

MC/26/1032

Date Received: 29 May 2026
Location: 4 Barnsole Road, Gillingham, Medway, ME7 4DJ
Proposal: Change of use from a dwellinghouse (Class C3) to a Class (C4) six-bedroom house in multiple occupation, and the construction of an L shaped dormer.
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Ward: Watling
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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 26 August 2026.

Recommendation: Refusal

- 1 The application property measures 91sqm internally and, therefore, does not meet the threshold for subdivision resulting in the loss of a dwelling that would more broadly lend itself towards a single-family dwelling contrary to Policy H7 of the Medway Local Plan 2003 and Policy T8 of the draft Local Plan 2025. As such, the principle of converting the existing property into a 6-bedroom, 6-person HMO would not be considered acceptable.
- 2 The proposed dimensions for bedrooms 2, 3 and 4 within the application property do not meet the minimum size requirements of the Nationally Described Space Standard for either bedroom size or width and the living area has a poor degree of outlook and light provision that would not provide suitable living accommodation for the future occupants of the property contrary to the provisions for future occupier amenity and for reducing health inequalities and supporting health and wellbeing in Policies BNE2 and H7 of the Medway Local Plan 2003, Policies T1 and T8 of the Draft Local Plan 2025 and paragraphs 135f of the NPPF.
- 3 The proposed dormer does not provide a suitable inset from the eaves of the roof causing harm to the appearance of the host property and street scene contrary to Policy BNE1 of the Local Plan and paragraphs 131 and 135 of the NPPF.

- 4 The applicant has not submitted a SAMMS Mitigation Contribution Agreement or payment and, therefore, contrary to Policies S6 and BNE35 of the Local Plan and paragraphs 194 and 195 of the NPPF.

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

Proposal

The application seeks permission for a change of use of the property from a single dwellinghouse (Class C3) to a house of multiple occupation (HMO) (Class C4) along with a L-shaped dormer to facilitate living accommodation in the roof space.

The property currently comprises:

Ground Floor: Lounge, dining room, Kitchen, utility room and shower room;
First floor: 3 Bedrooms.

As proposed the conversion and extension would comprise:

Ground Floor: 2X bedrooms with ensuite shower rooms, kitchen/diner and living area;
First Floor: 2X bedrooms with ensuite shower rooms, 1X bedroom;
Second Floor/Loft: 1X bedroom with ensuite shower room and 1X shower room.

The property is proposed to accommodate 6-persons within 6-bedrooms.

There is a rear garden available for use by the residents. There is no parking proposed as part of the development.

Relevant Planning History

None.

Representations

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

Two letters of representation have been received objecting to the application raising the following concerns:

- Impact on parking;
- Clustering of HMOs;
- Noise and disturbance;
- Over-intensification of the property;
- Impact on privacy.

Kent Police have welcomed further discussions with the applicant/agent about site specific designing out crime approaches and have provided additional advice with

respect to lighting and natural surveillance, security and boundary treatments and other approaches that could be implemented within the development.

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 (the NPPF) and are generally considered to conform. Where non-conformity exists, this will be highlighted and addressed in the 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 is located within the Watling Ward, one of seven wards subject to an Article 4 Direction which removes permitted development rights for the change of use of a dwellinghouse (Use Class C3) to a small House in Multiple Occupation (Use Class C4). The Article 4 Direction came into force on 22 January 2026 and was subsequently confirmed on 5 May 2026.

The effect of the Article 4 Direction is to remove the permitted development rights previously available under Class L of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The Direction does not prohibit such changes of use but instead brings them within planning control so that proposals can be assessed against the Development Plan and other material planning considerations.

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.

The National Planning Policy Framework (NPPF) seeks to support sustainable development through Paragraph 11, whilst Paragraph 61 seeks to ensure that the planning system delivers a sufficient supply and variety of homes to meet identified housing needs.

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 H7 pre-dates the introduction of Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015; where the change of use from a Class C3 dwellinghouse to a Class C4 small HMO was established as permitted development irrespective of location. In this respect, Class L of the GDPO effectively represented a shift in national policy thinking and a recognition that small HMOs were a legitimate and mainstream form of accommodation.

In this case, although Barnsole Road is a predominantly residential street, the property is located close to the junction with Livingstone Road and the Gillingham Road where there is a convenience store and other commercial premises where the background noise and general activity levels are higher than in the majority of residential streets.

Policy T8 of the Draft Local Plan 2024 seeks to avoid detrimental HMO clusters and to ensure 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 Council undertook a review of HMO clusters within certain wards within Medway set out in the HMO Review and Evidence Paper (November 2025) which shows there are two HMOs in the immediate area. The report states that this ward (Watling) has the highest ownership levels of all the Wards with 64 known and predicted HMOs. These are predominantly located in two concentrations in the west and northwest of the Ward. The application property is not located nearby to either of these clusters and has one HMO located nearby. Therefore, the change of use of the dwelling to an HMO would not constitute an over concentration of HMOs in the area.

Considering Policy H7 of the Local Plan and Policy T8 of the emerging plan regarding the size of the dwelling and whether it would be more suitable as family accommodation. 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 dwellings of less than 120sqm gross floor area in predominantly residential areas should be retained for families and single households.*" The existing property measures 91sqm internally and, therefore, does not meet the threshold for subdivision resulting in the loss of a dwelling that would more broadly lend itself towards a single-family dwelling.

As such, the principle of converting the existing property into a 6-bedroom, 6-person HMO would not be considered acceptable and would be contrary with the provisions of Policy S1 and H7 of the Local Plan and Policy T8 of the Emerging Local Plan.

Design

Both the NPPF and Local Plan stress the 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.

Paragraph 135 of the NPPF confirms that development should contribute to the overall quality of the area, whilst being sympathetic to local character, including the surrounding built environment and landscape setting; supported further by paragraph 131, which adds that good design is a key aspect of sustainable development.

The application site is located on Barnsole Road. The property is a mid-terrace, two storey dwelling with a small front garden. The proposed L-shaped rear dormer to the property would be set down from the ridge of the existing roof but would not be set in from the eaves of the roof. Therefore, the dormer is not considered to conform to design standards for a terraced dwelling and would appear like a flat roof 2nd storey extension which would be harmful to both the character and appearance of the existing building and the terrace.

Therefore, the proposal would not be considered acceptable in design terms as it would cause harm to the appearance of the host property or street scene and is not considered in accordance with Policy BNE1 of the Local Plan and paragraphs 131 and 135 of the NPPF.

Residential Amenity

There are two main amenity considerations, firstly the impact of the proposal 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. This is supported by Policies H7 of the Local Plan and T8 of the emerging Plan.

Neighbouring Residential Amenity

It is considered that the proposed dormer would not have an unacceptable impact on neighbouring residential amenity either by overlooking or domination.

The existing dwelling, as currently arranged, facilitates 1 double bedroom and 2 single bedrooms which could house up to 4 people. It is not considered that the proposed increase in residents would result in comings and goings that would be demonstrably harmful to neighbour amenity.

Future Occupiers Amenity

The proposed bedrooms have been considered against the Technical Housing Standards - Nationally Described Space Standard dated March 2015 (the national standard) 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. Bedrooms 2 and 4 do not meet this size requirement being 6.68sqm and 6.41sqm respectively and Bedrooms 2 and 3 do not meet the minimum width requirement being 2.05m and 1.7 metres respectively. Therefore, these rooms do not meet the minimum requirements for floor area when compared to the National Standard.

The kitchen/diner at ground floor together with a shared garden to the rear is proposed to provide communal space for use by occupants. The kitchen/diner measures 25sqm but has just one rear door to provide sunlight, daylight and outlook from this space which is not considered to be acceptable and would impact its usability resulting in residents having to spend more time in their (inadequate) bedrooms to the detriment of their health and wellbeing. There is a garden area to the rear of the property that provides outdoor amenity space which is considered acceptable.

The proposal does not meet with the provisions of the Government's Technical Housing Standards – Nationally Described Space Standards 2015 (NDSS) for bedroom size and provides for an inadequate internal communal area both of which would be harmful to the future health and well being of prospective residents.

As such, it is considered that the proposal would not meet the standards for future occupier amenity contrary to Policies BNE2 and H7 of the Local Plan, Policy T1 and T8 of the Draft Local Plan 2025 and paragraph 135f of the NPPF.

Highways

Policy T1 of the Local Plan relates to the impact of 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.

While it is understood that the application site would not be able to meet its parking need off-street, nor does the current use as a single occupancy dwellinghouse. Likewise, 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*". Given the property falls within the urban area of Gillingham, with amenities such as shops, green space, public transport links and schools/colleges within walking distance, and close proximity of Gillingham Town Centre, the site is considered to meet these parameters.

While it is acknowledged that there are some existing pressures on car parking within the area, the site is in a highly sustainable location, and the nature of the HMO occupancy more typically presents itself to occupants who do not own cars. Notwithstanding the above, if the application were to be considered acceptable, conditions would be recommended to require cycle storage within the rear garden and for a car parking management plan detailing how future occupants of the HMO would be deterred from obtaining a parking permit.

Consequently, in light of the above no objections would be raised in regard to Policies H7, T1 and T13 of the Local Plan, T8 of the Emerging Local Plan or paragraphs 115 and 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).

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 £350.16 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 not submitted a SAMMS Mitigation Contribution Agreement and payment and, therefore, an 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 Refusal

The application property measures under 120sqm internally and, therefore, does not meet the threshold for subdivision resulting in the loss of a dwelling that would more broadly lend itself towards a single-family dwelling contrary to Policy H7 of the Medway Local Plan 2003 and Policy H8 of the draft Local Plan 2025.

The proposal would not meet with the provisions of the Government's Technical Housing Standards – Nationally Described Space Standards 2015 (NDSS) with regards to Bedroom 2 and Bedroom 4 where the floor area is below the minimum standards set out. Furthermore, Bedroom 2 and 3 would not meet the minimum width requirements for a single bedroom. Additionally, the communal living space would not be provided with adequate sunlight, daylight and outlook due to lack of windows. Therefore, it is considered that the proposal would not meet the acceptable standards for future occupier amenity to the detriment of their health and well being contrary to Policies BNE2 of the Local Plan 2003, Policy T8 of the Draft Local Plan 2025 and paragraph 135f of the NPPF.

The proposed dormer would not provide a suitable inset from the eaves of the roof to conform to design standards and would result in a flat roof 2nd storey extension harmful to the character and appearance of both the host property and the terrace and is considered in accordance with Policy BNE1 of the Local Plan and paragraphs 131 and 135 of the NPPF.

The applicant has not submitted a SAMMS Mitigation Contribution Agreement or payment and, therefore, an objection is raised under Policies S6 and BNE35 of the Local Plan and paragraphs 194 and 195 of the NPPF.

The application is, therefore, being recommended for refusal.

The application would normally be determined under delegated powers but is being referred for Committee determination at the request of Cabinet members due to the recent introduction of the Direction pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 made on 22 January 2026 applying to development consisting of the change of use of a building from a use

falling within Class C3 (dwelling houses) to a use falling within Class C4 (houses in multiple occupation).

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/>