

**MC/25/1488**

**Date Received:** 22 July 2025  
**Location:** 25 Franklin Road, Gillingham, Medway ME7 4DF  
**Proposal:** Change of use from dwellinghouse (Class C3) to a 9 bedroom house in multiple occupation (Sui Generis) together with construction two storey side/rear extension L-Shape dormer window to rear together with alterations to rear roof slopes, installation of roof lights to front and second floor window to side to provide additional living accommodation within roof space with associated external alterations, parking, bin/cycle store, storage sheds and landscaping.  
**Applicant** DegBri Properties LTD  
Mr Steve Degiorgio  
**Agent** Mr Lewis Harding  
69 Highgrove Road  
Princes Park  
Chatham  
ME5 7SF  
**Ward:** Gillingham South  
**Case Officer:** Chantelle Farrant-Smith  
**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 the 17 December 2025.**

**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 22 July 2025:  
LHA(32/24/A)001 - Location Plan  
LHA(32/24A)-014 - Proposed Site Plan

Received 17 September 2025:  
LHA(32/24A)-012 REV C Proposed Plans  
LHA(32/24A)-013 REV C Proposed Elevations  
LHA(32/24A)-016 - Section

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

- 3 Prior to the installation of the L-Shape Dormer details of materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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 house of multiple occupation hereby approved shall be occupied by a maximum of nine people.

Reason: To regulate and control the amount of occupants of the property in the interests of the amenities of neighbouring properties and of occupants of the site itself which has limited communal facilities, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 The proposed residential House of Multiple Occupation shall not be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how residents and their visitors will be deterred from parking on street. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the residential unit and shall thereafter be retained.

Reason: In the interests of sustainability and residential amenity in accordance with Policies T13 and BNE2 of the Medway Local plan 2003.

- 6 Prior to the first occupation of the development approved, details of cycle storage facilities, the proposed location and proposed means of access to rear of the property shall be submitted to and approved by the Local Planning Authority. The approved cycle storage facilities shall be implemented, prior to occupation of the site, in accordance with the approved details and thereafter retained.

Reason: In the interests of sustainability and to encourage cycle use with regard to 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**

The proposal site is a semi-detached two storey dwelling of hipped roof design. The proposal site sits within a residential street within the urban area of Gillingham just outside of the Gillingham Town Centre.

The proposal seeks the construction of a two-storey extension to rear together with the installation of an L-Shape dormer, together with alterations to rear roof slopes to accommodate the joinery of the two-storey extension to the existing roof planes. The proposal also seeks the installation of roof lights to front and alterations to side windows to provide additional outlook for occupants of the proposed houses of multiple occupation (HMO).

These alterations would facilitate the conversion of the property into a 9-bedroom HMO.

The proposed internal layout would comprise of a Kitchen and plant room at lower ground floor level served by a light well; an entrance hall, three bedrooms served by ensuites together with W/C and lounge at ground level; four bedrooms served by ensuites at first floor and two bedrooms with ensuites within the loft space facilitated by the L-Shape Dormer. There is a driveway to front facilitating two car parking spaces, while to the rear within the garden will be a refuse storage area bike storage and sheds.

### **Relevant Planning History**

<b>Ref No.</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
MC/25/1154	Application for a Lawful Development Certificate (Proposed) for the change of use from (Class C3) single dwelling house to 6 bed (Class C4) HMO. Construction of single storey extension to side along with an L shaped dormer to rear and roof lights to front to facilitate living accommodation within the roof space. Cycle storage, bin storage and associated landscaping to rear.	Approval	2 September 2025
MC/25/0554	Conversion of existing dwelling to a 9-bedroom house in multiple occupation with associated cycle storage, bin storage and parking.	Refusal	14 May 2025

### **Representations**

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

**Kent Police** commented on the application requesting they are consulted as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured by Design (SBD) as appropriate.

**4 letters** have been received raising the following objections:

- Loss of family dwelling.
- Parking Provisions.
- Intensification of use.
- Impact on Amenity.
- Insufficient space for occupants.
- Overdevelopment in a congested area.
- HMOs in Gillingham are disproportionate to rest of Medway.

**Cllr Louwella Prenter** has objected to the proposal on the same grounds as the resident's objection and:

- Anti Social Behaviour.
- Fly tipping.

## **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.

The Emerging Local Plan has been agreed by Full Council for Reg 19 publication, consultation and, following any changes required as a result of the consultation exercise, submission to the Inspectorate for examination. The policies within this version of the emerging plan have weight in the determination of planning (and associated) applications. However, due to the nature of this proposal, the stage of the emerging Local Plan, the existence of relevant adopted Policies in the Medway Local Plan (2003) and guidance in the NPPF it is considered that the proposal falls to be considered with regard to the adopted policies and guidance in the NPPF.

## **Planning Appraisal**

### *Background*

As detailed above, the property benefits from a Lawful Development Certificate for the construction of a single storey extension to side/rear together with the installation of an L-Shape dormer and rooflights to facilitate a Lawful Change of Use to a 6-bed HMO.

The current application seeks to construct a two-storey element in place of the single storey approved, together with alterations to the window facades and roof slopes to rear to facilitate the two-storey extension as well as a rear dormer. These would facilitate the conversion of the property to a 9 bed HMO.

## *Principle*

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

The NPPF seeks to pursue sustainable development, in a positive and proactive manner through paragraph 11 of the NPPF. Stating that applications should be considered in favour for a presumption in favour of sustainable development, unless the Policy provides a clear reason for refusal, or that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Furthermore, paragraph 60 of the NPPF seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements.

Such a direction supported by the NPPF is also echoed by Policy S1 of the Local Plan: promoting the best use of development opportunities within urban areas and the re-development and investment within said locations, in particular underused areas in Gillingham.

The principle of an HMO at this property is accepted through the grant of the Lawful Development Certificate referred to. Notwithstanding that, consideration must be given to the criteria set out in the following policies.

Policy H7 of the Local Plan supports permitting HMO's subject to the following criteria:

- (i) the property is in an area with a predominantly mixed-use or commercial character.
- (ii) and 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.
- (iv) or 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.

Policy T8 of the emerging Local Plan seeks to avoid detrimental clusters of HMOs and to ensure that they provide a suitable quality of accommodation. The supporting text to the policy acknowledges that HMOs have a role to play in sustainable and inclusive communities providing accommodation for single people on low incomes and can also be accommodation of choice for young professionals moving to an area. The supporting text does though acknowledge harm where there are high concentrations of HMOs and/or poor management of properties. Accordingly, Policy T8 supports planning applications for HMOs where they:

- Do not adversely affect the character and amenity of the area.
- Do not contribute to an over provision of HMOs in an area.
- Do not lead to the loss of suitable units for family accommodation, particularly in areas of high concentration of HMOs.

- Do not generate excessive parking demands.
- Provide a suitable level of amenity complying with national internal space standards and at least one reception room and kitchen or equivalent space.
- Make provision for waste and cycles.
- Do not adversely affect health of residents – new and existing.

The application site is within the urban area of Gillingham and is within walking distance of Gillingham Town Centre. The site is within walking distance of local public transport such as bus services and Gillingham Train Station.

The site is within a predominantly residential area, with a mix of HMOs, flats and single households. It is not considered that there is an over proliferation of HMOs in the area, but it has to be accepted that the principle of conversion to an HMO has been established through the grant of the LDC. There is a dentist within close proximity to the proposal site, and there are commercial units end of Franklin Road.

Whilst Policy H7 doesn't state what is considered too large for single household occupation, elsewhere in the Local Plan it states that "the Council considers that dwellings of less than 120sqm gross floor area in predominantly residential areas should be retained for families and single households." The proposal would exceed 120sqm measured internally.

### *Design*

Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area and paragraphs 131 and 135 of the NPPF seek to promote good design and high-quality buildings.

As previously stated, under application reference MC/25/1154 there is approval for the construction of a single storey side/rear extension, together with the construction of a L-Shape Dormer to rear and roof lights to front which facilitated the permitted change of use to a 6-bedroom HMO.

This application seeks to build a two-storey side extension of comparable width and depth which would not extend beyond the rear elevation of the original dwelling. The two-storey side extension would attach to the original roof slope via a gabled ended roof which the L-Shape dormer would then be built off. The existing two storey rear extension currently comprises of a shallow sloped roof which does not match the original roof slope of the proposed dwelling. This application seeks to raise the slope of the roof which is more in keeping with the original dwelling and surrounding properties.

The property sits within an architecturally unique area with varying forms of residential development to the rear which have been completed over time. There are multiple two storey flat roofed extensions within the immediate vicinity which span across the entire rear elevation up to neighbouring boundaries and as such there is not a uniform design throughout the street.

Therefore, taking into consideration that the roof slope to rear would improve the current design of the property, the two storey rear/side extension would not be highly visible from public vantage points and would not extend past the rear of the original dwelling and taking into account that an L-Shape dormer has been permitted under an LDC application it is not considered that the development in its entirety would result in a detrimental difference in design to that which has been allowed under reference MC/25/1154. Therefore, the design is considered acceptable.

It is considered white render on the L-Sape dormer is not acceptable and that more carefully considered materials would help reduce the visual impact of the development within the streetscene. A condition is recommended to secure the use of appropriate external materials for the development.

Subject to the aforementioned condition, the proposed external alterations are considered to comply with Policy BNE1 of the Local Plan and paragraphs 131 and 135 of the National Planning Policy Framework 2024.

#### *Residential Amenity*

Paragraph 135f of the NPPF states that achieving well-designed places should include creating a high standard of amenity for existing and future users. Policy BNE2 of the Local Plan expects all development to secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

In addition to this, as discussed within the “Principal” section of this report, due to the application seeking the conversion of the existing Use Class C3 dwellinghouse into a nine person HMO in Use Class C4 Use, Policy H7 of the Local Plan and T8 of the emerging plan are relevant.

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbouring amenity and secondly the living conditions which would be created for the potential occupants of the development itself.

#### *Neighbour Amenity*

There are residential properties either side of the application property. The adjoining semi-detached pair is No 27 and the neighbour to the west being No 23. In terms of the extensions to the property, it is considered that due to the siting of the two-storey extension together with the orientation that it would not result in additional overshadowing of neighbouring properties as the shadow remains behind that of the existing extensions on site. The neighbouring properties also have two storey extensions of sloped roof design and due to the siting of these the proposed extension would not result in a loss of outlook for neighbouring occupants. In terms of overlooking, due to the arrangement of the dwellings within an urban setting there is already a level of mutual overlooking on the site, it is not considered the proposed change of use would result in unacceptable overlooking above and beyond what is already present on site.

In terms of comings and goings of the site, due to the internal layout of the original dwelling together with the two-storey extension granted permission in 1974 the dwelling comprises of 3 double bedrooms resulting in a potential occupancy level of 6 adults. Therefore, the proposal would result in an additional 3 individuals within the property.

Taking into consideration the potential existing comings and goings it is not considered that 3 additional individuals would result in detrimental harm to neighbouring amenity in terms of disruption. Such a view is substantiated by recent appeal decisions against similar HMOs elsewhere in the borough. The occupation of 9 individuals will be secured via planning condition to ensure additional individuals do not occupy the property.

### *Occupant Amenity*

It is also necessary to consider whether satisfactory environment would be provided for the future occupiers of the proposed rooms in compliance with the Technical Housing Standards – Nationally described space standards March 2015.

The bedrooms proposed all meet with the minimum internal floor area requirement within the Housing Standards including the head height of the kitchen area within the basement. It is also considered that with a kitchen on the lower ground floor and a separate lounge on the ground floor together with a communal private garden, that adequate communal space is provided to comply with the objectives of emerging policy T8. In addition, the oversized bedrooms, relative to the requirements set out by the NPPG standards, grant occupants private leisure space and secure sufficient room for household recreation including the installation of a television, and desk for a computer, reading and the alike.

Subject to the recommended condition restricting occupation numbers, no objections would, therefore, be raised in regard to Policies BNE2 and H7 of the Local Plan, Policy T8 of the emerging plan and paragraph 135(f) of the NPPF.

### *Highways and Parking*

Policy T1 of the Local Plan relates to the assessment of the highways impact of development and outlines the criteria of when development would be permitted. Policy T13 of the Local Plan provides guidance on vehicle parking standards. Policy T4 relates to cycle parking and sustainable modes of transport. Both policies H7 of the Local Plan and T8 of the emerging plan include criteria in relation to impact on parking and amenity. Paragraph 115 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 116 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site benefits from 2 off-road parking space located at the front of the property. The site is located close to the retail centre of Gillingham, within walking distance of

a variety of shops and facilities, employment opportunities and good public transport links. Given its sustainable location, it is not considered that the additional bedrooms generated by the development would result in any unacceptable impact to highway safety or highway function that would be sufficient to warrant refusal of the application. The development does still, however, have the potential to increase parking demand and, therefore, a condition is recommended for a parking management scheme to be submitted restricting access to permits within the area.

A further condition is recommended to secure the cycle parking provision to further improve the sustainability of the proposal.

Subject to the aforementioned conditions, no objection is raised in relation to Policies H7, T1, T4 or T13 of the Local Plan, T8 of the emerging Plan and paragraph 116 of the NPPF.

#### *Biodiversity Net Gain*

As of 2 April 2024, all sites were subject to Biodiversity Net Gain (BNG) as per the conditions of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Notwithstanding, de minimis exemptions, whereby BNG does not need to be provided, are set out in the Biodiversity Gain Requirements (Expeditions) Regulations 2024, confirming within subsection 4:

- “(1) The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.
- (2) The first condition is that the development does not impact an onsite priority habitat.
- (3) The second condition is that the development impacts:
  - (a) less than 25 square meters of onsite habitat that has biodiversity value greater than zero; and
  - (b) less than 5 metres in length of onsite linear habitat.”

In this instance both of the above conditions set out by the Act are considered of relevance, therefore, the application does not meet the threshold for the requirement of a BNG statement.

#### *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 £337.49 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 Medway Local Plan and paragraphs 193 and 194 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.

#### *Deferral update*

This application was taken to the Planning Committee held on the 22 October 2025, however, was deferred by members on the basis there was insufficient evidence and information insofar as to allow the Committee to determine the existing intensity of HMOs within a 500-metre radius of the application site and therewith: ascertain an informed view on the potential for the proliferation of HMO uses and likely resultant cumulative harm in allowing further HMOs within the locality.

Since the meeting, the Council have commissioned further investigations in the form of a Review and Evidence Paper (produced by DHA, November 2025) tracking existing HMOs across each Ward in Medway; formulating a predictive model identifying unlicensed HMOs; and analysis of the potential cumulative impacts of HMOs.

The pursuant case falls within the threshold of Gillingham South. The supporting report evidence that of a total of 7163 dwellings within the Ward, 205 of them comprise of HMOs; or when expressed as a percentage, the total number of HMOs in Gillingham South equates to 2.8% of the housing stock.

Within a 500m radius of the site there are 36 HMOs located within Duncan Road, Balmoral Road, Windsor Road, Nelson Road, Gillingham Road, Livingstone Road, Gordon Road and Barnsole Road and 1 HMO in Beresford Road. However, there is only 1 HMO within Franklin Road itself towards the eastern end of the street. Therefore, it is considered that on a broad level, looking at the impacts of the proposed HMO against the proportion of HMOs within the Ward: it is not viewed that the proposed change of use would result in an unacceptable increase against the overall intensity of HMOs within immediate area. In particular when considering the applicant's existing fallback position, which has been exercised and secured via case

reference number MC/25/1154 and as such would not result in an increase in the number of HMOs in the area.

Notwithstanding, at a local level, it is understood that there are clusters of HMOs within the immediate area including to the northeast along Paget Street and Canterbury Road, and located to the southwest along Marlborough Road.

When assessing the existing balance of HMOs within the Ward and taking into account the Ward's urban central location; connectivity to a range of amenities and services; opportunities for work and higher education; alongside wider public services, the existing quantum of HMOs would appear proportionate.

It is not viewed that the generally anticipated localised impacts against surrounding residents would be further eroded by the proposed change of use. Again, this view is taken with particular regard to the applicants demonstrable fallback position, allowing them to convert the property into a six-bedroom HMO without planning permission; the proposed nine-bedroom unit is not considered to result in levels of anti-social activities or frequency of comings and goings that would likely exceed that of the applicants permitted development rights.

Other residential impacts, including refuse storage has been addressed within the submitted documents and pressures upon off-street parking will be alleviated by appropriately worded planning conditions ensuring mitigation measures are implemented accordingly and prior to first occupation.

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

The property can be converted to a small-scale HMO comprising up to 6 occupants without the need for any planning permission. There is not an over concentration of HMOs in the area and the proposal has been designed to provide a good level of amenity for prospective occupiers without harming the amenity of the neighbouring occupiers. While car parking is an issue in the area, due to the fact that 2 parking spaces are available on site, the general character of occupiers of HMO's not having cars, the sustainable location of the property and the recommended conditions it is considered that pressure on car parking will be limited and acceptable.

The proposal complies with the provisions set out in paragraphs 11, 60, 115, 116, 131, 135, 135(f), 194 and 195 of the NPPF, Policies BNE1, BNE2, BNE35, H7, S1, S6, T1 and T13 of the Local Plan and Policy T8 of the emerging Plan. The application is, therefore, recommended for approval.

The application would normally be determined under delegated powers but is being referred to Planning Committee at the request of Cllr Louwella Prenter.

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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/>