

MC/26/0220

Date Received: 9 February 2026
Location: 53 Imperial Road, Gillingham, Medway ME7 5PH
Proposal: Change of use from dwellinghouse (Class C3) to a 6 bedroom 6 person house in multiple occupation (Class C4) together with construction of a single storey rear extension, L-shaped dormer window to rear and installation of roof lights to front to provide additional living accommodation with roof space with associated bin/cycle store.

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Ward: Gillingham South
Case Officer: Amy Shardlow
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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 5 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.
- 2 The application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to Policies S6 and BNE35 of the Medway Local Plan 2003 and paragraphs 193 and 194 of the National Planning Policy Framework 2024.

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

Proposal

This application seeks planning permission for the conversion of the existing, Use Class C3, property into a six-bedroom small house in multiple occupation (HMO's).

The proposal consists of numerous external alterations, including the construction of a single storey infill rear extension, an L-shaped dormer window to rear and installation of roof lights to front to provide additional living accommodation within roof space with associated bin/cycle store for residents.

Internally, the proposal would comprise of:

Ground Floor - 1no bedroom with an ensuite, kitchen/dining room, and 1no bedroom with a small kitchenette and ensuite;

First Floor – 2no bedrooms each with ensuites and kitchenettes;

Second Floor – 2no bedrooms each with an ensuite.

Externally there is a small garden space, however, it should be noted that the proposed cycle storage and bin storage would be located in this area.

Relevant Planning History

MC/25/1593

Application for a Lawful Development Certificate (Proposed) for the conversion from Class (C3) dwelling house to Class (C4) up to 6 person HMO) along with the construction of a dormer to side attached to existing dormer and roof lights to front to facilitate additional living accommodation within the roof space. Construction of a single storey infill extension to rear.

Decision: Approval

Decided: 01.10.2025

Representations

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

Two letters of objection have been received on the following grounds:

- Parking and traffic increase concerns;
- Overconcentration of HMO's;
- Waste management control;
- Noise related increases from the change of use;
- Overlooking from the proposed dormer.

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. *An informative will be added to the decision notice.*

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 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, and single storey rear infill extension was granted permission under (MC/25/1593) on 1 October 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 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 forms part of a terrace, with adjoining and nearby properties within the immediate area predominantly occupied as single-household dwellings. It is acknowledged that the site is located in relatively close proximity to Gillingham High Street and near Chatham Hill and Luton High Street, where a broader mix of uses is present. As a result, there are sporadic alternative uses within the wider area, including small HMOs, subdivided flats, and local shops.

Policy T8 of the emerging Local Plan, which has been submitted to the Inspectorate for examination 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 under the 120sqm, however, the works covered under the previously approved lawful the property would measure just over the 120sqm as such this could be finely balanced.

Design

Both the NPPF and Local Plan stress and emphasis of 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.

The application site is located within the urban area of Gillingham, and the application property is bound on all sides by residential dwellings, generally comprising of two storey terraced dwellings formed of a range of designs and details, and a mixed material finishing. When assessing the external alterations as a whole, while it is understood that the proposal seeks to increase the overall bulk and massing of the dwelling, the previously granted building works as part of the lawful development certificate have not been 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 an infill extension to the rear. 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 raised in regard to Policy BNE1 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. Policy BNE2 of the Local Plan and Paragraph 135f of the NPPF relates to the protection of these amenities. Policies H7

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

Neighbouring Residential Amenity

By virtue of the size and scale of the proposed external works there will be no unacceptable impacts on the amenities of the occupiers of neighbouring properties. In addition, as previously stated these external works could be undertaken under permitted development rights.

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 4-bedroom property could serve at least 4 individuals of adult age and potentially 6 based on 2 in each bedroom as 2 of the bedrooms are double rooms and the other 2 are single. 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.

Future Occupants

The proposed bedrooms have been considered against the Technical Housing Standards – Nationally Described Space Standard 2015 with the requirement for the provision of a single bedroom to measure a minimum of 2.15m in width and support a floor area of 7.5m². 5 of the 6 proposed bedrooms would exceed these requirements and, in some cases, would significantly exceed the space standards set out by the National Planning Policy Guidelines (NPPG).

Bedroom 5 would potentially fall below the standard and it is not clear from the submitted plans whether there is sufficient head height within the room (as it is within the roof space) to provide adequate amenity, while, again, there is no sufficient information to demonstrate that the roof lights are at a height to provide acceptable outlook for the occupier of the room. On this basis, it is considered that bedroom 5 would not provide for satisfactory amenity for any potential occupier.

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 11sqm 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 is not 2 separate rooms and does

not provide adequate communal space for 6 residents for living and dining, as set out in emerging plan 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 of new development on the highway network, while Policy T13 sets out parking standards. In addition, Policy H7 of the adopted Local Plan and Policy T8 of the emerging Local Plan include criteria relating to parking provision and the protection of residential amenity. At a national level, paragraph 115 of the National Planning Policy Framework (NPPF) seeks to ensure development is located in sustainable locations that reduce the need to travel, offer a choice of transport modes, and help limit congestion, emissions, and impacts on air quality and public health. Paragraph 116 of the NPPF advises that development should only be refused on highway grounds where there would be an unacceptable impact on highway 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 that reductions from the standard may be acceptable where development is located within an urban area with good access to sustainable transport and where day-to-day facilities are within easy walking distance.

In this regard, the application site lies within the urban area of Gillingham and benefits from good accessibility to a range of local amenities, including shops, open space, schools/colleges, and public transport links, all within approximately a 10–15 minute walking distance. The site is, therefore, considered to meet the criteria for reduced parking provision on sustainability grounds.

It is recognised that there are existing parking pressures within the surrounding area. However, this is partially mitigated by the presence of controlled parking measures, including permit restrictions, and by the site's sustainable location. Furthermore, the nature of HMO accommodation is such that occupants are less likely to own private vehicles when compared with traditional family dwellings. 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.

The plans show cycle parking spaces to the rear of the site which is deemed acceptable. However, it is noted that the plan should provide plans showing a cycle store which is in line with LTN 1/20 guidance.

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

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).

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 application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the

requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to Policies S6 and BNE35 of the Local Plan and paragraphs 193 and 194 of the NPPF.

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 5, 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 fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to Policies S6 and BNE35 of the Medway Local Plan 2003 and paragraphs 193 and 194 of the National Planning Policy Framework 2024.

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

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 on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>