HATC response to HCA Consultation on Design & Sustainability Standards – June 2010

Section 1 – Applicability and implementation of proposed HCA core standards

Overall

1 Given the balance to be struck between available resources and delivering high quality housing, and that spending more on higher standards could result in reduced delivery; do you agree with increasing standards?

HATC response: Yes, where existing standards fail to optimise the long-term sustainability of new housing, and new standards are demonstrably effective at optimising long-term sustainability.

Background: The Purpose of Housing & Housing Standards

Housing has a purpose - it has to enable the occupants to make a home (within the dwelling curtilage) and support, not undermine, neighbourliness (outside the dwelling curtilage).

Within the dwelling this goes beyond simple shelter (wind and weather tightness), into comfort. A home needs to provide the occupants with a degree of flexibility and control in their home environment, from ambient temperature, humidity levels, levels of natural light and enough space (and variety of spaces), to allow for normal home-based activities both in private and shared with other household members. To be sustainable over the long-term, dwellings needs to be well-built so that they do not become obsolescent through early disrepair, and provide sufficient flexibility and control over the internal spaces that they do not become functionally obsolescent within a few decades i.e. the dwelling can accommodate a reasonably wide range of households over the decades, with just low-cost (non-structural) adaptation works.

Housing standards therefore need to be focused on design and construction issues that provide occupants with flexibility and control, and so maximise the chances of a 150 year life and minimise the likelihood of demolition after 50 years. Demolition after 30, 50 or 80 years is very expensive in both financial and carbon terms.

Applicability of housing standards

During that 100-150 years the dwellings will be lived in by a wide variety of households with varying needs and wants. It is very difficult to predict in advance the characteristics of the many and varied

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households that will live there, especially as the desirability of the street or neighbourhood fluctuates over a century or more. Some of the households in the dwelling will be rich; others will be poor. Some will consist of many members, some of only one or two people. Some households will own the property, others will rent it – or maybe just a room in it.

Given that it is very likely that the dwelling will need to accommodate a wide range of types of household over its life, we are strongly of the view that housing standards should be universally applicable. There is no sensible reason for differentiating housing standards on the basis of (for example) tenure the day after Practical Completion, when it is almost inevitable that future households will occupy the dwelling on a different (for example) tenure.

To expand on this specific point, houses and flats for sale are often purchased by a person or organisation who lets them out for a few years before selling on to somebody who may live there as an own-occupier, or continue to rent them out. Dwellings "move" between owner-occupation, private letting, affordable renting, part-own/part rent over the decades. This movement applies equally to housing originally built for private sale or for renting by Councils or housing associations. Predicting what this pattern of tenure will be over the next century and more is impossible.

We therefore do not see any logic in set structural standards on the basis of tenure or any other characteristic other than the designed level of occupancy of the dwelling. Housing standards should therefore be based on designed level of occupancy and universally applicable.

The only exception to this general rule, of course, is schemes where there is reasonable certainty that it will be occupied over the long-term only by households with the same characteristics, needs and wants which cannot be met by the normal flexibility provided by general needs housing i.e. specialist accommodation. An example often cited is housing for the elderly.

The difficulty with specialist accommodation is that the needs and wants of the target households may, in fact, change over 50 -100 years. There are many sheltered schemes with bedsits that have had to be expensively re-developed after 50 years because of functional obsolescence brought about by changing expectations of that particular client group. Therefore, if specialist accommodation has to depart from normal housing standards, we should perhaps expect that it has a life of only (say) 50 years, and design and construct accordingly. This suggests that there may be significantly different standards for such accommodation. However, we recognize that this is not an issue for this consultation, and so will revisit it when the HCA consults on non-general needs standards.

Standards vs Output

We would like to make a number of comments on the question of standards versus output. Affordable housing output is directly correlated to the availability of subsidy[1], and the rate at which it is used per unit or per person. The rate of usage is set by the cost to the Registered Provider of each dwelling. Output is therefore affected if higher standards either increase the RP's construction costs per unit/per

[1] Whether public subsidy (Grant or other form of loan or financial assistance from a public body) or charitable subsidy (the Registered Provider contributing from their own reserves).

person or acquisition costs per unit/per person. Increased acquisition costs per unit/per person can arise (in the context of standards) if the site capacity is reduced by a new standard.

Firstly, we would like to highlight that some "higher" standards may be achieved without increasing construction costs or reducing site capacity, but simply through more careful thought. This comment applies particularly to raising standards in urban design (e.g. the *Building for Life* requirements). Such standards have less of an effect on total scheme costs per unit/per person and more on the time taken to develop designs. However, even here, time spent in formulating high-quality designs is likely to result in less time being spent in difficult negotiations with the local planning authority so we are unconvinced that there would be any noticeable effect on output by introducing such standards.

Secondly, we believe that all standards need to be both:

- well-targeted (towards long-term sustainability) and
- demonstrably effective.

We believe that the proposed internal dwelling space standards (when coupled with an assessment of functionality) and standards designed to encourage careful thinking by design team (Building for Life) meet both these criteria. However, we are unconvinced that the current requirements for the *Code for Sustainable Homes* are demonstrably effective, even in their own terms[2]. We fully support the *Code* requirements for improved thermal efficiency of the building envelope that can be achieved by the form and method of construction. Our concern stems from standards that require the provision of components or systems that have to be used "correctly" by residents for the predicted reduction in environmental impact to be achieved in reality. We believe that there is a significant probability that the actual reduction in waste of natural resources achieved by many households is significantly less than that assumed by the Code. If so, then the additional cost of such systems and components would be largely wasted.

Because we suspect there may be a significant difference between the theoretical and actual reduction in carbon emissions when using such systems and components, we would prefer to see environmental standards restricted to the arena of built-in improvements in the thermal (and acoustic) performance of the building envelope and careful use of water. We do not agree with standards that require the use of novel occupier-dependent systems and components until there is good evidence of the improvement in environmental performance that such systems and components yield in practice over several years.

Thirdly, any new standards that reduce site capacity (such as the space standards or some implications of high-level Code standards) will increase the acquisition cost per unit/per person for Registered Providers (on the assumption that those standards apply only to Registered Providers and not to all housebuilders). As the total subsidy available is limited, it will be used up at a faster rate per unit or per person, and so this will reduce output.

We feel that the best response to this risk is to apply such standards to all housebuilders, not just to affordable housing. Where construction costs are increased or site capacity is reduced through universal regulation (such as with the Building Regulations), the land market adjusts accordingly. Housing is a basic human need, we have suffered an under-supply of affordable housing for decades and the medium-term prognosis for public and charitable subsidy suggests that this is likely to get even worse.

[2] Primarily, reducing the carbon costs of a dwelling during its operational life.

We believe that it would be better to set common standards for all housing rather than continue to disadvantage affordable housing in the land market and waste limited subsidy.

A broader more common-sense argument also applies. If we feel we need to raise standards in order to optimise the long-term sustainability of our new housing schemes, why would we willingly continue to allow two thirds of housing output[3] to be developed to less sustainable requirements? Particularly when that omission adds to the taxpayer's bill for providing affordable accommodation.

We therefore support the new space standards on the basis that space is the biggest single determinant of flexibility which, in turn, is the best defence against early functional obsolescence.

However we believe that all the HCA standards (when finally set) should rapidly be incorporated into the planning system and Building Regulations (as appropriate).

Applicability

2a Having read the proposals for the application of the HCA's core minimum standards do you think they should apply to:
Affordable Rent
a) Social Rent Y/N
Intermediate Market
b) Shared ownership Y/N
c) Intermediate market rent Y/N
d) Shared equity Y/N
Private Market
e) Private market sale Y/N

We do not support all of the proposed core minimum standards, but we think that those standards that should be introduced should apply to all new housing regardless of tenure or whether it is publicly subsidised or not. See Applicability of housing standards

However, we recognize that those standards that we do support will not be applied to unsubsidised housing in the short term, so we need to consider our response to this question in the light of that immediate reality.

We have noted (in Standards vs Output) that applying higher standards to only one part of the housebuilding industry puts it at a competitive disadvantage with the likely result that subsidy will be used up at a faster rate, leading to reduced output. At a time of acute housing need this is a significant disadvantage. It would therefore be logical to argue in favour of a continued level playing field by saying that there should be no HCA-set standards.

However, this would verge on the perverse. The only justification for setting higher standards is to remedy weaknesses in current standards. If current standards are weak we are (by definition) building

[3] the normal contribution of the private sector to annual housing production.

sub-standard housing at the moment. Just because HCA standards do not currently apply to private housebuilding, resulting in two thirds of housing output in being "sub-standard", that is not a good argument for ensuring the remaining third is also "sub-standard".

We therefore believe that suitable new standards should apply to all housing over which the HCA has influence. To the extent that such housing is more costly per person or per unit, the marginal cost increase should be covered by public subsidy, as it stems directly from two public policy decisions:

1. recognition that existing universally-applicable standards need to be raised;
2. current policy is to not apply these new standards universally.

In other words, public policy decisions are causing the marginal cost increase and should therefore pay for the marginal cost increase. We believe this cost-compensation approach is the correct one; it may be inconvenient at a time of public expenditure cuts, but it is the correct approach, and needs to be clearly stated.

If we move from "correctness" to what is likely to be more politically palatable - attempts to reduce the subsidy per unit/person rather than increase it - we appear to be faced with a decision which seeks to trade longevity of housing against numbers of affordable housing. All other things being equal, this is probably true, and is the perennial invidious choice. Do we believe we should continue to build up long-term costs and problems in order to help more people escape from their desperate circumstances now?

This is a grim choice, and unnecessary if standards were applied universally. On balance, with reservations, we think it is preferable to apply standards to as much of the housing industry as possible, and call upon Registered Providers to use the uncertainty and fluidity in the property market at the moment to minimise the marginal cost increase that may arise from these standards by negotiating hard with landowners.

Implementation and Phasing

2b Should the core minimum standards be introduced at the same time in all of the types of development in which they will apply?

We agree that the new standards that should be introduced (not the core standards proposed in this document) should be introduced at the same time. Because of the long lead-in demanded by producing carefully thought-through designs, the industry should receive at least 12 months notice of new standards prior to implementation. We therefore believe standards should be introduced in April 2012, assuming the final standards are published no later than March 2011. On the date of implementation the standards should cover all aspects of design and construction that had not formed part of an outline or full planning permission received prior to the 1st April 2012.

2c If you think the core minimum standards should be phased in, please indicate which year you think they should be phased below. Please use the space provided to add brief comments to explain or comment on your choice.

	From April >		2011	2012	2013	2014	2015	2016>
a	Social Rent			✓				
b	Shared ownership			✓				
c	Intermediate market rent			✓				
d	Shared equity			✓				
e	Private market sale			✓				

Section 2 - Space and functionality

3a Do you agree that internal space standards should remain part of the HCA's minimum core standards? Y/N

Yes

3b If Yes, do you consider that the minimum internal dwelling sizes set out in the consultation are pitched:
a) At a reasonable level
b) Too low
c) Too high

All are reasonable.

3c If No, why?

4a Do you agree that space standards, should be supported by internal layout criteria? Y/N

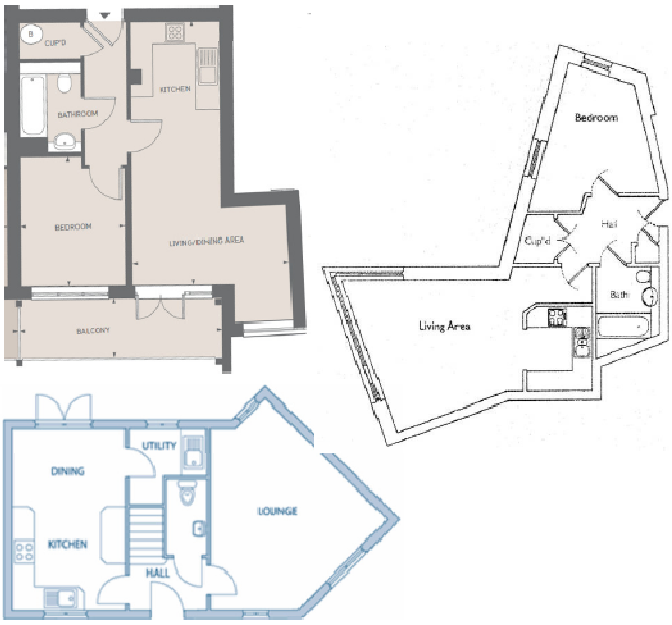
No

4b If Yes, should the criteria be demonstrated by:
i. The extent to which specified benchmark room sizes are met? or
ii. Stipulation of minimum room sizes? or
iii. Provision of internal layouts showing furniture and circulation?
Note that the Housing Quality Calculator accompanying this consultation is based upon option 4b (i) above.

4c If No, why?

The only robust way of assessing whether or not the design of a dwelling is likely to provide enough space for normal household use and activities is through internal layouts showing furniture, access zones, passing zones and activity zones in the manner recommended by the National Housing Federation in the *Guide to Standards and Quality in Development* (2nd edition).

Designing dwellings or rooms to have a certain floor area is not a robust measure of the utility of the room or dwelling. Irregularly shaped rooms or dwellings may achieve the minimum floor area is required, but still function very poorly. Real examples are shown in HATCs report *Room to Swing a Cat?* page 29. These are reproduced here:



It is not uncommon for flats to have irregularly shaped rooms where they are "wrapped" around an internal staircase or are located on the end of a block. Even rectangular rooms may function poorly if they are long and narrow, or if the design introduces an unfortunate combination of door swings, windowsills, electric sockets layout etc. Again, this is not uncommon.

We therefore prefer the National Housing Federation's approach which is to set minimum standards in terms of compliance with furniture schedules and associated zones whilst suggesting minimum dwelling floor areas that are very likely to permit compliance (assuming the dwelling and internal spaces are not oddly shaped or proportioned). However the standard is clearly the functionality; the floor area is guidance.

We consider that the HCAs current approach to be confusing. The compliance standard is set explicitly in terms of dwelling floor area. Assessment of room sizes is supposed to "flag" rooms that may need additional scrutiny. However it is unclear what the purpose of such scrutiny would be. Even if the room is deemed to be unsuitable, if it is part of a dwelling that complies with the standard then the HCA would have no justifiable basis for requiring a different design.

If it is the HCA's intention to require a different design if a room is not deemed to function adequately (even if it is part of a dwelling that meets the floor area standard), then (in reality) the compliance requirement is room functionality, not the dwelling floor area. However, it is not reasonable to articulate standards in terms of one metric (dwelling floor area) but then apply standards in terms of a different metric (room functionality). The HCA should be clear and open about exactly which standard is a compliance requirement and which is not, and which can therefore legitimately be ignored by the Registered Provider if they choose to do so.

We therefore think that the HCA should adopt the approach of the National Housing Federation. However. If it does not, and wishes to continue to set minimum dwelling areas, we would be very concerned that this is not a suitably robust proxy for functionality, and would agree that standards should also incorporate minimum room sizes. Under this arrangement we would strongly suggest that *both* dwelling floor area and room areas should be standards (not guidance) with designs having to meet both set of standards. The HCA should use a waiver system to address the (occasional) designs where full functionality can be demonstrated in dwellings or rooms that are smaller than the standards set.

We also think that if standards are to be articulated in terms of room areas then the shape and proportion of the rooms also needs to be addressed. This could be addressed by allowing compliance assessment to be undertaken using the Calculator for those designs where the kitchen, dining area, living area and bedrooms are all rectangular and with a length: width ratio of no more than (for example[4]) 2:1. This would cover the vast majority of designs. For those occasional designs with irregular areas then compliance could be assessed by examining the proposed designs and assessing functionality (as is currently proposed by the HCA).

We have a number of specific points regarding the current version of the Calculator:

- We note that the Calculator requires larger bathrooms than is necessary to comply with Lifetime Homes. We suggest that this is re-visited;
- The 2-bed house is shown as having only one bathroom and no separate WC. Normally two WCs are provided (one at entrance level and one on the first floor);
- We do not think that there should be a distinction between double bedrooms and twin bedrooms, but just one standard set for a two-person bedroom. This should be the slightly larger standard so that any two-person bedroom could be used as a twin if the occupants so choose.

5a Do you agree that storage provision should be mandated in HCA core standards? Y/N

Yes, but with amendments to Annex 2 of the Guidance Notes to the Calculator.

We think that minimum storage space should increase as the designed level of occupancy increases - and as dwelling floor area is also linked to designed level of occupancy, we agree that expressing storage as a percentage of dwelling floor area is a reasonable alternative approach.

However, we are strongly opposed to including space for wardrobes, chests of drawers etc under the heading of "storage", as these should be covered in furniture schedules. "Storage" is generally taken to mean cupboards etc that can be used to keep items that are used on occasions as opposed to items that are likely to be used on a daily or similarly frequent basis. "Storage" is a place to put (for example) out of season clothing; wardrobes and chests of drawers will be the place where clothing for the current season is located. So annex 2 should omit:

- wardrobes,

[4] This ratio is only a suggestion. We are not sure that it is appropriate. The HCA should take architectural advice on this point.

- living room storage units,
- sideboards,
- chests of drawers,

We also think that kitchen storage should be separately accounted for. We note that the HCAs current proposals do not seem to account for the significant contribution to kitchen storage provided by wall units, as it focuses solely on floor area (i.e. base units in the kitchen).

If No, why?

5b In dealing with the way in which minimum general storage requirements are expressed; which of the options set out below are preferred:
i. Expressed as a percentage (5%) of internal dwelling space (deemed included within the dwelling gross floor area)
ii. Expressed as a percentage (5%) of internal dwelling space as above, with stipulations that storage should be adjacent to the function that it serves

ii is better.

5c In dealing with the way in which minimum kitchen storage requirements are expressed;
iii. Do you agree that dedicated kitchen storage should be provided over and above general storage requirements? Y/N

Yes

If Yes, which of the options set out below are preferred:
iv. Expressed as an additional percentage of the recommended internal dwelling space for kitchen provision (deemed included within the dwelling gross floor area) and as a result, linked to dwelling occupancy?
v. Expressed as a volume with minimum requirements in terms of shelving, drawer and worktop provision in relation to dwelling occupancy?

V is better

5d External storage is for items such as bicycles, lawn mowers, gardening tools, barbecues and fuel, DIY equipment and garden furniture. Please indicate below whether you agree or disagree with how standards should deal with the way external storage requirements are expressed.

vi. Dedicated external storage should be provided over and above general storage requirements? Y/N

Yes, including for flats.

vii. Guidance should be provided as to location and provision requirements to take account of the specific storage requirements of houses and flats? Y/N

Yes

6a We propose that the new Housing Quality Calculator will trigger the need for additional HCA technical scrutiny for homes that do not have that access to a garden, balcony or terrace. Do you agree with this non-mandatory approach? Y/N

No

6b If No, do you think that every flat, apartment or maisonette, which is without access to a garden, should have a private balcony or terrace?

Yes. External space is important to all households, not just those who happen to live at ground level. A private external space needs to be large enough to allow all members of the household with one or two visitors to gather reasonably conveniently.

The HCA will need to recognize that it will need to issue waivers from this standard if Registered Providers are unable to obtain planning permission for balconies that are required by the HCA. However we support the HCA in setting this as a compliance requirement.

6c The Housing Quality Calculator is predicated upon the size of private balcony or terrace provision being in a range of 5–9 m2. In the case of ground floor flats, apartments or maisonettes with private access to a garden, the garden must be at least 8m2 to meet the benchmark.
Do you think that these private open space ranges are pitched:
i. At a reasonable level?
ii. Too low?
iii. Too high?

At a reasonable level.

7 If necessary, please provide brief comments as to the key reasons for your responses using question number references.

Section 3 - Environmental sustainability (including standards included within the code for sustainable homes):

8a Do you agree that new build dwellings securing funding / approval under new programmes commencing April 2011 should be required to achieve Code for Sustainable Homes (CSH) level 4? Y/N.

No

If not, why not?

As noted in Standards vs Output, we are concerned that Code Level 4 and above may require the use of components and systems that, being reliant upon occupants, may not actually achieve their potential in terms of environmental benefits. If so, the Code would be pushing house builders in the direction of wasting money and - possibly even more damaging - engendering cynicism amongst occupiers and the public.

As previously noted we suggest that the HCA move beyond Level 3 only when user-based research has demonstrated which systems and components are sufficiently user-friendly that they can be relied upon to deliver, in practice, the environmental benefits predicted.

8b Are there any measures which would assist the industry in progressing from CSH level 3 to higher Code levels?

Research, as noted above.

8c Do you believe that Lifetime Homes should be made mandatory for all HCA funded housing from April 2011? Y/N

No

If you would you favour an alternative approach, which of the following alternatives would you prefer the HCA to adopt?
i. Incorporation of Lifetime Homes as a Core standard from April 2011? (subject to current consultation on Code changes)
ii. HCA recommends and incentivises the achievement of maximum Lifetime Home credits within the Code but does not include them within core standards?
iii. HCA recommends and incentivises the achievement of at least THREE of the four available Lifetime Home credits within the Code but does not include them within core standards?
iv. Other (please state)

Other - we agree that Lifetime Homes should be mandatory, but only once the process of re-defining the Lifetime Homes Standard has been completed. The HCA should not introduce a "standard" that is in a state of flux as it will generate confusion and inefficiency.

9a Do you agree that the HCA should continue to support security through the provision of requiring the maximum additional credits for internal physical security of the home within the Code for Sustainable Homes? Y/N

Yes - the compliance requirement should be:

1. to comply with Section 2 of Secured by Design 2010, and
2. to seek the comments of the Police Architectural Liaison Officer on the scheme design, and to have made reasonable efforts to incorporate those comments.

However, we do not think the HCA should require compliance with Police Architectural Liaison Officers design requests, or obtain full Secured by Design certification.

This is because Police Architectural Liaison Officer comments and recommendations are highly variable (sometimes with an individual Officer changing his/her mind during scheme development). We therefore think that the HCA should focus on what can be objectively assessed (i.e. the hardware requirements of Section 2) with a "best endeavours" requirement for comments on design.

9b If No, do you consider that:
i. Full Secured by Design Certification should be an additional HCA requirement? or
ii. Certification should be recommended only?

As above.

10 If necessary, please provide brief comments as to the key reasons for your responses using question number references.

Section 4 - Building for life

11a Do you agree that the Building for Life criteria should form part of the HCA's minimum core standards? Y/N

Yes

11b If Yes, do you agree that the achievement of at least 14 out of the 20 Building for Life criteria should be a minimum requirement for all new build schemes? Y/N

Yes

11c If No, why?

11d HCA and CABE are discussing the feasibility of developing a similar programme for staff in HCA development partner organisations to support them, saving time and costs, in carrying out comprehensive BfL assessments of the schemes for which HCA support is being sought.
Do you, or your organisation, have sufficient in-house staff with the relevant qualifications that could be trained as accredited assessors to enable you to carry out and provide BfL assessments of schemes for which you are seeking HCA support? Y/N

No, despite having written detailed guidance on Building for Life for the Housing Corporation and CABE.

11e If not, what would be your preferred approach to carrying out and providing HCA with a thorough Building for Life assessment for schemes for which you are seeking HCA support?

Undertaking a Building for Life Assessment involves making judgements. This is, by definition, subjective to some extent. Adopting subjective assessments as part of a compliance regime highlights the importance of those subjective assessments being credible. In our view credibility stems from two sources:

- Independence;
- Expertise.

We very strongly oppose CABE's (apparent) view that a sufficiency of expertise for a *Building for Life* assessment can only be acquired by professionally qualified architects and urban designers. We are quite clear that sufficient expertise can be acquired by project managers in a reasonably short period of time (4, maybe 6 days training in total to become a CABE Accredited Assessor). Given that *Building for Life* is largely a hearts-and-minds issue, we are strongly of the view that CABE should avoid being exclusive, and offer training to as broad a range of people engaged in housing development as possible. The HCA should then be willing to accept *Building for Life* assessments from all those who have demonstrated a suitable level of proficiency in basic urban design and - in particular - in the *Building for Life* methodology. In short, all those who obtain a CABE Accredited Assessor qualification.

However the HCA will need to also demand independence. *Building for Life* assessments may be undertaken by an expert, but if they are not independent of the design that they are assessing their assessments will not be credible. In other words, neither the schemes architect, project manager or anyone else from the architect's or project managers organisation will be sufficiently independent of the scheme design to be able to deliver a credible assessment. Assessments will need to be undertaken by independent third parties. These might be accredited assessors from other Registered Providers, architects or other consultancies.

12 If necessary, please provide brief comments as to the key reasons for your responses using question number references.

Section 5 – Equality and diversity

13a Do you agree that the proposed general needs housing core standards set out in this consultation document reasonably take due regard for the need to:
• Work towards the elimination of discrimination? Y/N

No – as they do not address the possible need for differences in the design or component use that may be demanded by disadvantaged groups in society. However, we recognize that this will be examined in the next stage.

• Promote equality of opportunity? Y/N

No – see previous response.

13b Do you believe that the proposed core standards need to take into account any other issues relating to equality and diversity? Y/N Please state below your reasons for stating this.

Yes - we need to examine the extent to which the way different groups in society use a dwelling in order to make a home has implications for housing design and system/components. This was last examined by the National Housing Federation in their publication *Accommodating Diversity*, but we believe that this needs to be reviewed and more closely analysed to identify where specific design and system/component issues arise.