

**MC/26/0116**

**Date Received:** 26.01.2026  
**Location:** 7 Camden Road, Gillingham, Medway ME7 1QS  
**Proposal:** Change of Use from C3 to C4 (6 person HMO).  
**Applicant** Mr Liam Nicholson  
**Agent** KLE Design Limited  
23 Bouverie Road  
Chelmsford  
CM2 0UD  
**Ward:** Gillingham North  
**Case Officer:** Arron Nicholls  
**Contact Number:** 01634 333184

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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 6 May 2026.**

**Recommendation – Refusal:**

- 1 The proposal only provides for a kitchen and small eating area as internal communal space, which is also used to provide access to the rear amenity space the arrangement which would reduce the meaningful space to support the day to day activities of the six individuals living together other than cooking. With no other communal spaces/lounges within the property this would result in the occupiers being reliant on living, relaxing, working from their bedrooms. This particularly exacerbates the level of amenity for occupiers of bedroom 6 which has a low level of internal amenity due to the sloping roof and outlook only being provided via 2 roof lights. This would result in a poor and inadequate level of internal amenity for prospective residents which would also be to the detriment of their health and wellbeing. Consequently, the proposal is considered contrary to Policies BNE2 and H7 of the Local Plan, Policies DM5 and T8 of the emerging plan and paragraph 135(f) of the National Planning Policy Framework 2024.

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

**Proposal**

The application is for the conversion of the existing C3 house to a C4 (6 person Homes of Multiple Occupation (HMO)).

The accommodation would provide the following:

Basement Floor – basement;  
Ground Floor - 2 bedrooms with ensuites and a communal kitchen/dining room;  
First Floor - 3 bedrooms with ensuites;  
Second Floor – 1 bedroom with ensuite;  
Externally there is a communal garden area.

## **Site Area/Density**

Gross internal floor area: 128 sqm

## **Relevant Planning History**

MC/25/1952            Application for a Lawful Development Certificate (Proposed) for the change of use from Class (C3) single dwelling house to Class (C4) up to 6 person HMO. Construction of an 'L' shaped dormer to rear with 2 roof lights to front to facilitate living accommodation within the roof space. Proposed alterations to fenestration on the flank and rear elevations.  
Decision: Approval with conditions  
Decision date: 17 November 2025

## **Representations**

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

## **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 December 2024 (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 submitted to the Inspectorate for examination. The policies within this version of the emerging plan have weight in the determination of planning (and associated) applications.

## **Planning Appraisal**

### *Background*

The application site lies within the urban area of Gillingham in a predominately residential area and falls within one of the Wards covered by the recent Article 4 Direction which came into effect on 22 January 2026. The Direction effects the following Wards: Chatham Central and Brompton, Fort Pitt, Gillingham North, Gillingham South, Luton, Strood North and Frindsbury and Watling.

The Article 4 direction for those wards removes the permitted development rights to convert a C3 dwelling house to a C4 small house in multiple occupation. It does not make the conversion unacceptable but just brings the change of use into planning control so that the proposed conversion can be assessed against Development Plan policies and the NPPF.

A Lawful Development Certificate for the proposed change of use from C3 to C4 (up to 6 persons), together with the construction of an 'L' shaped dormer to rear with 2 roof lights to front, was granted permission under (MC/25/1952) on 17 November 2025. This was prior to the introduction of the Article 4 direction. That meant that at the time of that application, the proposed change of use was lawful. However, the applicant has confirmed that the property is currently not in use as an HMO and as such the Lawful Development Certificate has not been implemented. This then means that from the time the Article 4 direction came into effect (22 January) such a change of use is no longer lawful and a full planning application is required for the change of use from C3 to C4 HMO use.

### *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 site is located within an urban area of Gillingham. Paragraph 11 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development, whilst paragraph 61 of the NPPF promotes mixed tenure for all needs.

Policy H7 of the Local Plan states that such changes of use may be considered acceptable if:

- (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.

Most suitable locations, according to paragraph 5.5.28 of the Local Plan, are likely to be within or on the fringes of town centres or on main roads where there is a mix of land use and unlikely to be suited to family occupation.

The property is in a terrace and the adjacent properties in the immediate area and locality are predominantly formed of single household occupancy, albeit that it is recognised the site is located in proximity to Gillingham High Street and there are some sporadic alternative uses such as small HMOs, subdivided flats, and local shops within the area.

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.

Considering the remaining criteria of Policy H7 of the Local Plan and Policy T8 of the emerging plan, there is a limited number of registered HMOs within 200m of the site and there appears to be a limited number of dwellings subdivided into flats. Consequently, there is no concern with respect to the potential clustering of such uses, proliferation and the associated detrimental impacts upon adjoining residential amenity.

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 size of the existing property itself is a modest 3-bedroom dwelling measuring approx. 102m<sup>2</sup>. However, with the consented extensions proposed under the larger homes application and a loft conversion under a lawful the property would measure just under approx. 128m<sup>2</sup>.

### *Design*

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 and satisfactory in terms of scale, mass, proportion, details, and materials. Paragraphs 131 and 135 of the NPPF emphasise the importance of good design.

The building works forming part of the lawful development certificate granted on 17 November 2025 are being undertaken. The works include the insertion of an L shape dormer in the rear roof alongside two roof lights located on the front elevation of the main dwelling house and alterations to fenestration on the flank and rear elevations. The Article 4 direction only relates to the proposed change from C3 to C4 and does not remove permitted development rights to extend a property.

Taking this into account no objection is, therefore, raised in regards to Policy BNE1 of the Local Plan and paragraph 131 and 135 of the NPPF.

## *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. Policies H7 of the Local Plan and T8 of the emerging Plan are also relevant in relation to the criteria relating to amenity.

### Neighbour amenity

By virtue of the size and scale of the proposed development of both the roof extension, dormer and single storey extension and their relationship to neighbouring properties and their habitable windows, there would not be any detrimental impact with regards to sunlight, daylight, outlook or privacy. This is backed up by the applicant's sunlight and daylight assessment which is submitted in support of the application.

The proposal seeks to convert the property into a six-bedroom HMO. As such, there is a potential for increased comings and goings and likelihood of noise and disturbance. The existing 3-bedroom property could serve at least 4 individuals of adult age and potentially 6 based on 2 in each bedroom. The proposal for a 6 person HMO would not demonstrably increase the comings and goings to the property from that which could exist as a family dwelling and a condition could be imposed on any approval limiting the number of occupants to 6.

### Amenity of Future Occupiers

The proposed bedrooms have been considered against the Government's Technical Housing Standards – Nationally Described Space Standards 2015 (NDSS). There are 6 bedrooms which would have one occupant each. All the bedrooms adhere to the Government's Technical Housing Standards – Nationally Described Space Standards 2015 (NDSS) for single bedrooms. It is considered that all the bedrooms have suitable outlook and meet the size requirements apart from Bedroom 6 which would only be served by two high-level rooflights. Although bedroom 6 would meet the minimum size requirements as set out on the NDSS it is considered that by virtue of the sloping roof and the arrangement of the room future occupiers would be provided with a poor level of occupier amenity.

The garden area to the rear provides acceptable outdoor amenity space. There is one kitchen/diner area at ground floor which is proposed to provide the only internal communal space for use by the occupants. It is considered that while the bedrooms are reasonable offering occupants a degree of independent living within their rooms, the kitchen and dining area would measure only 12.8sqm and would not provide any real communal lounge area/facility. In addition, the kitchen/dining area serves as the corridor/walkthrough to access the outdoor space where the cycle storage is accessed which would further exacerbate the inadequacy of the communal area to serve 6 occupants.

Policy T8 clearly sets out that equivalent space to a reception room is necessary to accord with the Policy. The Policy also states that HMO accommodation will only be supported where it does not adversely affect the health and well-being of the residents (new and existing). The communal area does not provide a separate room and does not provide adequate communal space for 6 residents for living and dining, as set out in Policy T8.

The proposal would not, therefore, provide suitable level of occupier amenity in relation to bedroom 6, or communal accommodation for the number of residents at the property offering a poor level of overall occupier amenity contrary to Policy T8 of the Regulation 22 Local Plan, Policies BNE2 of the Local Plan and paragraph 135f of the NPPF.

### *Highways and Parking*

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. 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 states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety.

The existing property does not benefit from any off-street parking and no parking is proposed as part of the application. The Medway Residential Parking Standards state: *"Reductions of the standard will be considered if the development is within an urban area that has good links to sustainable transport and where day-to-day facilities are within easy walking distance"*. The property lies in a sustainable location, close to bus routes and within walking distance of local amenities/facilities, including the Town Centre and Gillingham Railway Station. There is evidence that occupiers of HMOs in such sustainable locations are less likely to own cars. It is, therefore, considered, on balance, to be acceptable in regard to parking. Notwithstanding that, a condition requiring the submission of a parking management plan to detail how residents and their visitors would be deterred from parking on the street is recommended should the application be approved.

Cycle storage is indicated on the proposed plans which would be considered acceptable in terms of the size and requirements. This provision can be secured through an appropriately worded condition.

Subject to the recommended conditions, the proposal is considered to be acceptable in highway terms and in accordance with Policies H7, T1, T4 and T13 of the Local Plan and paragraph 116 of the NPPF.

### *Refuse Provision*

The bins are proposed to the rear of the site. However, it is unclear where the bins will be left for collection and should the application been deemed acceptable a

condition would have been recommended for the submission of a waste management plan.

### *Biodiversity Net Gain (BNG)*

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).

In this instance, no onsite habitat is impacted by the proposal and, therefore, no objection is raised to this with regard to paragraph 193 of the NPPF.

### *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 SAMMS Mitigation Contribution Agreement and payment has been paid and, therefore, no objection is raised under Policies S6 and BNE35 of the Local Plan and paragraphs 194 and 195 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 Recommendation for Refusal**

By virtue of the inadequacy of the proposed communal provision to serve 6 residents and the internal limitations of bedroom 6, it is considered that the proposal would result in an unacceptable internal amenity for prospective residents which would be to the detriment of their health and wellbeing. Consequently, the proposal is

considered contrary to Policies BNE2 and H7 of the Local Plan, Policies DM5 and T8 of the emerging plan and paragraph 135(f) of the National Planning Policy Framework 2024.

The application would normally be determined under delegated power but is being referred for determination by Planning Committee at the request of Cabinet members when they adopted the Article 4 direction.

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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/>