freeholder of the Properties.

37. The Applicant stated that the freeholder had been involved in litigation with the Respondent concerning council tax matters and that a representative of the Respondent had contacted him and advised him not to become involved with the Properties because they were likely to be subject to demolition proceedings. As the Applicant had already invested substantial sums into the Properties, he stated that he informed the representative that he considered the advice to be inappropriate and outside the Respondent's proper role. He stated that this led to an argument between them.

38. The Applicant submitted that, when the Respondent carried out its inspection, the Respondent had arranged for police officers to attend. He stated that he regarded this as unnecessary and believed it was intended to place pressure upon him and portray him as a "*troublemaker*". He denied that such a characterisation was justified.

39. The Applicant explained that on 5 June 2025, the Respondent issued the Orders identifying a number of hazards under the Act, which the Respondent categorised as category 1 and category 2 hazards. The Applicant contended that, having reviewed the alleged hazards, he found many of them to be exaggerated or non-existent. He

submitted that, even if defects were present, they could have been addressed more appropriately through the issuing of improvement notices.

40. The Applicant stated that he attempted to discuss these concerns with the Respondent but was unable to do so because the Respondent refused to engage with him by telephone. As a result, he lodged an appeal with the Tribunal.

41. The Applicant also complained that the Respondent had visited and inspected the Properties on 16 January 2026 without giving him notice and, in his view, without regard to the Tribunal's directions.

42. The Applicant provided, within his bundle, a witness statement from Mr Syed Ali, the Applicant's son. Mr Ali stated that he had assisted the Applicant in dealings with the Respondent and considered that the Respondent had effectively predetermined the outcome of its investigation and that the hazards identified had been exaggerated.

43. Mr Ali further stated that comments had been made by the Respondent's representative to the tenants on the date of the Respondent's inspection regarding the landlord and disputes with the Council. Mr Ali also questioned the necessity of police attendance during the inspection.

44. Mr Ali expressed disappointment with the Respondent's conduct and asserted that both his and the Applicant's requests for clarification regarding the alleged hazards had been ignored by the Respondent. Mr Ali invited the Tribunal to carry out an independent inspection of the Properties and to determine whether the hazards identified by the Respondent were genuinely present.

45. In support of his appeal, the Applicant provided Fire Risk Assessments carried out in October 2024 for 10, 11 and 12 Tipton Road. Those assessments recorded that interlinked fire alarm systems, emergency lighting and other fire safety measures were present, and each assessment described the overall fire risk level as "*moderate*".

46. The Applicant also supplied Electrical Installation Condition Reports for Flats 2, 3 4 and 5 in 12 Tipton Road, dated November 2024, which assessed the installations as satisfactory and suitable for continued use, and copies of Enforcement Notices in respect of breach of planning control for each of the Properties, issued by the Respondent in August 2025.

*The Respondent's submissions*

47. The Respondent stated that the Properties had previously been long-term empty homes, which had now been subdivided into multiple self-contained bedsits of poor quality without planning consent. They stated that the Private Sector Housing Team had become aware of the conversion following a referral from Revenue and Benefits on 8 October 2024.

48. The Respondent stated that an inspection of the Properties was scheduled for 6 November 2024 but that this was obstructed by the Applicant who had instructed

the tenants to deny access. The Respondent stated that a warrant was, therefore, obtained from Dudley Magistrates Court, which allowed for an HHSRS inspection to take place on 2 April 2025.

49. The Respondent stated that the inspection revealed serious disrepair, poor conversion standards and multiple category 1 hazards at the Properties, including inadequate fire safety measures, poor heating provision, small room sizes and unsafe living conditions. Given the severity of the hazards and risk to the occupants, the Respondent stated the Orders were made on 5 June 2025.

50. The Respondent refuted the Applicant's claims that the hazards were exaggerated and stated that the decision to serve the Orders was due to the imminent risk to the health and safety to the occupants. As the hazards were not isolated defects, the Respondent submitted that they could not be remedied through the issuing of improvement notices.

51. As the Act places a statutory duty on the Respondent to take the most appropriate enforcement action where category 1 hazards were present, and due to the severity and extent of disrepair, which was compounded by the poor conversion, the Respondent submitted that the making of the Orders was justified.

52. The Respondent referred to the letter dated 9 June 2025 from West Midlands Fire Service to the Applicant (contained within the bundle) which the Respondent stated identified multiple fire safety deficiencies, including risk of fire spread on the stairs, obstructed escape routes and inadequate fire doors. The Respondent stated that the letter directly supported the Respondent's concerns raised by the inspection and reinforced the justification for the making of the Orders.

53. Th Respondent stated that, although the Applicant might have undertaken some works to the Properties, the inspection team observed insufficient insulation and heating provision, particularly in the garage conversion.

54. The Respondent acknowledged that communication between the Applicant and the Respondent's officers became strained following the obstructed inspection; however, stated that all enforcement decisions were based on objective evidence and maintained that the actions taken were proportionate and justified.

55. The Respondent's bundle included photographs from the inspection, a copy of a PSH Inspection reports detailing the HHSRS scoring, copies of various items of correspondence and a copy of the letter from West Midlands Fire Service dated 9 June 2025.

56. In relation to the Applicant's bundle, the Respondent contended that the bundle failed to address the issues in dispute, and consisted mainly of generic, unsupported or irrelevant documentation.

57. In relation to the Fire Risk Assessments for 10, 11 and 12 Tipton Road, the Respondent argued that the assessments were generic and template-based, containing substantially identical wording across all three properties and failed to reflect the actual condition and use of the Properties and their occupants.

58. The Respondent further stated that the assessments failed to address specific hazards identified during inspection, including obstructed escape routes, combustible materials in communal areas, electrical safety concerns associated with likely overuse of extension leads, and risks arising from intensively occupied accommodation on safe evacuation. Although the assessments referred to testing regimes, fire drills, logbooks and management arrangements, the Respondent stated that no supporting evidence had been produced to demonstrate that those measures were being implemented in practice.

59. The Respondent also highlighted inconsistencies within the assessments, including references to gas installations where none had been identified, acknowledgements of missing fire safety equipment and some date anomalies. The Respondent submitted that the assessments did not demonstrate that the hazards identified had been remedied or that the Properties were safe for continued occupation.

60. In respect of electrical safety, the Respondent noted that Electrical Installation Condition Reports had only been supplied for Flats 2, 3, 4 and 5 at 12 Tipton Road. Although the available reports recorded satisfactory outcomes, the Respondent argued that they were confined to individual bedsits and did not assess the electrical installation as a whole, including shared systems and common parts. As such, the Respondent contended that the documentation failed to demonstrate overall electrical safety or compliance with the relevant regulations.

61. Regarding the witness statements, the Respondent contended that they consisted primarily of assertions and criticism of the Respondent rather than objective evidence concerning the condition of the Properties. The Respondent submitted that the statements carried limited weight because they did not engage with the factual basis upon which the Orders had been made.

62. The Respondent stated that the location plans provided by the Applicant were incomplete and did not reflect their use at the time of the Respondent's inspection, and that the Enforcement Notices provided by the Applicant had been upheld by the Planning Inspectorate but were, in any event, not relevant to the appeal.

63. Accordingly, the Respondent submitted that the Applicant's evidence did not meaningfully address the matters under appeal – that no substantive or site-specific evidence had been produced to challenge the findings underlying the Orders, nor was there any evidence that the identified hazards had been remedied or risks removed.

64. At the hearing, Mr Holder confirmed that Mr Pevez Ahmed was the freeholder of the properties and that the Applicant held leases for each of the Properties.

65. Mr Martin stated that generally the exterior of the Properties had been in the same condition at the time of the HHSRS inspection, other than the front driveway had more rubbish present. He confirmed that the soffit boarding to the communal accessway between numbers 10 and 11 Tipton Road had been in a poor state of repair at that time.

66. In relation to the houses, Mr Martin confirmed that part of the interiors of numbers 10 and 11 Tipton Road had been painted and that some bathroom doors, extractor fans and shower screens had been added to some of the rooms, together with thumb turn locks and self-closers on the doors. Mr Martin stated that the doors leading to the exterior of these houses were all still ill-fitting and insecure, including the doorway to the common accessway, and referred to the Properties being located in a high crime risk area.

67. In relation to 10 Tipton Road, Mr Martin stated that he still considered the property to have the same hazards present as at the HHSRS inspection, other than he accepted that the external rendering did not appear to be cracked in relation to the Excess Cold hazard.

68. In relation to the hazards at 11 Tipton Road, Mr Martin again accepted that the external rendering did not appear to be cracked. He also conceded that the scoring for Falls on Stairs may have been too high. In relation to the category 2 hazards, he noted that there was no longer any damp or mould present.

69. Mr Martin confirmed that he had not carried out an inspection of the loft area and that, although not noted in the Orders, the loft hatches at the first-floor landing level had been missing from both numbers 10 and number 11 Tipton Road at the time of the HHSRS inspection.

70. In relation to 12 Tipton Road, as the Tribunal had been unable to carry out an internal inspection of the same, Mr Martin clarified that there had been seven units of accommodation comprising of two flats to the ground floor of the main house, with four flats on the first floor (two above the main house and two above the garage conversion), all accessed via a stairwell in the main house. The garage had also been converted to a self-contained bedsit, accessed via its own front door.

71. In relation to why the Respondent did not consider the service of improvement notices to have been more appropriate that making the Orders, Mr Martin explained that the Properties had been fully occupied at the time of the HHSRS inspection. He submitted that it would have been inappropriate, due to the nature of the hazards and the substantial risks posed, together with the extensive works that were required, for the Properties to have been occupied whilst works were being carried out. He also stated that the accommodation was too small for the number of occupiers that had been present at the time, that the Properties had been converted without the appropriate planning permission and that the facilities were inadequate.

72. Mr Martin accepted that the requirement to revert the properties to a "*single-family dwelling*" as set out at the beginning of Schedule 2 in the Orders did not appear to relate to the removal of any particular hazard. He stated that it was included to ensure that the Respondent's position in respect of the failure to comply with planning consent remained consistent.

73. Following the hearing, the Respondent provided the Tribunal with copies of documentation it requested at the hearing, in particular, copies of the freehold titles to the Properties and leases to the Applicant, the Respondent's HMO Standards Guidance, the Respondent's HHSRS Enforcement Policy and the UK Crime

Statistics for June 2025 and 2026 which were referred to by the Respondent in relation to the Entry by Intruders hazard.

## The Tribunal's Deliberations and Determinations

74. The Tribunal considered all of the submissions and evidence submitted by the parties, briefly summarised above.

75. As stated above, the appeal is by way of a re-hearing and the Tribunal may, under the Act, confirm, quash or vary the Orders but cannot take into account works carried out since the Orders were made.

76. The Applicant had failed to attend the hearing, and the Tribunal noted that much of the information given in the Applicant's submissions – those matters relating to poor relations with the Respondent's officers both before and after the making of the Orders – were irrelevant to the matters which the Tribunal was required to determine. The Tribunal did, however, consider whether the alleged hazards were present at the time of the HHSRS inspection, whether the risks had been correctly categorised and whether the issuing of improvement notices would have been the more appropriate form of action to have been taken by the Respondent.

77. The Tribunal found that both the Fire Risk Assessments and the Electrical Installation Condition Reports provided by the Applicant were of little assistance when determining whether the Orders should have been made. The Electrical Installation Condition Reports provided were only for a few of the individual rooms and the Fire Risk Assessments were generic and did not clearly specify the risks that were identified at each of the Properties. In addition, all were dated at the end of 2024, so did not take into account the condition and use of the Property at the time the Orders were made.

### *Assessment of the Hazards*

78. As to whether the Respondent's assessment of the hazards was correct, the Tribunal makes the following comments in relation to each of the hazards identified at each of the properties.

#### *10 Tipton Road*

79. *Excess cold*

Although the Tribunal found that the external rendering had not perished, it accepted that there was no fixed form of heating within the house and that the external walls offered a low level of thermal performance. The Tribunal found that both the communal front door and the door giving access to the rear of the house were poorly fitting, as were the windows.

80. In addition, the Tribunal found that the lack of a loft hatch on the first-floor landing and the poorly fitted soffit boarding to the communal accessway would have exacerbated this hazard.

81. As such, the Tribunal was satisfied that a category 1 hazard had existed at the time of the HHSRS inspection.

82. *Crowding and space*

The Tribunal was satisfied that, based on the size of the rooms and occupation of the house at the time of the HHSRS inspection, neither of which were disputed by the Applicant, that a category 1 hazard had existed.

83. *Entry by Intruders*

The Tribunal accepted that the front communal door and door leading to the rear garden were poorly fitting and that the external door leading to the communal accessway was not secure. The fencing was also missing, leaving all three houses open to intrusion.

84. Even though the Properties were located in a high crime risk area, the Tribunal found that the Respondent's calculation of the hazard was too high, with the Tribunal's assessment resulting in a category 2 hazard.

85. *Falling on Level Surfaces*

The Tribunal accepted that the combination of the ill-defined threshold behind the front door, and poor levelling of the front driveway and rear gardens represented a hazard. The Tribunal found, however, that the Respondent's calculation of the hazard was too high, with the Tribunal's assessment resulting in a category 2 hazard.

86. *Domestic Hygiene, Pests and Refuse*

The Tribunal found that the deficiencies identified were still present at the date of the Tribunal's inspection and that the categorisation of the hazard as a category 2 hazard was correct.

87. *Food Safety*

The Tribunal found that the deficiencies identified were still present at the date of the Tribunal's inspection (other than Room 10D now had a kitchen door), and that the categorisation of the hazard as a category 2 hazard was appropriate.

88. *Personal Hygiene, Sanitation and Drainage*

The Tribunal found that the deficiencies identified were still present at the date of the Tribunal's inspection (other than Room 10B now had a shower screen), and that the categorisation of the hazard as a category 2 hazard was appropriate

89. *Fire*

The Tribunal found that the deficiencies identified were still present at the date of the Tribunal's inspection and that the categorisation of the hazard as a category 2 hazard was correct.

*11 Tipton Road*

90. *Excess cold*

Although the Tribunal found that the external rendering had not perished, it accepted that there was no fixed form of heating within the house and that the external walls offered a low level of thermal performance. The Tribunal found that both the communal front door and the door giving access to the rear of the house were poorly fitting, as were the windows.

91. In addition, the Tribunal found that the lack of a loft hatch on the first-floor landing and the poorly fitted soffit boarding to the communal accessway would have exacerbated this hazard. As such, the Tribunal was satisfied that a category 1 hazard had existed at the time of the HHSRS inspection.

92. *Crowding and space*

The Tribunal was satisfied that, based on the size of the rooms and occupation of the house at the time of the HHSRS inspection, neither of which were disputed by the Applicant, that a category 1 hazard had existed.

93. *Entry by Intruders*

The Tribunal accepted that the front communal door and door leading to the rear garden were poorly fitting and that the external door leading to the communal accessway was not secure. The fencing was also missing, leaving all three houses open to intrusion.

94. Even though the Properties were located in a high crime risk area, the Tribunal found that the Respondent's calculation of the hazard was too high, with the Tribunal's assessment resulting in a category 2 hazard.

95. *Falling on Level Surfaces*

The Tribunal accepted that the combination of the ill-defined threshold behind the front door, and poor levelling of the front driveway and rear gardens represented a hazard. The Tribunal found, however, that the Respondent's calculation of the hazard was too high, with the Tribunal's assessment resulting in a category 2 hazard.

96. *Falling on Stairs and Steps*

The Tribunal found that, although there was an area of frayed carpet, that the Respondent's scoring of this hazard was too high and that, being a low scoring category 2 hazard, the inclusion of this in the prohibition order was not required.

97. *Damp and Mould*

The Tribunal found no evidence of damp or mould on its inspection and noted that there was no record of it in the Respondent's PSH Inspection report for this property. As such, it should not have been included in the prohibition order.

98. *Domestic Hygiene, Pests and Refuse*

The Tribunal found that the deficiencies identified were still present at the date of the Tribunal's inspection and that the categorisation of the hazard as a category 2 hazard was correct; however, considered the disconnected downpipe should have been included within the Personal Hygiene, Sanitation and Drainage hazard.

99. *Food Safety*

The Tribunal found that, in the rooms the Tribunal was able to inspect, the deficiencies identified were still present at the date of the Tribunal's inspection and that the categorisation of the hazard as a category 2 hazard was appropriate.

100. *Personal Hygiene, Sanitation and Drainage*

The Tribunal found that, in the rooms the Tribunal was able to inspect, the deficiencies identified were still present at the date of the Tribunal's inspection, and that the categorisation of the hazard as a category 2 hazard was appropriate.

101. *Falling Between Levels*

The Tribunal found that the deficiencies identified were still present at the date of the Tribunal's inspection and that the categorisation of the hazard as a category 2 hazard was correct.

102. *Fire*

The Tribunal found that the deficiencies identified were still present at the date of the Tribunal's inspection, including the fault on the fire alarm system, and that the categorisation of the hazard as a category 2 hazard was correct.

103. *Structural Collapse and Falling Elements*

Although the Tribunal found that some of the tiles were uneven on the main roof, it found that the Respondent's scoring of this hazard was too high and that, being a low scoring category 2 hazard, the inclusion of it in the prohibition order was not required.

*12 Tipton Road*

104. In relation 12 Tipton Road, as the Tribunal was unable to inspect the same internally, and as the Applicant had provided no evidence – other than the Fire Risk Assessment and the Electrical Installation Condition Reports for some of the rooms, as referred to above – the Tribunal accepted that the category of hazards identified for the internal deficiencies were correct.

105. In relation to the external deficiencies, the Tribunal accepted that, based on its inspection, a category 1 hazard for Excess Cold and Crowding and Space likely existed at the time of the HHSRS inspection, although found Entry by Intruders was a category 2 hazard and the disconnected downpipe should have been included

within the Personal Hygiene, Sanitation and Drainage hazard for the reasons stated above.

*Tribunal's Determination*

106. As the Tribunal found that a number of category 1 hazards had likely existed at the time of the HHSRS inspection, the Tribunal noted that the Respondent was *required*, under section 5(1) of the Act, to take appropriate enforcement action.

107. The Tribunal found that, although some of the hazards had been overscored (as referred to above) by the Respondent, several hazards remained in each property and extensive works would be required to be undertaken to remedy the same. In addition, the Tribunal found that both 10 and 11 Tipton Road were too small and lacked sufficient facilities to be used as four separate bedsits.

108. In respect of 12 Tipton Road, the Applicant had provided no evidence to refute the Respondent's claim as to the size of the rooms, the facilities available or the number of occupants at the time of the HHSRS inspection. Based on the information given by the Respondent, the Tribunal found that this property was also too small and lacked sufficient facilities for its use at the time of the HHSRS inspection.

109. Based on the extensive work required to the Properties, the size of the rooms and the resulting lack of appropriate facilities for cooking and personal hygiene, the Tribunal found that prohibition orders were the appropriate form of enforcement action to be taken. The issuing of improvement notices would not have been able to deal with the hazard in respect of Crowding and Space.

110. As the Tribunal did not agree with the assessment of some of the hazards set out in the Orders and found that other deficiencies which had been present at the time of the HHSRS inspection had not been noted, it found that the Orders should be varied to take account of its findings and to clarify some of the remedial action required.

111. In addition, as the specification of works, in Schedule 2 of the Orders, should have been directed to the removal of the hazards rather than any breaches of planning law, the Tribunal found that it was inappropriate for the Respondent to have stated at the beginning of Schedule 2 in each of the prohibition orders, that the Properties were required to be reverted to single-family dwellings.

112. This would not have been the only way to remove the hazards. Taking into account the Respondent's HMO Standard Policy, the houses could, with the appropriate planning and building consents, have been converted into Houses in Multiple Occupation (HMOs) with a maximum occupancy figure, with the smallest room being converted into a communal kitchen and each bedroom having appropriately sized en-suite facilities.

113. Accordingly, the Tribunal found that the Orders should be varied as set out at paragraphs 1 to 3 above.

M K GANDHAM
.....
Deputy Regional Judge

## Appeal

If either party is dissatisfied with this decision, they may apply to this Tribunal for permission to appeal to the Upper Tribunal (Lands Chamber). Any such application must be received within 28 days after these written reasons have been sent to the parties (Rule 52 of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013).

# Appendix A – 10 Tipton Road

**Schedule 1** **Notification of Hazard(s)**

**Category 1 Hazard(s)**

- Crowding and Space (HHSRS Hazard Profile no.11).
- Excess Cold (HHSRS Hazard Profile no.2).

**Deficiencies Resulting in the Category 1 Hazard(s)**

**Crowding and Space**

- **Room 10A**: **Ground floor front:** the living, sleeping and kitchen amenity comprises 9.772m² and the bathroom amenity 1.38m². Two adults in occupation.
- **Room 10B Ground floor rear:** the living and sleeping amenity comprises 10.867m², the kitchen amenity 1.804m² and the bathroom amenity 1.386m². One adult in occupation.
- **Room 10C: First floor front**: the living and sleeping amenity comprises 11.547m², the kitchen amenity 2.952m² and the bathroom amenity 1.824m². Two adults in occupation.
- **Room 10D: First floor rear**: the living and sleeping amenity comprises 11.054m², the kitchen amenity 2.728m² and the bathroom amenity 1.865m². One adult and two children in occupation.

**Excess Cold**

- There is no fixed form of heating within the whole property.
- The property is of solid wall construction, with sections of their internal surfaces of plasterboard and skim finish. The internal boarding does not appear to be of thermal laminate construction. The poorly insulated external walls offering a low level of thermal performance.
- The main front communal door has been poorly fitted and is undersized for the opening.
- There is no loft hatch at first-floor landing level.
- The soffit boarding to the communal alleyway between numbers 10 and 11 Tipton Road, was broken and mainly missing.
- **Room 10A:** the bay window roof is poorly maintained and insufficiently insulated.
- **Room 10A**: the bay window head has been poorly detailed and the bay window undersized for the opening, leaving an exposed area between the window head and the bay roof, further reducing the thermal performance of the bay window structure.
- **Room 10B:** the rear external access door has been poorly installed and is ill-fitting in its frame.
- **Room 10B, 10C and 10D:** the windows have been poorly installed.
- **All Rooms:** there is no mechanical extraction provided to the kitchen and bathroom areas.

**Category 2 Hazard(s)**

- Entry by Intruders (HHSRS Hazard Profile no.12).
- Falling on Level Surfaces etc. (HHSRS Hazard Profile no.20).
- Domestic Hygiene, Pests and Refuse (HHSRS Hazard Profile no.15)
- Food Safety (HHSRS Hazard Profile no.16).
- Personal Hygiene, Sanitation and Drainage (HHSRS Hazard Profile no.17).
- Fire (HHSRS Hazard Profile no.24).

**Deficiencies Resulting in the Category 2 Hazards**

**Entry by Intruders**

- Insecure and damaged door and frame to the entryway between no's 10 and 11 Tipton Road leading to the rear gardens.
- Absence of boundary fencing between no's 10, 11, and 12 Tipton Road has left the rear of all three properties open and easily accessible.
- **All rooms**: inadequate night latch provided to fire doors.
- **Room 10B**: rear external door secured by a single bolt only and the door is not correctly fitting into its frame.

**Falling on Level Surfaces etc.**

- There is an ill-defined threshold behind the front main entrance door (where an inner door has been removed), in the communal hallway.
- The front driveway, which slopes downward from the highway to the property's frontage, is comprised of a mix of different materials including poured concrete, concrete slabbing and block paving, the levels of which are mis-matched where the different materials meet by up to 20mm and offer surface variations in terms of slip resistance.
- The rear patio area is of poorly levelled concrete and is uneven.

**Domestic Hygiene, Pests and Refuse**

- Accumulated waste to the front driveway and rear gardens.
- Inadequate provision for the storage and disposal of household waste.
- Poorly installed external doors and windows.

**Food Safety**

- **All rooms**: there is no drainer to the sink.
- **All rooms**: there is insufficient worktop provided.
- **All rooms**: there are a lack of drawers and food storage units.
- **All rooms**: there is a lack of sufficient electrical sockets at worktop level.
- **All rooms**: there is no provision for cooking.
- **All rooms**: there is insufficient space for the installation of an oven and hob.
- **All rooms**: there is insufficient space to accommodate the normal range of kitchen equipment.
- **Rooms 10B and 10D**: there is no tiled splash back provided to the sink.
- **Room 10C**: additional worktop has been installed in front of the sink unit, hindering easy access to the facility.
- **Room 10B**: the kitchen door does not have correct door furniture fitted.
- **Rooms 10C**: the kitchen door is missing.

**Personal Hygiene, Sanitation and Drainage**

- **All rooms**: there is inadequate amenity space available to allow safe and unhindered use of the bathroom facilities.
- **All rooms**: the shower wastepipe is installed to incorrect falls.
- **All rooms except 10B**: there is no shower screen provided to the shower cubicle.
- **Room 10B**: the shower waste is partially blocked.
- **Rooms 10A and 10B**: there is no wash hand basin with hot and cold-water supply provided within the bathroom.
- **Rooms 10C and 10D**: the bathroom's wash hand basin does not have a hot supply.
- **Room 10B**: the shower cubicle is poorly installed and inadequately sealed.
- **Room 10A**: the bathroom door is detached.
- **Rooms 10B, 10C and 10D**: the bathroom door is missing the correct door furniture.

**Fire**

- Compartmentation is compromised where surfaces have not been appropriately remediated following the installation of services.
- Smoke detectors within the property remain covered over.
- The electrical installation is uncertified.
- Insufficient electrical sockets provided to the kitchen areas.
- The front main entrance door to the communal hallway does not have a thumb-turn lock fitted.
- Occupiers are using supplementary forms of heating.
- Occupiers are using supplementary means of cooking.
- **All rooms**: the fire door is damaged, poorly repaired where the locks have been variously removed and installed, has no appropriate thumb-turn lock fitted internally, has no smoke seals and has no self-closer.
- **All rooms**: no fire blanket provided.

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**Schedule 2** **Specification of Works**

**Works to Remedy Category 1 Hazard(s)**

**Crowding and Space**

- The property has been converted to multiple self-contained flats without the benefit of Planning Permission and Building Regulations approval, in breach of the Town & Country Planning Act 1990 and the Building Act 1984.

  The conversion has resulted in substandard accommodation containing numerous category 1 and category 2 hazards.

  The property must be returned to a single-family dwelling, being a three-bedroom terraced property, in accordance with its original construction and lawful planning status **or** to an HMO for a maximum occupancy of 3 people, with the existing **Room 10A** (ground floor front room) being used as a communal kitchen, and the other three rooms as bedrooms (for single occupancy) to contain en-suite shower, w.c. and wash hand basin.

  Make good all disturbed works and surfaces.

- Compliance with legal requirements.

  All works must comply with Planning and Building Regulation requirements. Prior to re-use of the property as anything but a single-family dwelling, full Planning Permission and Building Regulation approvals must be obtained and provided to the Council's Private Sector Housing Team.

  All gas works must be carried out by a suitably qualified Gas Safe registered engineer. Upon completion, all relevant certificates must be provided.

  All electrical work should be carried out by a contractor who is registered with a Building Regulations Part P competent person scheme e.g. ECA, NICEIC, ELECSA, NAPIT, and conform to the latest edition of I.E.E. regulations. Upon completion, all relevant certificates must be provided.

**Excess Cold**

- Supply and install gas fired central heating system to the accommodation to satisfy the design and installation requirements of British Standard 5449: 1990 and in accordance with current Building Regulations. On completion the whole system shall be capable of providing an internal temperature of 21°c when the external temperature is -1°c and providing a hot water supply to the kitchen & bathroom amenities. Sizing of the boiler & radiators shall be determined using an approved Domestic Central Heating Calculator and approved radiator manufacturers sizing table. All radiators shall be so sited as to ensure even distribution of heat whilst minimising heat loss. All works should be carried out by a Gas Safe registered engineer/contractor.

  *Alternatively,* provide and install a suitable, sufficient and efficient Lot20 EcoDesign compliant fixed form of high heat retention storage heating to the accommodation that is capable of providing an internal temperature of 21°C when the external temperature is -1°C, properly connected to a low tariff/off-peak supply. The heating installation must be programmable and thermostatically controlled. Include suitable Lot20 EcoDesign compliant units for the bathroom & kitchen.

  All work should be carried out by a contractor who is registered with a Building Regulations Part P competent person scheme e.g. ECA, NICEIC, ELECSA, NAPIT, and conform to the latest edition of I.E.E. regulations. An electrical installation certificate (EIC) and valid Lot20 compliance certificate must be provided on completion.

- Take out all windows and reinstate in compliance with the current Building Regulations and all relevant British Standards. NB. windows must be reinstalled by a suitably registered contractor (FENSA, CERTASS or similar) and appropriate certificates provided upon completion.

- Instruct a competent NICEIC, NAPIT or equivalent registered Electrician to provide and install mechanical extractors to the kitchen area and bathroom(s). The kitchen extraction fan should be capable of achieving 60litres/sec with a 15-minute over-run device. The bathroom extraction fan should be capable of achieving 15litres/sec with a 15-minute over-run device.

- Install a properly insulated cover to loft hatch at first-floor landing.

- Renew the soffit to the communal entry alleyway to numbers 10 and 11 Tipton Road. Ensure that new soffit is properly insulated and draft proof.

- Ensure main roof space is provided with a minimum of 270mm of insulation quilting, so as to comply with Building Regulations part L.

**Works to Remedy Category 2 Hazard(s)**

**Entry by Intruders**

- Provide and fit boundary fencing to the rear, clearly defining and securing the plot's boundaries. The fencing must be minimum 1.8m in height, be constructed of closed board or overlap fencing panels with associated timber or concrete posts or other suitable weatherproof material and extend the full boundary including the rear boundary.

- Remove existing entry alleyway door between 10 and 11 Tipton Road and provide and fit a new timber ledged and braced gate and frame, minimum 1800mm in height. To be suitably sited to protect access to the rear garden. Provide and fix appropriate lockable latch and bolt.

- Take out the existing front communal external door and frame and existing rear door and frame in **Room 10B** (ground floor rear). Provide and fit new, suitably sized, PVCu external doors and frames. Effectively seal the frame to the opening and provide internal cill boards where necessary. Make good any disturbed surfaces. The unit must satisfy BS: PAS 24;2022 enhanced performance security requirements for door assemblies, BS 8621;2017 lock assemblies operated by key from the outside of the door and by handle or thumb turn from the inside of the door, comply with current Building Regulations and all relevant British Standards. The unit must be supplied and installed by a suitably registered contractor (FENSA, CERTASS, or similar). On completion, appropriate certificates must be provided.

**Falling on Level Surfaces etc.**

- Within the communal hallway, behind the main communal entrance door, take up the carpet covering the inner step. Install an anti-slip stair-nosing to the whole width of the step. The stair-nosing should be of a suitably contrasting colour so as to clearly identify the step.

- Take up the front driveway concrete/slabbing/block paving and cart away. Provide new paving of a minimum of 50mm thick vibrated concrete slabs or suitable alternative, laid to satisfactory falls to drain to any available gullies.

- Take up the rear patio concrete and dispose of appropriately. Provide new paving of a minimum of 50mm thick vibrated concrete slabs, or suitable alternative, laid to satisfactory falls to drain to any available gullies.

**Domestic Hygiene, Pests and Refuse**

- Remove and properly dispose of all accumulated waste and building debris from the curtilage of the property.

- Provide a suitably sized refuse bin for exclusive use of the property.

**Food Safety**

Within a suitably sized kitchen of not less than 10m² (or communal kitchen if HMO of not less than 7m²) install a kitchen facility to provide the following or similar–

- A continuous work surface/appliance sequence as follows: worktop (min 500mm) – cooker space – worktop (min 1000mm) – sink with integral drainer and base unit (containing a minimum of one drawer) including taps, traps and waste. Tiled splash backs to adjacent walls to the whole perimeter of the kitchen sequence, including the cooker space, a minimum of two tiles deep.

- 2no. base units up to 1000mm (containing 2no drawers) and worktop suitably sited within the kitchen and 2no. 500mm wall cupboards, or equivalent.

- A sink unit, plumbed to continuous hot and cold-water supplies, and provide for the disposal of wastewater, and a cold-water supply, suitable power point and means of waste disposal for a washing machine.

- Gas and electric services as necessary, including the provision of one cooker point and 3no. 13amp switched double sockets appropriately sited at worktop level.

- A suitable, smooth, hardwearing, waterproof floor finish.

  (NB. All gas works must be carried out by a Gas Safe registered engineer, and all electrical works must be carried out by a NICEIC, NAPIT or equivalent registered Electrician. Appropriate certificates provided on completion.)

**Personal Hygiene, Sanitation and Drainage**

Within a suitably sized bathroom compartment of not less than 3.4m² (or 3.23m² if an HMO with en-suite facilities), provide the following–

- A fixed bath or shower with a tiled splash back to all adjacent walls. (Bath splash back should be tiled to a minimum of two tiles deep, shower splash back should be tiled to a minimum of 2m in height.)

- A fixed wash hand basin with a tiled splash back to adjacent walls, tiled to a minimum of two tiles deep.

- A water closet.

  All amenities should be provided with the necessary hot and cold-water supplies and connected to the foul drainage system via appropriate trapped wastepipes.

- Provide and fit a new internal door and frame to the bathroom(s). Provide and fit new furniture, including a privacy lock. Leave the door close-fitting in the frame, capable of being closed firmly and securely and able to open and shut freely. Provide and fit new architrave. Leave in full working order.

**Fire**

- Overhaul the existing fire detection system. Ensure that it provides a minimum LD2 coverage. Ensure all detectors are free from obstruction and in full working order. Obtain an appropriate Fire Detection and Alarm System Inspection and Servicing Report, carried out in accordance with BS.5839.

- Remove the existing fire doors and frames. Provide and fit new internal doors (or fire doors if an HMO to FD30 standard) and frames. Provide and fit new furniture as necessary and leave the doors close-fitting in the frames, capable of being closed firmly and securely and able to open and shut freely. Provide and fit new architrave. Leave in full working order.

- Make good, stop or seal all disturbed surfaces, particularly where services pass through dividing walls, to ensure that effective compartmentation of the accommodation is achieved.

- To the understairs cupboard, provide and fit a suitable door and frame (a fire door and frame if an HMO to FD30 standard). The door must be close-fitting in the frame, capable of being closed firmly and securely and able to open and shut freely and provide and fit new architrave as necessary. Ensure that the spandrel is in good order, cut out and renew any damaged or otherwise defective timbers. Ensure the stairs are properly underdrawn and capable of providing 30 minutes fire resistance.

- Instruct a competent NICEIC, NAPIT or equivalent registered Electrical Engineer to upgrade the electrical installation to provide the following –

  A minimum of 3no. double electrical sockets (or equivalent) to each living room/bedroom.

  Obtain an appropriate certificate provided on completion.

# Appendix B – 11 Tipton Road

**Schedule 1** **Notification of Hazard(s)**

**Category 1 Hazard(s)**

- Crowding and Space (HHSRS Hazard Profile no.11).
- Excess Cold (HHSRS Hazard Profile no.2).

**Deficiencies Resulting in the Category 1 Hazards(s)**

**Crowding and Space**

- **Room 11A: Ground Floor Rear**: Living and sleeping accommodation comprises 11.22m²; kitchen area 2.73m²; bathroom 1.92m². One adult male occupant on date of inspection.
- **Room 11B: Ground Floor Front**: Living and sleeping accommodation comprises 8.55m²; bathroom 1.92m². Occupied by one adult female not present on inspection.
- **Room 11C: First Floor Front**: Living and sleeping accommodation comprises 12.77m²; kitchen area 2.73m²; bathroom 1.92m². One adult male occupant on date of inspection.
- **Room 11D: First Floor Rear**: Living and sleeping accommodation comprises 11.04m²; kitchen area 2.73m²; bathroom 1.92m². One adult male occupant on date of inspection.

**Excess Cold**

- There is no fixed form of heating within the whole property.
- The main front communal door has been poorly fitted and is incorrectly sized for the opening.
- There is no mechanical extraction provided to the kitchen areas or some bathrooms (present in 11a and 11b).
- There is no loft hatch at first-floor landing level.
- The soffit boarding to the communal alleyway between numbers 10 and 11 Tipton Road, was broken and mainly missing.

**Category 2 Hazard(s)**

- Entry By Intruders (HHSRS Hazard Profile no.12).
- Falling on Level Surfaces etc. (HHSRS Hazard Profile no.20).
- Domestic Hygiene, Pests and Refuse (HHSRS Hazard Profile no.15).
- Food Safety (HHSRS Hazard Profile no.16).
- Personal Hygiene, Sanitation and Drainage (HHSRS Hazard Profile no.17).
- Falls Between Levels (HHSRS Hazard Profile no.22)
- Fire (HHSRS Hazard Profile no.24).

**Deficiencies Resulting in the Category 2 Hazards**

**Entry By Intruders**

- **Room 11A:** Rear door into the garden is insecure and ill-fitting.
- Insecure and damaged door and frame to the entryway between no's 10 and 11 Tipton Road leading to the rear gardens.
- Absence of boundary fencing between no's 10, 11, and 12 Tipton Road has left the rear of all three properties open and easily accessible.

**Falling on Level Surfaces etc.**

- There is an ill-defined threshold behind the front main entrance door (where an inner door has been removed), in the communal hallway.
- The front driveway, which slopes downward from the highway to the property's frontage, is comprised of a mix of different materials including poured concrete, concrete slabbing and block paving, the levels of which are mis-matched where the different materials meet by up to 20mm and offer surface variations in terms of slip resistance.
- The rear patio area is uneven and poorly levelled.

**Domestic Hygiene, Pests and Refuse**

- Accumulated waste to front driveways and rear gardens.
- Inadequate provision for storing and disposal of household waste.
- Missing skirting boards to main hallway walls.
- Room C: Rough internal wall surfaces in kitchen preventing cleaning.

**Food Safety**

- **All rooms:** there is insufficient worktop provided.
- **All rooms:** there is insufficient food storage units and drawers
- **All rooms**: there is insufficient electrical sockets at worktop level.
- **All rooms**: there is no provision for cooking.
- **All rooms:** there is insufficient space for the installation of an oven and hob.
- **All rooms:** there is insufficient space to accommodate the normal range of kitchen equipment.
- **All rooms:** there is insufficient water heating, hot water at kitchen sinks is lukewarm.
- **All rooms:** there is no splashback behind sink.
- **Room 11B:** there is exposed insulation adjacent to food storage
- **Room 11B:** shelving is not securely fixed.
- **Room 11B, 11C & 11D:** there is no drainer to the sink.
- **Room 11C:** there is no sealant between worktop and wall.
- **Room 11D**: there is a gap in plaster above kitchen door.
- **Room 11D:** there is loose floor timber at kitchen threshold.

**Personal Hygiene, Sanitation and Drainage**

- **All rooms:** there is inadequate amenity space available to allow safe and unhindered use of the bathroom facilities.
- **Room 11A & 11B:** there is no wash hand basin.
- **All rooms:** there is lukewarm water heating in bathroom sinks and showers.
- **All rooms:** shower wastepipes are incorrectly installed with improper falls.
- **All rooms:** Exposed pipework across floors between shower and WC.
- Leaking waste pipe into the alleyway between 10 and 11 Tipton Road
- Disconnected roof downpipe between houses 11 and 12 on rear elevation

**Falls Between Levels**

- Missing spindles on the first-floor banister opposite Room C entrance.

**Fire**

- Compartmentation is compromised where surfaces have not been appropriately remediated following the installation of services.
- Gaps in ceilings around service pipework above the electric meter under the stairs.
- Inadequate fire protection to electrical installations below the stairs.

- Smoke detectors within the property remain covered over.
- The electrical installation is uncertified.
- Insufficient electrical sockets provided to the kitchen areas.
- The front main entrance door to the communal hallway does not have a thumb-turn lock fitted.
- Fault showing on the fire alarm panel in the hallway.
- Occupiers are using supplementary forms of heating.
- Occupiers are using supplementary means of cooking.
- **Room 11A:** Double socket on bedroom/living room front wall is faulty (did not turn off).
- **All rooms**: the fire door to rooms are damaged, poorly fitted and poorly repaired, has no appropriate thumb-turn lock fitted internally, has no smoke seals and has no self-closer.
- **All rooms**: no fire blanket provided.

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**Schedule 2** **Specification of Works**

**Works to Remedy Category 1 Hazard(s)**

**Crowding and space**

- The property has been converted to multiple self-contained flats without the benefit of Planning Permission and Building Regulations approval, in breach of the Town & Country Planning Act 1990 and the Building Act 1984.

  The conversion has resulted in substandard accommodation containing numerous category 1 and category 2 hazards.

  The property must be returned to a single-family dwelling, being a three-bedroom terraced property, in accordance with its original construction and lawful planning status **or** to an HMO for a maximum occupancy of 3 people, with the existing **Room 11B** (ground floor front room) being used as a communal kitchen, and the other three rooms as bedrooms (for single occupancy) to contain en-suite shower, w.c. and wash hand basin.

  Make good all disturbed works and surfaces.

- Compliance with legal requirements.

  All works must comply with Planning and Building Regulation requirements. Prior to re-use of the property as anything but a single-family dwelling, full Planning Permission and Building Regulation approvals must be obtained and provided to the Council's Private Sector Housing Team.

  All gas works must be carried out by a suitably qualified Gas Safe registered engineer. Upon completion, all relevant certificates must be provided.

  All electrical work should be carried out by a contractor who is registered with a Building Regulations Part P competent person scheme e.g. ECA, NICEIC, ELECSA, NAPIT, and conform to the latest edition of I.E.E. regulations. Upon completion, all relevant certificates must be provided.

**Excess Cold**

- Supply and install gas fired central heating system to the accommodation to satisfy the design and installation requirements of British Standard 5449: 1990 and in accordance with current Building Regulations. On completion the whole system shall be capable of providing an internal temperature of 21$^{o}$c when the external

temperature is -1°c and providing a hot water supply to the kitchen & bathroom amenities. Sizing of the boiler & radiators shall be determined using an approved Domestic Central Heating Calculator and approved radiator manufacturers sizing table. All radiators shall be so sited as to ensure even distribution of heat whilst minimising heat loss. All works should be carried out by a Gas Safe registered engineer/contractor.

*Alternatively,* provide and install a suitable, sufficient and efficient Lot20 EcoDesign compliant fixed form of high heat retention storage heating to the accommodation that is capable of providing an internal temperature of 21°C when the external temperature is -1°C, properly connected to a low tariff/off-peak supply. The heating installation must be programmable and thermostatically controlled. Include suitable Lot20 EcoDesign compliant units for the bathroom & kitchen.

All work should be carried out by a contractor who is registered with a Building Regulations Part P competent person scheme e.g. ECA, NICEIC, ELECSA, NAPIT, and conform to the latest edition of I.E.E. regulations. An electrical installation certificate (EIC) and valid Lot20 compliance certificate must be provided on completion.

- Instruct a competent NICEIC, NAPIT or equivalent registered Electrician to provide and install mechanical extractors to the kitchen area and bathroom(s). The kitchen extraction fan should be capable of achieving 60litres/sec with a 15-minute over-run device. The bathroom extraction fan should be capable of achieving 15litres/sec with a 15-minute over-run device. Both should ventilate to the external outside air.

- Install a properly insulated cover to loft hatch at first-floor landing.

- Renew the soffit to the communal entry alleyway to numbers 10 and 11 Tipton Road. Ensure that new soffit is properly insulated and draft proof.

- Ensure main roof space is provided with a minimum of 270mm of insulation quilting, so as to comply with Building Regulations part L.

**Works to Remedy Category 2 Hazard(s)**

**Entry By Intruders**

- Provide and fit boundary fencing to the rear, clearly defining and securing the plot's boundaries. The fencing must be a minimum 1.8m in height, be constructed of closed board or overlap fencing panels with associated timber or concrete posts or other suitable weatherproof material and extend the full boundary including the rear boundary.

- Remove existing entry alleyway door between 10 and 11 Tipton Road and provide and fit a new timber ledged and braced gate and frame, minimum 1800mm in height. To be suitably sited to protect access to the rear garden. Provide and fix appropriate lockable latch and bolt.

- Take out the existing front communal external door and frame and existing rear door and frame in **Room 11A** (ground floor rear). Provide and fit new, suitably sized, PVCu external doors and frames. Effectively seal the frame to the opening and provide internal cill boards where necessary. Make good any disturbed surfaces. The unit must satisfy BS: PAS 24;2022 enhanced performance security requirements for door assemblies, BS 8621;2017 lock assemblies operated by key from the outside of the door and by handle or thumb turn from the inside of the door, comply with current Building Regulations and all relevant British Standards. The unit

must be supplied and installed by a suitably registered contractor (FENSA, CERTASS, or similar). On completion, appropriate certificates should be provided.

**Falling on Level Surfaces etc.**

- Within the communal hallway, behind the main communal entrance door, take up the carpet covering the inner step. Install an anti-slip stair-nosing to the whole width of the step. The stair-nosing should be of a suitably contrasting colour so as to clearly identify the step.

- Take up the front driveway concrete/slabbing/block paving and cart away. Provide new paving of a minimum of 50mm thick vibrated concrete slabs or suitable alternative, laid to satisfactory falls to drain to any available gullies.

- Take up the rear patio concrete and dispose of appropriately. Provide new paving of a minimum of 50mm thick vibrated concrete slabs, or suitable alternative, laid to satisfactory falls to drain to any available gullies.

**Domestic Hygiene, Pests and Refuse**

- Remove and properly dispose of all accumulated waste and building debris from the curtilage of the property.

- Provide a suitably sized refuse bin for exclusive use of the property.

- Provide and fit new skirting along wall of the ground floor hallway

**Food Safety**

Within a suitably sized kitchen of not less than 10m² (or communal kitchen if HMO of not less than 7m²) install a kitchen facility to provide the following or similar–

- A continuous work surface/appliance sequence as follows: worktop (min 500mm) – cooker space – worktop (min 1000mm) – sink with integral drainer and base unit (containing a minimum of one drawer) including taps, traps and waste. Tiled splash backs to adjacent walls to the whole perimeter of the kitchen sequence, including the cooker space, a minimum of two tiles deep.

- 2no. base units up to 1000mm (containing 2no drawers) and worktop suitably sited within the kitchen and 2no. 500mm wall cupboards, or equivalent.

- A sink unit, plumbed to continuous hot and cold-water supplies, and provide for the disposal of wastewater, and a cold-water supply, suitable power point and means of waste disposal for a washing machine.

- Gas and electric services as necessary, including the provision of one cooker point and 3no. 13amp switched double sockets appropriately sited at worktop level.

- A suitable, smooth, hardwearing, waterproof floor finish.

  (NB. All gas works must be carried out by a Gas Safe registered engineer, and all electrical works must be carried out by a NICEIC, NAPIT or equivalent registered Electrician. Appropriate certificates provided on completion.)

**Personal Hygiene, Sanitation and Drainage**

Within a suitably sized bathroom compartment of not less than 3.4m² (or 3.23m² if an HMO with en-suite facilities), provide the following –

- A fixed bath or shower with a tiled splash back to all adjacent walls. (Bath splash back should be tiled to a minimum of two tiles deep, shower splash back should be tiled to a minimum of 2m in height.)

- A fixed wash hand basin with a tiled splash back to adjacent walls, tiled to a minimum of two tiles deep.

- A water closet.

  All amenities should be provided with the necessary hot and cold-water supplies and connected to the foul drainage system via appropriate trapped wastepipes.

- Provide and fit a new internal door and frame to the bathroom(s). Provide and fit new furniture, including a privacy lock. Leave the door close-fitting in the frame, capable of being closed firmly and securely and able to open and shut freely. Provide and fit new architrave. Leave in full working order.

- Reconnect downpipe between No. 11 and 12 Tipton Road.

**Falls Between Levels**

- Install suitable spindles to the stair balustrade to comply with building safety standards.

**Fire**

- Overhaul the existing fire detection system. Ensure that it provides a minimum LD2 coverage. Ensure all detectors are free from obstruction and in full working order. Obtain an appropriate Fire Detection and Alarm System Inspection and Servicing Report, carried out in accordance with BS.5839.

- Remove the existing fire doors and frames. Provide and fit new internal doors (or fire doors if an HMO to FD30 standard) and frames. Provide and fit new furniture as necessary and leave the doors close-fitting in the frames, capable of being closed firmly and securely and able to open and shut freely. Provide and fit new architrave. Leave in full working order.

- Make good, stop or seal all disturbed surfaces, particularly where services pass through dividing walls, to ensure that effective compartmentation of the accommodation is achieved.

- To the understairs cupboard, provide and fit a suitable door and frame (a fire door and frame if an HMO to FD30 standard). The door must be close-fitting in the frame, capable of being closed firmly and securely and able to open and shut freely and provide and fit new architrave as necessary. Ensure that the spandrel is in good order, cut out and renew any damaged or otherwise defective timbers. Ensure the stairs are properly underdrawn and capable of providing 30 minutes fire resistance.

- Instruct a competent NICEIC, NAPIT or equivalent registered Electrical Engineer to upgrade the electrical installation to provide the following –

A minimum of 3no. double electrical sockets (or equivalent) to each living room/bedroom.

Obtain an appropriate certificate provided on completion.

# Appendix C – 12 Tipton Road

**Schedule 1** **Notification of Hazard(s)**

**Category 1 Hazard(s)**

- Crowding and Space (HHSRS Hazard Profile no.11).
- Excess Cold (HHSRS Hazard Profile no.2).

**Deficiencies Resulting in the Category 1 Hazard(s)**

**Crowding and Space**

- **Room 12A**: **Ground floor front**: the living, sleeping and kitchen amenity comprises 11.52m² and the bathroom amenity 1.49m². Two adults in occupation.
- **Room 12B**: **Ground floor rear**: the living and sleeping amenity comprises 10.93m², the kitchen amenity 2.01m² and the bathroom amenity 1.39m². One adult and 1 child in occupation.
- **Room 12C**: **First floor front**: the living, sleeping and kitchen amenity comprises 8.10m², and the bathroom amenity 1.29m². One adult in occupation.
- **Room 12D: First Floor middle:** the living, sleeping and kitchen amenity comprises 10.85m², and the bathroom amenity 1.41m². One adult in occupation.
- **Room 12E**: **First floor rear right**: the living, sleeping and kitchen amenity comprises 10.97m², and the bathroom amenity 1.36m². Empty
- **Room 12F: First floor rear left**: the living, sleeping and kitchen amenity comprises 7.34m², and the bathroom amenity 1.41m². Empty
- **Garage conversion**: the living, sleeping and kitchen amenity comprises 13.68m², and the bathroom amenity 0.78m². Two adults in occupation

**Excess Cold**

- There is no fixed form of heating within the whole property.
- The property is of solid wall construction, the uninsulated external walls offering a low level of thermal performance.
- The external rendering is cracked, perished and part missing
- **All Rooms:** there is no mechanical extraction provided to the kitchen and bathroom areas.

**Category 2 Hazard(s)**

- Entry by Intruders (HHSRS Hazard Profile no.12).
- Domestic Hygiene, Pests and Refuse (HHSRS Hazard Profile no.15)
- Food Safety (HHSRS Hazard Profile no.16).
- Personal Hygiene, Sanitation and Drainage (HHSRS Hazard Profile no.17).
- Falling on Level Surfaces etc. (HHSRS Hazard Profile no.20).
- Falls between Levels (HHSRS Hazard Profile no.22).
- Fire (HHSRS Hazard Profile no.24).

**Deficiencies Resulting in the Category 2 Hazards**

**Entry by Intruders**

- **Garage conversion**: rear external door secured by a jammer only and the door does not have a handle.
- **Garage conversion**: front door is damaged and insecure

- **Room 12B**: rear external door secured by a single bolt only and the door is not correctly fitting into its frame.
- Absence of boundary fencing between no's 10, 11, and 12 Tipton Road has left the rear of all three properties open and easily accessible.
- Absence of boundary fencing between 12 Tipton Road and neighbouring property at 13 Tipton Road.
- **All rooms**: inadequate night latch provided to fire doors.

**Domestic Hygiene, Pests and Refuse**

- Accumulated waste to the front driveway and rear gardens.
- Inadequate provision for the storage and disposal of household waste.
- Garage conversion and Room 12B: Poorly installed external rear doors
- Garage conversion: Accumulation of grey water on kitchen floor

**Food Safety**

- **All rooms**: there is insufficient worktop provided.
- **All rooms**: there are a lack of drawers and food storage units.
- **All rooms**: there is a lack of sufficient electrical sockets at worktop level.
- **All rooms**: there is no provision for cooking.
- **All rooms**: there is insufficient space for the installation of an oven and hob.
- **All rooms**: there is insufficient space to accommodate the normal range of kitchen equipment.
- **All rooms**: there is no tiled splash back provided to the sink.

**Personal Hygiene, Sanitation and Drainage**

- **All rooms**: there is inadequate amenity space available to allow safe and unhindered use of the bathroom facilities.
- **All rooms**: the shower wastepipe is installed to incorrect falls.
- **Garage conversion and rooms 12C**: there is no shower screen provided to the shower cubicle.
- **All rooms**: there is no wash hand basin with hot and cold-water supply provided within the bathroom.
- **All rooms**: the bathroom door is missing the correct door furniture.
- Disconnected roof downpipe between houses 11 and 12 on rear elevation.

**Falling on Level Surfaces etc.**

- The front driveway, which slopes downward from the highway to the property's frontage, is comprised of a mix of different materials including poured concrete, concrete slabbing and block paving, the levels of which are mis-matched where the different materials meet by up to 20mm and offer surface variations in terms of slip resistance.
- The rear patio area is uneven and poorly levelled.

**Falls between Levels**

- First floor staircase guarding opening greater than 100mm

**Fire**

- Compartmentation is compromised where surfaces have not been appropriately remediated following the installation of services.
- No fire-rated door to the electricity meter cupboard under the staircase
- The electrical installation is uncertified.
- Insufficient electrical sockets provided to the kitchen areas.

- The front main entrance door to the communal hallway does not have a thumb-turn lock fitted.
- No fire detection to garage conversion
- Occupiers are using supplementary forms of heating.
- Occupiers are using supplementary means of cooking.
- **All rooms**: the fire door is damaged, poorly repaired where the locks have been variously removed and installed, has no appropriate thumb-turn lock fitted internally, has no smoke seals and has no self-closer.
- **All rooms**: no fire blanket provided.

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**Schedule 2** **Specification of Works**

**Works to Remedy Category 1 Hazard(s)**

**Crowding and Space**

- The property and it's garage has been converted to multiple self-contained flats without the benefit of Planning Permission and Building Regulations approval, in breach of the Town & Country Planning Act 1990 and the Building Act 1984.

  The conversion has resulted in substandard accommodation containing numerous category 1 and category 2 hazards.

  The property must be returned to a single-family dwelling, being a four-bedroom terraced property with a garage, in accordance with its original construction and lawful planning status **or** to an HMO for a maximum occupancy of 4 people, with the existing **Room 12A** being used as a communal kitchen, **Room 12F** as a communal bathroom and the other four rooms as bedrooms (for single occupancy), together with the ground floor **Garage conversion** as a self-contained bedsit for a single person.

  Make good all disturbed works and surfaces.

- Compliance with legal requirements.

  All works must comply with Planning and Building Regulation requirements. Prior to re-use of the property as anything but a single-family dwelling, full Planning Permission and Building Regulation approvals must be obtained and provided to the Council's Private Sector Housing Team.

  All gas works must be carried out by a suitably qualified Gas Safe registered engineer. Upon completion, all relevant certificates must be provided.

  All electrical work should be carried out by a contractor who is registered with a Building Regulations Part P competent person scheme e.g. ECA, NICEIC, ELECSA, NAPIT, and conform to the latest edition of I.E.E. regulations. Upon completion, all relevant certificates must be provided.

**Excess Cold**

- Supply and install gas fired central heating system to the accommodation to satisfy the design and installation requirements of British Standard 5449: 1990 and in accordance with current Building Regulations. On completion the whole system shall be capable of providing an internal temperature of 21$^{o}$c when the external temperature is -1$^{o}$c and providing a hot water supply to the kitchen & bathroom amenities. Sizing of the boiler & radiators shall be determined using an approved

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Domestic Central Heating Calculator and approved radiator manufacturers sizing table. All radiators shall be so sited as to ensure even distribution of heat whilst minimising heat loss. All works should be carried out by a Gas Safe registered engineer/contractor.

*Alternatively,* provide and install a suitable, sufficient and efficient Lot20 EcoDesign compliant fixed form of high heat retention storage heating to the accommodation that is capable of providing an internal temperature of 21$^{o}$C when the external temperature is -1$^{o}$C, properly connected to a low tariff/off-peak supply. The heating installation must be programmable and thermostatically controlled. Include suitable Lot20 EcoDesign compliant units for the bathroom & kitchen.

All work should be carried out by a contractor who is registered with a Building Regulations Part P competent person scheme e.g. ECA, NICEIC, ELECSA, NAPIT, and conform to the latest edition of I.E.E. regulations. An electrical installation certificate (EIC) and valid Lot20 compliance certificate must be provided on completion.

- Hack off all loose and perished rendering. Key the brickwork and re-render with cement rendering minimum 13mm thick applied in two coats. Lower edge of rendering to finish minimum 150mm above ground level and above the level of the damp proof course. Provide bell beading, stop beading and angle beading as appropriate to leave all edges and corners neat and sound. Apply waterproof finish to match existing in colour and texture.

- Instruct a competent NICEIC, NAPIT or equivalent registered Electrician to provide and install mechanical extractors to the kitchen area and bathroom. The kitchen extraction fan should be capable of achieving 60litres/sec with a 15-minute over-run device. The bathroom extraction fan should be capable of achieving 15litres/sec with a 15-minute over-run device.

- Ensure main roof space is provided with a minimum 270mm of insulation quilting, Building Regulations part L, and the insulation over the flat roof on the garage conversion has a maximum U value of 0.18 and w/m$^{2}$K.

**Works to Remedy Category 2 Hazard(s)**

**Entry by Intruders**

- Provide and fit rear external door with approved lock in accordance with BS 8621:2017

- Provide and fit boundary fencing to the rear, clearly defining and securing the plot's boundaries. The fencing must be minimum 1.8m in height, be constructed of closed board or overlap fencing panels with associated timber or concrete posts or other suitable weatherproof material and extend the full boundary including the rear boundary.

- Extend the full width of each rear boundary, separating the properties from one another and between number 12 and its left hand neighbour (number 13)

**Domestic Hygiene, Pests and Refuse**

- Remove and properly dispose of all accumulated waste and building debris from the curtilage of the property.
- Investigate the source of the grey water accumulation by inspecting all pipes for cracks or leaks and repair as necessary.
- Provide a suitably sized refuse bin for exclusive use of the property.

**Food Safety**

Within a suitably sized kitchen,of not less than 7m², in the main building, install a kitchen facility to provide the following or similar –

- A continuous work surface/appliance sequence as follows: worktop (min 500mm) – cooker space – worktop (min 1000mm) – sink with integral drainer and base unit (containing a minimum of one drawer) including taps, traps and waste. Tiled splash backs to adjacent walls to the whole perimeter of the kitchen sequence, including the cooker space, a minimum of two tiles deep

- 2no. base units up to 1000mm (containing 2no drawers) and worktop suitably sited within the kitchen and 2no. 500mm wall cupboards, or equivalent.

- A sink unit, plumbed to continuous hot and cold-water supplies, and provide for the disposal of wastewater, and a cold-water supply, suitable power point and means of waste disposal for a washing machine.

- Gas and electric services as necessary, including the provision of one cooker point and 3no. 13amp switched double sockets appropriately sited at worktop level.

- A suitable, smooth, hardwearing, waterproof floor finish.

If the **Garage conversion** is used as a self-contained bedsit (subject to the relevant legal requirements and permissions) the kitchen area must be in accordance with the planning and buildings regulations approval granted for the same.

(NB. All gas works must be carried out by a Gas Safe registered engineer, and all electrical works must be carried out by a NICEIC, NAPIT or equivalent registered Electrician. Appropriate certificates provided on completion.)

**Personal Hygiene, Sanitation and Drainage**

Within a suitably sized bathroom compartment of not less than 3.4m², provide the following–

- A fixed bath or shower with a tiled splash back to all adjacent walls. (Bath splash back should be tiled to a minimum of two tiles deep, shower splash back should be tiled to a minimum of 2m in height.)

- A fixed wash hand basin with a tiled splash back to adjacent walls, tiled to a minimum of two tiles deep.

- A water closet.

  All amenities should be provided with the necessary hot and cold-water supplies and connected to the foul drainage system via appropriate trapped wastepipes.

- Provide and fit a new internal door and frame to the bathroom. Provide and fit new furniture, including a privacy lock. Leave the door close-fitting in the frame, capable of being closed firmly and securely and able to open and shut freely. Provide and fit new architrave. Leave in full working order.

- Reconnect downpipe between No. 11 and 12 Tipton Road.

If the **Garage conversion** is used as a self-contained bedsit (subject to the relevant legal requirements and permissions) the bathroom area must be in accordance with the planning and buildings regulations approval granted for the same.

**Falling on Level Surfaces etc.**

- Take up the front driveway concrete/slabbing/block paving and cart away. Provide new paving of a minimum of 50mm thick vibrated concrete slabs or suitable alternative, laid to satisfactory falls to drain to any available gullies.

- Take up the rear patio concrete and dispose of appropriately. Provide new paving of a minimum of 50mm thick vibrated concrete slabs, or suitable alternative, laid to satisfactory falls to drain to any available gullies.

**Falls Between Levels**

- Install a suitable opening to the stair guarding to comply with building safety standards with gaps under 100mm

**Fire**

- Overhaul the existing fire detection system. Ensure that it provides a minimum LD2 coverage. Ensure all detectors are free from obstruction and in full working order. Obtain an appropriate Fire Detection and Alarm System Inspection and Servicing Report, carried out in accordance with BS.5839.

- Remove the existing fire doors and frames. Provide and fit a new internal doors (or fire doors if an HMO to FD30 standard) and frames. Provide and fit new furniture as necessary and leave the doors close-fitting in the frames, capable of being closed firmly and securely and able to open and shut freely. Provide and fit new architrave. Leave in full working order.

- Make good, stop or seal all disturbed surfaces, particularly where services pass through dividing walls, to ensure that effective compartmentation of the accommodation is achieved.

- To the understairs cupboard, provide and fit a suitable door and frame. The door must be close-fitting in the frame, capable of being closed firmly and securely and able to open and shut freely and provide and fit new architrave as necessary. Ensure that the spandrel is in good order, cut out and renew any damaged or otherwise defective timbers. Ensure the stairs are properly underdrawn and capable of providing 30 minutes fire resistance.

- Instruct a competent NICEIC, NAPIT or equivalent registered Electrical Engineer to upgrade the electrical installation to provide the following –

  A minimum of 3no. double electrical sockets (or equivalent) to each living room/ bedroom.

  Obtain an appropriate certificate provided on completion.