

## **MC/23/2834**

**Date Received:** 20 December 2023  
**Location:** 257 High Street, Rochester, Medway ME1 1HQ  
**Proposal:** Change of use from Class (C3a) dwelling house to Class (Sui Generis) HMO x 7 bedrooms with the construction of a single storey garden room to rear.

**Applicant** Kama Nwande  
**Agent** Bischell Construction Ltd.  
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London  
W14 0SJ

**Ward:** Rochester West & Borstal  
**Case Officer:** Sam Pilbeam  
**Contact Number:** 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 23rd October 2024.**

### **Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 23 August 2024:

PN-008 - Proposed Lower Ground and Ground Floor Plans  
PN-009 - Proposed First and Second Floor Plans and Roof Plan  
PN-010 - Proposed Elevations  
PN-012 - Proposed and Existing Sections  
PN-014 - Proposed Railing and Stair Details  
11 - Proposed Drainage Plan  
X017 - Proposed Door and Window Schedule

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 All materials used externally shall match those of the existing building.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 The number of residents permitted to occupy the property at any one time shall not exceed seven.

Reason: To ensure that the development would not prejudice the amenities of the residents nearby in accordance Policy BNE2 of the Medway Local Plan 2003 and paragraph 135 of the National Planning Policy Framework 2023.

- 5 No development, ground excavation or ground clearance works shall take place until the tree protection measures as identified in the drawing number TH/A3/4538.1/TPP received 23 August 2024 have been implemented on site. The tree protection measures shall thereafter remain in place throughout the construction phase of the development.

Reason: To ensure no irreversible detrimental harm to the existing tree and in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 6 Prior to first use of the property as a Sui Generis House in Multiple Occupation details of secure private cycle parking provision in the form of individual lockers shall have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

## **Proposal**

This application seeks planning permission for the conversion of an existing dwelling (Class C3) into a seven-bedroom, seven-person house of multiple occupation (HMO)(Sui Generis Use).

In order to facilitate the conversion of the property into a HMO the proposal would consist of numerous internal alterations and the addition of a conservatory to the rear, measuring approx. 5m in depth, by 4.7m in width and support a mono-pitched roof with an eaves height of 2.3m and max height of 2.8m.

Internally, the proposed layout would consist of a bedroom, kitchen, and living room at lower ground floor level; one ensuite bedroom and one bedroom at ground floor; two bedrooms and a bathroom at first floor; and two bedrooms and bathroom at second floor. The property also benefits from a rear garden measuring approx. 15m in depth.

In addition to the arrangements to facilitate the change of use, the proposal also seeks the replacement of the existing UPVc doors at ground-floor and lower-ground-floor and existing lower-ground-floor window with timber models; alongside a schedule of repair works and alterations to the existing front entrance stairs and forecourt drainage, and reinstatement of railings to the front.

### Relevant Planning History

MC/23/2148	Construction of a 3 storey rear extension with flat roof and conversion of dwelling house to 2 duplex flats - demolition of garden level single storey projection. Decision: Withdrawn by Applicant Decided: 11 December 2023
MC/24/1159	LDC application for Change of use from Class (C3a) dwelling house to a 6 person HMO (class C4). Decision: LDC granted Decided: 15 July 2024
CAN/24/0883	T1 - Tree Stump - Remove stump and roots Decision: Raise no objection Decided: 10 June 2024
MC/23/2832 (255&257 High Street)	Construction of a part single part three storey rear extension with pitched roof and replacement windows to rear; engineering works to front of no. 257 to provide access to lower level with insertion of entrance door and window and access steps with railings and conversion of the buildings into 4 duplex flats in total - part demolition of existing single storey element to rear. Decision Pending

### Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

**Five** objections have been received raising concerns with regards to:

- The proposed subdivision being out of keeping with the existing architecture.
- Impact of the proposal upon parking within the immediate vicinity.
- Concerns raised to the existing UPVc doors and windows.
- Rear extension would be out of character with the Conservation Area.
- Plans are inaccurate and do not illustrate the parapet or windows correctly.
- Use of the property as a seven-bed HMO would be overdevelopment.
- The HMO use would result in increased noise and disturbance.
- Details on application form unclear; and
- Bedrooms fall short of the Technical Housing Standards.

**Southern Water** commented, stating that due to the close proximity of the development with a public foul and surface water sewer crossing the site, the applicant will be required to seek formal express consent from Southern Water.

**City of Rochester Society** have raised the following concerns:

- Inaccurate site location plan.
- Inaccurate proposes and existing elevations omitting the parapet of the property.
- Inaccurate illustration of the windows within the front elevation.
- Existing modern door is unacceptable and should be replaced as part-and-parcel of the application.
- The proposed rear extension would not be out of keeping with the Conservation Area.
- A HMO would likely result in noise and disturbance to adjoining residents; and
- Questions if the bedrooms meet the space standards.

**Rochester Airport** have raised no objections.

*Officers comment - with regards to concerns relating to the accuracy of drawings, in particular the omission of the parapet and existing windows, additional amended plans were submitted to this effect. Revising the front elevations insofar as to include the parapet and reference the existing elevation of building accurately.*

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2023 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

## **Planning Appraisal**

### *Background*

The application site has been subject to an application for a Lawful Development Certificate for the change of use of the existing residential dwelling – Use Class C3 – into a six bedroom HMO – Use Class C4 – via Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The Lawful Development Certificate was granted on the 15<sup>th</sup> July 2024.

There is also a live planning application which seeks planning permission for the construction of a part single part three storey rear extension, alongside general internal alterations in order to facilitate the conversion of properties 255 and 257 High Street into a total of four duplex flats. With two flats contained within 255 High Street and two within 257 High Street.

## *Principle*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy H7 of the Local Plan states that proposals for conversions of existing dwellings into HMO's will be permitted subject to the following criteria:

- (i) the property is in an area with a predominantly mixed-use or commercial character; and
- (ii) the property is located where increased traffic and activity would not be detrimental to local amenity; and
- (iii) either the property is detached and the proposal would not adversely affect the amenity of the occupiers of nearby properties; or
- (iv) where the property is not detached, relevant nearby or adjoining properties are in multiple occupation or a non-residential use; and
- (v) for changes of use, the property is too large to reasonably expect its occupation by a single household.

The immediate streetscene – approx. 50m radius – forms a predominantly residential segment of High Street, Rochester, with an array of single house occupancy, HMOs, and flats across the ground and upper floors, with some commercial and ground floor uses intermittently located within this vicinity: Nags Head Public House; Laser Treatment Clinic; Off License; and Tattoo Studio.

In a wider consideration, the site forms part of the Chatham Intra link between Rochester and Chatham High Street. Supporting a range of retail and commercial units at ground floor level.

However, the property can be lawfully converted to a small HMO (class C4) for up to 6 persons and in this respect an LDC has been granted.

Nonetheless, the primacy, relevance, and objectives of H7(i) are understood: *“It is the aim to enable such accommodation [HMOs] to come forward on condition that it provides a high standard of conversion whilst minimising possible detrimental effects. This will be achieved by restricting H.M.O.s to suitable properties in areas capable of supporting them”.*

It is acknowledged that there are number of HMOs within the wider setting of the application site.

In light of the above no objections are raised to the principle of conversion of the property into a 7 bed HMO pursuant to Policy H7 subject to more consideration of the details of the conversion and extension.

## *Design*

Both the NPPF and Local Plan stress and emphasise good design and achieving high quality buildings. Policy BNE1 of the Local Plan states that the design of development

should be appropriate in relation to the character, appearance and functioning of the built and natural environment by amongst other matters being satisfactory in terms of scale, mass, proportion, details, and materials. Moreover, paragraph 135 of the NPPF states that developments should contribute to the overall quality of the area and be sympathetic to local character, including the surrounding built environment and landscape setting, supported by paragraph 131 which adds that good design is a key aspect of sustainable development.

Furthermore, due to the site siting within the Star Hill to Sun Pier Conservation Area (CA) Policies BNE12 and BNE14 of the Local Plan are of significance: with the former stating that special attention will be paid to their preservation and enhancement and the latter seeking to ensure that development within a Conservation Area, or affecting their setting, should achieve a high-quality design which will preserve or enhance its historic or architectural character and appearance.

The proposed external alterations consist of the erection of a single storey extension to the rear, measuring approx. 5m in depth, by 4.7m in width and supporting a mono-pitched roof with an eaves height of approx. 2.3m and max height of 2.8m; alongside the replacement of existing UPVc doors at ground-floor and lower-ground-floor and existing lower-ground-floor window with timber models and a schedule of repair works and alterations to the existing front entrance stairs and forecourt drainage, with the reinstatement of railings to the front.

The extension itself would not be largely visible from within the CA, with views not being afforded from any of the surrounding public access points or from the adjoining highway. Moreover, views from the north are largely blocked by the elevated railway line to the rear. Views of the rear extension will be mostly limited to the private rear courtyard serving the adjoining flats and from the rear windows of properties of 255 and 257 themselves. In light of the lack of visibility and impact it is not considered that the extension would be harmful to the character of the conservation area.

The proposed alterations to the front of the property would be evidently more visible; concerning the principal elevation fronting onto and contributing to the streetscene of High Street.

It is considered the replacement of the existing UPVc doors at ground-floor and lower-ground floor, alongside the replacement of the existing lower ground floor window with timber models would be a benefit to the CA. Likewise, the general schedule of repair works, unblocking of the existing lightwell and alterations to the existing front entrance stairs and railings would again contribute positively to the CA. Care has been taken to model the railings to match those of the adjoining properties, finished with a spear head finial and circular bars. With a net benefit to the CA, particularly given the current disrepair of the front of the property and existing UPVc door.

When considering the design implications as a whole, the proposed rear extension would not be considered to result in harm to the CA, while the proposed alterations to the front of the property would result in a benefit, upgrading the current state of the property to accord with the character of the CA.

No objections are therefore raised with regards to Policies BNE1, BNE12 and BNE14 of the Local Plan and paragraph 131 and 135 of the NPPF.

### *Amenity*

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policies H7 and BNE2 of the Local Plan and Paragraph 135f of the NPPF relates to the protection of these amenities.

### *Neighbouring Residential Amenity*

Firstly, assessing the proposed ground-floor extension itself, the proposed footprint would project approx. 1.7m past the existing ground-floor extension of the adjacent property. The extension would be built up to the adjoining boundary line and to a height of 2.5m. Given the limited projection beyond the existing neighbouring rear extension, alongside its single-storey aspect and limited height, it is not considered the proposal would result in a loss of outlook, daylight, sunlight or encroach onto the adjoining residential garden or habitable space.

Notwithstanding, the proposal seeks to convert the property into a seven-bedroom HMO. As such, there will be an intensification of the use of the site, resulting in potentially increased comings and goings, disturbance and nuisance. However, the applicant can lawfully convert the property into a six-bedroom HMO without the requirement for planning permission by virtue of their permitted development rights. When considering the proposal seeks to implement only one additional bedroom it is not considered the volume of noise and disturbance experienced onsite would go above and beyond the scope of what could be expected within this context, or, within the context of the property being occupied by a large single family.

No objections would therefore be raised in regard to Policies BNE2 and H7 of the Local Plan and paragraph 135(f) of the NPPF.

### *Future Occupants Amenity*

The proposed bedrooms have been considered against the Technical Housing Standards – Nationally Described Space Standard 2015. All of the proposed bedrooms would exceed these standards with the smallest bedroom measuring 10m<sup>2</sup>, a total of 2.5m<sup>2</sup> above the threshold set out by the standards. Likewise, all bedrooms would be served with an adequate degree of natural light and afforded suitable outlook.

The remaining communal space is, however, relatively small, measuring approx. 26m<sup>2</sup> and would be shared amongst seven individuals. However, in this instance the communal space is considered acceptable. This is partly due to the large bedrooms with sufficient room for general household recreation including the installation of a television, desk for a computer or reading, and such-the-like. In addition, there is a separation between the kitchen and living room which assists with communal living. It is therefore considered that the property is of a sufficient size to suit the requirements of the use of the property for seven unrelated individuals.

In order to protect future levels of amenity for residents and neighbours a condition is recommended to ensure that the number of residents that occupy the property at any-one-time does not exceed seven.

Subject to this condition, there is no objections raised with regards to Policies BNE2 and H7 of the Local Plan or paragraph 135(f) of the NPPF.

### *Highways*

Policy T1 of the Local Plan relates to the impact on new development on the highway network. Policy T13 of the Local Plan is related to parking standards. Paragraph 114 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. Paragraph 119 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety.

Policy H7, confirms that HMOs will only be permitted where: *“the property is located where increased traffic and activity would not be detrimental to local amenity”*.

The existing 4 bed property does not have any off street parking, while the lawful use as 6 bed HMO would similarly not provide any off street parking. No off street parking is proposed as part of the application. The area is subject to parking permit restrictions, disabled bay parking, and time regulated on-street parking restrictions.

The application site falls within the urban area of Rochester, with amenities such as shops, green space, public transport links and schools/colleges within approx. 10 – 15 minute walking distance the site is considered to be very sustainable.

In addition, the proposed use traditionally attracts occupiers who do not typically possess cars, while a condition is recommended to secure the provision of cycle storage.

In light of the above and subject to the cycle store condition, no objections is raised in regard to Policies T1 and T13 of the Local Plan or paragraphs 114 and 119 of the NPPF.

### *Trees*

Policy BNE43 of the Local Plan confirms that developments should seek to retain trees that provide a valuable contribution to the local character. In this instance, the applicant has submitted an Arboricultural Impact Assessment alongside the application, assessing the impact of the proposed extension upon the adjoining trees within the rear garden. The report sufficiently and adequately outlines the concerns, methods of mitigation and alleviation of any potential harm, further supported by an arboricultural method statement and tree protection plan. An appropriate condition is therefore recommended.

Subject to the above condition, no objection would be raised with regard to Policy BNE43 of the Local Plan.



In addition to the above, the applicant is seeking the removal of the existing tree stump to the front of the property growing from within the lightwell. This will be another gain to the appearance of the CA and approval for this has been given under case reference number CAN/24/0883.

### *Bird Mitigation*

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £314.05 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The applicant has submitted a SAMMS Mitigation Contribution Agreement and payment and therefore no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

### **Conclusions and Reasons for Approval**

The property can be converted to an HMO for 6 people without planning permission. This application is for one additional person and an extension. The building works externally will result in an improvement to the conservation area. Internal amenity for prospective occupiers will be good while neighbours will not be unacceptably impacted. The site is in a sustainable location and an important tree will be protected during construction.

Accordingly the proposal is acceptable and complies with the provisions set out in paragraphs 11, 60, 114, 119, 131, 135, 135(f), 180 and 181 of the NPPF and Policies BNE1, BNE2, BNE12, BNE14, BNE35, BNE43, H7, S1, S6, T1 and T13 of the Local Plan. Therefore, the application is recommended for approval.

In this instance the application is being referred to Planning Committee on the basis of receiving over five letters of objection contrary to the Officers recommendation.

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## **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>