



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : **LON/00AX/HIN/2018/0001**

Property : **12 St. Andrews Road, Surbiton,
Surrey, KT6 4DT.**

Applicant : **Ms. L. Lee**

Representative : **At the hearing: Mr. A. Pirotta**

Respondent : **Royal Borough of Kingston upon
Thames**

Representative : **Mrs. F. Meads,
Mrs. D. Sullivan
Mr. D. Lucas
At the hearing: Mr. P. Rollins SLLP**

Type of Application : **An appeal against an Improvement
Notice, under Schedule 1, to
Paragraph 10(1) of the Housing Act
2004.**

Tribunal Members : **Ms. A. Hamilton-Farey LLB, FRICS.
Mr. J. Barlow JP FRICS**

**Date and venue of
Hearing** : **12 April 2018
10 Alfred Place, London WC1E 7LR**

Date of Decision : **24 May 2018**

DECISION

Decisions of the tribunal

- (1) The tribunal dismisses the appeal against the Improvement Notice served under Section 12 of the Housing Act 2004, and which was served on the applicant on or around 8 December 2017.

The application

1. The Applicant makes an appeal against an Improvement Notice served by the Respondent Council on or around 8 December 2017. The appeal relates solely to whether the Applicant should replace the doors in the property with fire resisting doors to provide protection of at least 30 minutes in accordance with LACORS guidance.
2. It is the Respondents' case that the doors currently installed in the property are either 'made-up' or Victorian panelled doors that do not meet the necessary fire resistance, required in a House of Multiple Occupation. There is no dispute between the parties that this property is an HMO, or that the property should be licenced.
3. It is clear from the application and the bundles provided in evidence, that some of the works identified in the Improvement Notice have already been undertaken.
4. Directions were issued by the tribunal 16 January 2018 to which the parties complied. In addition, at the hearing, Ms. Lee provided video evidence which she asserted showed that the type of doors installed in the property would not burn to destruction within 30 minutes.
5. The application was heard on 12 April 2018 at which the parties identified on the front of this decision were present. Ms. Lee was represented by Mr. Pirrotta, a Solicitor, and Mr. Andy Wahts of Envirograf gave expert evidence on the doors. The respondents were represented by Mr. Peter Rollins of the South London Legal Partnership SLLP. Also in attendance were Mrs. F. Meads, Environmental Health Officer, Mrs. D. Sullivan and Mr. D. Lucas. The tribunal extends its thanks to the parties for the presentation of their respective cases.

The Issue:

6. The Applicant says that the doors within the property meet the Fire Regulations, and that she wishes to retain them because they form an integral feature of the Victorian property. Ms Lee told us that the reason she purchased the house in the first place was because it retained its features and she had set about refurbishing the house, retaining those features. She said that to fit fire doors would detract

from those retained features and that she therefore wished to keep them.

7. The Respondents' case is that the doors are a mixture of old Victorian panelled doors, which do not meet current Fire Regulations, made-up fire doors or blank fire doors without strips or seals. It is the Respondent's case that the doors cannot be made to be fire-resistant to their satisfaction and that it would be possible either for the Applicant to purchase fire doors in a Victorian style, or store the existing doors, replace them with fire doors and then re-fit the existing when the house was no longer an HMO.
8. It appears from the evidence that there are seven doors affected by the Notice.
9. The Applicant says that because she lives on the top floor of the house, it is not necessary for any fire doors to be fitted to her accommodation because this is not part of the HMO. This does not appear to be disputed by the Respondents.

Evidence:

10. The tribunal and parties had the benefit of a video made by Envirograph which showed doors similar to those installed in the Property being tested to destruction. This process took longer than 30 minutes and the Applicant says, demonstrates that a suitable coating to the existing doors would be sufficient to ensure safety of any residents.
11. Mr. Wahts gave his expert evidence that the treatment of the doors by his company's products would mean that the doors would meet the requisite standard of fire resistance. Mr. Wahts was cross-examined by Mr. Rollins, but remained of the opinion that his products were suitable.
12. In addition, the Applicant says that she has installed a Grade D fire alarm in the property with back-up supply and additional call points and sounders. The Applicant relies on the recommendations of Mr. Jennings of AICO. A copy of the e-mail from Mr. Jennings dated 13 October 2017 was included in the bundle. However, we note that in that e-mail Mr. Jennings informed the Applicant that she would need to remove everything already fitted to meet the requirements of the Respondent, and that if the additional call-points and controllers were fitted, then confirmation from the Respondent would be necessary to show that they would accept the system.
13. The Fire officer has indicated that the system would only be accepted if the doors were changed to fire doors, with closers, seals and strips and that frames be suitably upgraded. It is clear to us therefore from the

evidence that either the fire alarm or the doors should be upgraded to meet the Fire Officer's requirements.

14. Mrs. Meads on behalf of the Respondent gave a short history of the building. Originally it had been converted into offices prior to the purchase by Ms. Lee. Whilst it was used as an office some of the doors were obviously changed for fire resisting/wired glass doors as was required at the time. However, since the property had been converted back to residential use, the fire regulations required fire doors on rooms to protect the means of escape.
15. Mrs. Meads informed us that the Respondent was bound by the LACORS advice which was subscribed to by Local Authorities throughout the Country. That advice was clear that 30-minute fire resistant doors should be fitted and not be 'made-up' as was proposed in this instance.
16. Mrs. Meads also said that it was possible to purchase Victorian-looking fire doors that the Applicant could use, or the Applicant could change the doors for fire-resistant ones and then store her existing doors. Mrs. Meads also reiterated that, now, the property has a mixture of doors with very few Victorian doors having been retained. The tribunal had the benefit of photographs of various doors, that supported this statement.

Decision:

17. The tribunal is grateful to the parties for their submissions and evidence, not all of which has been recited here.
18. The tribunal considers that the LACORS advice should be followed, as should that of the Fire Officer. At the present time, the landlord does not wish to upgrade the Fire Alarm to a Grade A system, which she says is not necessary in any event, because of the damage that surface wiring etc would cause.
19. In our view although the Applicant wishes to retain the Victorian features of the property this cannot be at the expense of residents' safety. The Applicant informed us that future purchasers would also wish the original features to be retained, but in our view, that cannot be a relevant consideration that outweighs safety issues, and that no evidence was before us in any event to show that future purchasers would take this stance.
20. The tribunal is concerned with the replacement of 7 doors. In the scale of things, we do not consider that these should be left in situ, with the result that occupiers safety might be compromised. Although we saw the video from Envirograph and read the evidence of both fire safety professionals approached by the Applicant, we are not persuaded that

this would be sufficient, and in any event any treatment to the doors would not meet the Fire Officer's requirements. It must therefore be the case that either the doors or the alarm system must be changed.

21. We consider that changing the doors to fire resistant, although not what the Applicant wants, is less damaging to the fabric of the building than the installation of a Grade A fire alarm. We take the view that the Applicant could purchase similar-looking doors that met the Fire Officer's requirements and store the existing ones for future use. Alternatively, the Applicant could purchase standard fire-resistant doors and again store the existing ones.
22. The Applicant's own evidence was that the property will probably not be an HMO within five years'. We consider that it is reasonable to require the doors to be changed for this period and then re-instated as and when the property no longer requires a licence.
23. Accordingly, we determine that the appeal should be dismissed and the Applicant must replace the 7 doors with appropriate fire doors in order that the Licence may be issued.

Tribunal:

Date:

Ms. A. Hamilton-Farey LLB, FRICS

24 May 2018

Mr. J. Barlow JP, FRICS.