



FIRST-TIER TRIBUNAL
SOCIAL ENTITLEMENT CHAMBER

Held at Bexleyheath on 07/01/2015

Before Judge VA King

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| Appellant: [REDACTED] | Tribunal Ref SC168/14/01291 |
| | NI No [REDACTED] |
| Respondent: LB of Bexley Council | |

DECISION NOTICE

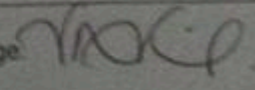
1. The Housing Benefit appeal is allowed.
2. The decision made on 09/03/2013 is set aside.
3. [REDACTED]'s eligible rent should not be reduced by 14%. The number of bedrooms in her house does not exceed those to which she is entitled in accordance with paragraph B13 Housing Benefit Regulations 2006.

Summary of reasons for the decision:

4. In reaching its decision, the Tribunal considered all of the scheduled evidence and heard oral evidence from [REDACTED]. The Tribunal accepted [REDACTED]'s evidence.
5. Regulation B13(2) of the Housing Benefit Regulations 2006 requires the Local Authority to determine a maximum rent for the property from 1 April 2013. This is set by reference to the number of bedrooms in the property and the number of bedrooms to which a person is entitled under the provisions of Regulation B13(5).
6. In this case, [REDACTED] lives together with her (now) adult son, [REDACTED] and is therefore entitled to two bedrooms. Their semi-detached home is designated by the landlord as having three bedrooms. There are two double bedrooms at the front of the house, one of which is occupied by Mrs [REDACTED] and the other by her son. The other "bedroom" is a small rear room which is used by [REDACTED] for the purposes of storage, drying her washing, and ironing.
7. [REDACTED] accepted in her evidence that the small room was just about big enough to accommodate a single bed and, possibly, a small chest of drawers. Although the room measures 6.31 square metres in terms of floor size, one of the walls is sloped down from ceiling height to approximately

chest height and so it is not possible to stand or walk around in that area of the room. The room is awkwardly shaped, with the side of the cupboard housing the immersion heater being directly in front of the door into the room from the landing. This door opens inwards, as does the door to the cupboard housing the immersion heater. This has the effect of reducing the available floor space.

8. A major problem with the room, and the primary reason why it has never been used as a bedroom by [REDACTED] children, is that of heat. At the date of the decision the room housed both an immersion heater and a boiler, both of which generated considerable amounts of heat. The room is so warm that the heat is unbearable for someone trying to get to sleep. [REDACTED] evidence was that on an odd occasion when all of her four +children lived at home, [REDACTED] (at that time a child) had tried to sleep in that room on a blow up bed. This happened only rarely if his older brothers had wanted to have some privacy in their room. [REDACTED] would try to sleep in the small room, but would be unable to do so due to the excessive heat, and would go in to sleep with his mother in her bed.
9. The small room has a window that opens, but Mrs [REDACTED]'s evidence was even with the window and door open the heat in the room is such that it is unbearable when trying to sleep. The intensity of the heat is exacerbated by the small size of the room.
10. The Tribunal followed the reasoning in *SSWP -v- Nelson & Fife Council* [2014] UKUT 0525 (AAC) and found that the room has various physical features and drawbacks which prevent it from being used as a bedroom, namely, restricted head height, two inward opening doors, and excessive levels of heat generated by the immersion heater and the boiler.

Signed Tribunal Judge: 
Mrs VA King

Date: 07/01/2015

Decision Notice issued to

Appellant on: 07/01/2015

Respondent on: 07/01/2015