



Raising accessibility standards for new homes

Consultation Response

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Question 1

Respondent details

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Please state whether you are responding as an individual or the organisation stated above

Responding on behalf of Merton Centre for Independent Living.

Question 2

Please indicate whether you are applying to this consultation as

a: Campaigner or Lobby Group

Question 3

Do you support the Government's intention to raise accessibility standards for new homes?

Please explain your reasons

Yes.

Housing is a major issue throughout the UK and in London in particular, with a general recognition that there is a crisis in the availability of housing. It is essential for the government to act to increase the availability of accessible housing by making the existing standards mandatory,

If the availability of housing in general is a problem, the availability of accessible housing is even greater and needs to be addressed as an integral part of the solutions to the overall housing crisis.

Merton CIL sees housing as one of the 12 pillars of independent living that Deaf and Disabled People need in place to achieve choice and control over their lives and to be able to live as full and equal citizens. Living in housing that is inaccessible, otherwise unsuitable for a person's impairment or is in need of repair, impacts on a person's independence.

We believe the United Nations Convention on the Rights of Persons with Disabilities should be fundamental to the approach of all involved in the provision of housing. Article 19 of the Convention states that Disabled people should:

'have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement.'¹

The Grenfell Tower fire in 2018 put safety and evacuation procedures in housing firmly at the centre of housing policy, as it always should be. Merton CIL believes that the current situation with so much inaccessible housing means what is seen as a human right to escape.

The Equality and Human Rights Commission's submissions to the Grenfell Tower Inquiry said that people with mobility impairments, visual impairments and people with dementia experienced difficulties living in Grenfell Tower and:

'Some of these vulnerable individuals lost their lives as they could not escape from the building during the fire.'

¹<https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#19>

Their experiences before and during the fire tell a story of systemic failure to respond to their specific circumstances. From being housed in unsuitable accommodation to the lack of priority given to them by the emergency services, vulnerable residents of Grenfell Tower were let down. The evidence suggests that the authorities failed, and continue to fail, to take appropriate protective measures that adequately corresponded to the needs of particularly vulnerable groups.²

It said that human rights case law should mean that the authorities should address the risk to life of groups including Disabled people but there is no legal requirement for high-rise buildings to evacuate or find refuge.

In a fire or other emergency situation, Merton CIL believes accessibility can literally be a matter of life and death and this is a key, often overlooked reason for ensuring more Disabled people can live in accessible housing.

Beyond this, the importance of housing to people who use adult social care is also strongly acknowledged in the statutory guidance for the Care Act 2014 which states:

'Housing plays a critical role in enabling people to live independently and in helping carers to support others more effectively. Poor or inappropriate housing can put the health and wellbeing of people at risk, whereas a suitable home can reduce the needs for care and support and contribute to preventing or delaying the development of such needs. Housing services should be used to help promote an individual's wellbeing, in which people in need of care and support and carers can build a full and active life. Suitability of living accommodation is one of the matters local authorities must take into account as part of their duty to promote an individual's wellbeing.'³

²<https://www.equalityhumanrights.com/sites/default/files/summary-of-submissions-following-phase1-of-the-grenfell-tower-inquiry.pdf>

³<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance> para15.53

The Equality and Human Rights Commission's key recommendation in its report on Disabled people and housing in 2018 was the need for a strategy for more accessible housing to be built. ⁴ Its enquiry found there is a chronic shortage of accessible housing, yet developers are reluctant to comply with standards and few local authorities take enforcement action or set targets to increase provision.

Question 4

Which of the 5 options do you support? You can choose more than one option or none.

Please explain your reasons, including the advantages and disadvantages of your preferred option(s).

Our first choice is option 2 (To mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes). As a second choice, we would support option 4 (To mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes with M4(1) applying by exception only, a set percentage of M4(3) homes would also need to be applied in all areas.

Reason:

Options 2 and 4 are the only options that offer the prospect of making progress on increasing the availability of accessible housing. The issue has been neglected for so long that action is now urgently needed, and even with this, it is likely to take many years to fully resolve the issue. It seems to be the best way to tackle the lack of compliance by developers and lack of enforcement by local authorities. In the current circumstances, we believe a set national percentage of all new homes meeting M4(3) would be most effective in ensuring progress.

We would strongly object to Option 1 (Consider how recently revised planning policy on the use of optional technical standards impacts on the delivery of accessible housing) and Option 5 (Change the content of the mandatory technical standard) which would just cause further delays to action on this issue.

⁴ https://www.equalityhumanrights.com/sites/default/files/housing-and-disabled-people-britains-hidden-crisis-main-report_0.pdf

Question 5

If you answered 'None' to Q4, do you think the Government should take a different approach?

If yes, please explain what approach you consider favourable and why?

Not applicable.

Question 6

Do you agree with the estimated additional cost per dwelling of meeting M4(2), compared to current industry standards, in paragraph 45? If no, please comment on what you estimate these costs to be and how you would expect these costs to vary between types of housing e.g. detached, semi-detached or flats? Please provide any evidence to support your answers.

We do not have the expertise to answer this question but believe the benefits for individuals and communities would far outweigh the costs. This includes the economic benefits in the reduced costs of making adaptations to homes that meet the M4(2) standard and Disabled people being able to be more economically active if they live in accessible homes.

We also support to the response to this consultation submitted by the Housing Made Easy for Everyone (HoME) coalition.

Question 7

Do you agree with the proportion of new dwellings already meeting or exceeding M4(2) over the next ten years in paragraph 45? If no, please comment on your alternative view and how you would expect this to vary between types of housing e.g. detached, semi-detached or flats? Please provide any evidence to support your answers.

It is difficult for us to comment on the national situation for the proportion of new housing meeting the M4(2) standard in the next 10 years. Local figures for Merton exceeded a 90% target in 2016 - 2017. However, this has been in the context of the local authority and the Greater London Authority and Mayor of London having this target, though they have not been achieved in all London boroughs with the total for the capital in that year being 76%.

We would also want to note that while targets have been successful for the M4(2) standard in London, they have not been met in relation to the M4(3) standard. In Merton in 2016 – 2017 only 3% of new homes met the M4 standard.

We would also point again to the Equality and Human Rights Commission's finding that developers are often reluctant to comply with the standards and local authorities do not enforce them fully.

With the pressure to build more housing to resolve the housing crisis, there also has to be a concern that the need for quantity will push the need for these standards to be met. In Merton we have already seen housing developments where standards have not been met in favour of a developer being able to build more and the local authority has referred to needing to build more high-density housing in its draft local plan.

We also believe that these issues cannot be addressed without consideration of the affordability of housing. Accessible housing will be of little use to Disabled people, who are generally in lower income groups, if they cannot afford to live in it.

Question 8

Do you have any comments on the costs and benefits of the other options set out above.

If yes, please provide your comments including any evidence to support your response.

Yes

The other options are likely to mean a slower increase in the availability of accessible housing which means that increased costs to the NHS and social care services will continue. Even if they are cheaper in terms of lower house building costs, this is a false economy.

We also support the HoME coalition's response on this issue.

Question 9

Do you have any comments on the initial equality impact assessment?

If yes, please provide your comments including any evidence to further determine the positive and any negative impacts.

Yes

The two options that we see as having most positive impact, Options 2 and 4, are likely to have a greater impact in all areas covered by the assessment in terms of reducing discrimination, increasing equality and promoting community cohesion.

It is hard to see how the other options can be seen as having an equally positive impact. The suggestion that to 'do nothing' will have a positive impact is difficult to understand.